

# State Universities Retirement System (SURS): Eligibility Rules

Effective January 1, 2023

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## Who is subject to the new rule?

All individuals with “new employment” beginning on or after January 1, 2023 are subject to new rules for participation in SURS. This is codified in 40 ILCS 5/15-107 as clarified by administrative rule, 80 Ill. Admin. Code § 1600-200 - Definition of “Employee” for SURS Participation. New employment applies to individuals who are:

- Newly hired or rehired beginning on or after January 1, 2023.
- Transfer to a different position that is substantially different in character or duration, including:
  - Changing from a not-eligible-for-SURS e-class (Extra Help, Hourly Faculty/Research/Clinical, Student, Graduate) to an e-class that can be reviewed for SURS eligibility (Faculty, Academic Professional, Civil Service) beginning on or after January 1, 2023
  - Experiencing a gap of no active job for more than a 30 workday period, not including summer sessions, which now requires termination from SURS participation and subjects the employee to the new rule upon adding a subsequent new job.
  - Moving from one campus to another with or without a break in employment or change in e-class.
- Adjunct Faculty whether initially certified in SURS before or after Jan 1, 2023 with semester-by-semester jobs (unknown whether they will have a work assignment each semester) must be terminated from SURS participation upon a semester with no job (not including summer sessions), and then will be subject to the new rule upon adding a subsequent new job.

## Who will remain subject to the prior interpretation of SURS eligibility?

Employees who have been certified as a contributing SURS member prior to the effective date and who remain in a non-terminated status after January 1, 2023 are subject to the University’s good faith interpretation of Illinois Pension Code 40 ILCS 5/15-107. This includes:

- Participants in SURS with a SURS certification date prior to January 1, 2023, and who remain continuously employed (not terminated from employment) and continuously contributing to SURS (not terminated from SURS deductions due to no active job or move to an ineligible job).
- Adjunct Faculty certified in SURS pre-Jan 1, 2023 with *either 1)* continuous employment of FTE greater than 1% *OR 2)* agreement/letter specifying work expectation for only every Spring or only every Fall may stay grandfathered under the pre-January 1, 2023 interpretation.

## HR Front End (HRFE) updates

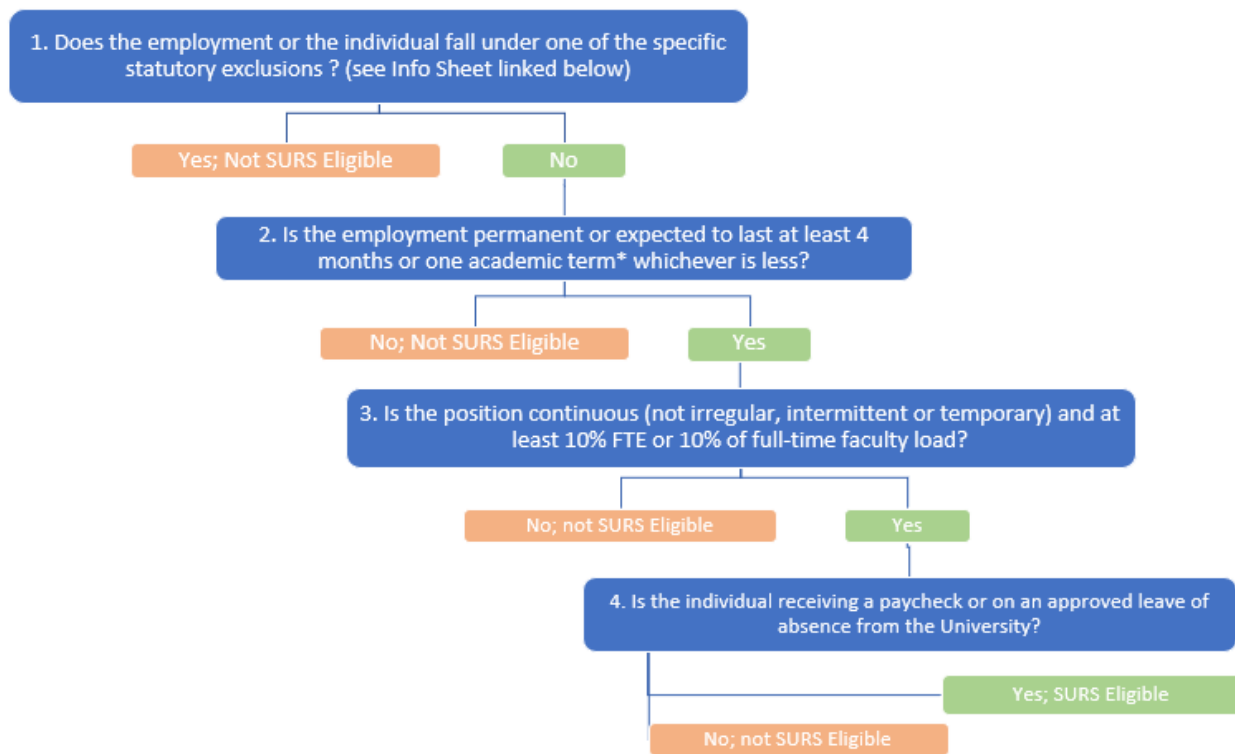
HRFE was modified to assist with the determination of employees’ INITIAL SURS eligibility. Changes in SURS eligibility will require independent, manual review and action. HRFE transactions should always be reviewed by the involved parties for accuracy as exceptions may occur. HRFE’s changes and limitations:

