

Chapter 37 Eligibility of Student Employees for Membership in Retirement Annuity Coverage

100 Purpose

The purpose of this regulation is to clarify when an employee is deemed a student of a state educational institution employed in temporary, part-time, or intermittent work and thus not eligible for retirement coverage. This regulation confirms and reaffirms prior construction of law, practice and procedure of the System. Miss. Code Ann. § 25-11-105 II (1972, as amended) provides that "Students of any state educational institution employed by any agency of the state for temporary, part-time or intermittent work" shall not become members of the Retirement System, any other provisions of Articles 1 and 3 to the contrary notwithstanding.

101 Determining status as a student

Any employee having the status of a student who, incidental to such person's status as a student, is employed by the institution being attended, shall be deemed to be in part-time, temporary or intermittent employment and such employment shall not constitute covered employment, except that any active member of PERS who elects to pursue additional education at the institution where employed shall remain an active member, provided such employee continues, without interruption, to be employed in an otherwise covered position. Any person who is employed by any covered agency, other than the educational institution which the person is attending, shall be covered in the same manner as non-students. Any student employed by any covered agency for a period of 4 and 1/2 months or less, i.e. summer employment, is employed on a temporary basis and shall not be covered by the System.

1. Students in Work Study Program

Students employed by any educational institution pursuant to a Work Study Program and who must be full-time students at the institution, are part-time employees and are not in covered service.

2. Graduate Assistants

Student graduate assistants who work while attending the educational institution where they are employed are part-time or temporary employees and such employment is not covered service.

3. Students in Co-Op Program

Co-Op students shall be considered students regardless of the number of months employed and shall not be eligible for membership.

4. Participants in a Paid Internship Program

Participants in a paid internship program through a covered employer shall be ineligible for membership in PERS where such participants are required under the terms of the paid internship program to be enrolled as full-time undergraduate or graduate students during the regular school term in a program as described in Miss. Code Ann. § 7-7-204 (1972, as amended) or any similar program.

102 Ineligibility of student employee for membership in retirement system.

Student employees who are not eligible for membership in the Retirement System will not have deductions made from compensation for that employment, and will not receive service credit for that employment. This provision confirms the practice and policy of the System and applies for granting of future or prior membership service credit.

(History: Adopted December 17, 1991; amended June 21, 2005, to be effective August 1, 2005; reformatted August 1, 2007; clarified April 15, 2009)

Public Employees' Retirement System

Board of Trustees

June 23, 2009

Regulatory Change

Regulation 37 – Student Employment

Action was taken by the Legislature during the 2009 Legislative Session to clarify that students participating in a paid internship program with a state agency under which they are paid while completing undergraduate or graduate level coursework on a full time basis are not eligible for participation in PERS pursuant to Miss. Code Ann. § 25-11-105 II (b). Similar language is proposed for Regulation 37.

The proposed effective date of the clarification will be April 15, 2009, the effective date of the legislation. **Staff requests the Board's initial approval of the proposed changes. Notice of such action will be filed with the Secretary of State's Office.**