- **New Hire transaction** - the HRFE wizard will automatically determine SURS eligibility based on the new rules.
- **Accelerated Courses** - a wizard question will appear for certain Faculty hires: *Is this an accelerated course that: 1) carries the same contact/credit hour load as the full-term unaccelerated version AND 2) is being offered in the same semester as the unaccelerated version?*

- YES = HRFE will indicate SURS-Eligible
- NO = HRFE will continue to evaluate eligibility with other questions or factors entered
- **Add a Job transaction** - HRFE will now consider an employee’s current SURS eligibility. If the employee is ineligible, but the proposed job appears to meet eligibility requirements, HRFE will prompt the user for additional review. Prompts will take the form of automated Memos and Benefit Category changes, and routing. All Add a Job or multi-component transactions should be reviewed for accuracy and potential outside action.
- **Reappointment, Employee Data Change, Job End Date or Employee Job Record Change transactions** (or any combination thereof) - HRFE users must manually evaluate to determine whether the change impacts SURS eligibility. There are no new questions or prompts on these transaction types.

### Determining SURS eligibility under the new rule effective January 1, 2023

In determining whether an individual meets the definition of employee for purposes of participation in SURS, there are four main criteria to consider. The decision tree below can be used to help aid in determining eligibility.



1. **Specific statutory exclusions** – if employment of the individual falls under one of the specific statutory exclusions, then the individual does **not** meet the definition of employee for SURS participation. List of exclusions can be found on page 3 of the [SURS Info Sheet](#).
2. **Duration of employment** – if employment is not permanent or does not meet the Minimum Duration Standard, then the individual does not meet the definition of employee for SURS.
  - a. Permanent: position is intended to continue indefinitely or is anticipated for automatic reappointment.

- b. Minimum Duration Standard: position requires services that are expected to be rendered over a fixed duration of at least four months (or 16 weeks) or one academic term, whichever is less (academic term may not be shorter than 3 months or 12 weeks). A summer only appointment does not meet the minimum standard duration.

\*Accelerated courses are treated as having been taught over the full academic term if 1) the course carries the same contact hour or credit hour loads as the unaccelerated version AND 2) the full-term unaccelerated version is also offered during the same semester.

- 3. **Continuous vs irregular/intermittent/temporary employment** – to meet the definition of employee for SURS participation regardless of duration the employment must be continuous.
  - a. Faculty - professors (associate, assistance, adjunct, professor of practice), instructor or lecturer:
    - i. Must require at least 10% of a full-time faculty load.
    - ii. Position must **not** be filled to meet short-term demand (see page 2 of [SURS Info Sheet](#)).
  - b. Non-Faculty/Staff – individuals who do not have a faculty appointment including academic professional and status civil service positions:
    - i. Must require services of at least 10% FTE.
    - ii. Position must **not** be filled to meet short-term demand (see page 2 of [SURS Info Sheet](#)).
    - iii. Employee must have expectations of work with a particular pattern or duration. Employment that does not meet this requirement includes “On-call”, “as-needed” or “Seasonal”.
- 4. **Payroll standard** – individual must be paid by a SURS-covered employer or through grant funds. Individuals on an approved leave of absence without pay also meet this standard.