



# Wyoming Retirement System

DAVE FREUDENTHAL  
Governor

THOMAS WILLIAMS  
Executive Director

HARRY L. MALES  
Deputy Director

February 4, 2010

Re: WRS Requirements

A multi-employer pension system, like the Wyoming Retirement System (WRS), must rely on the cooperation of all participating employers to achieve good administration and compliance with legal requirements.

We have been reviewing our records to determine whether participating employers are in compliance with Wyoming Statutes, WRS contribution reporting and member enrollment requirements. In an effort to more fully and clearly communicate our requirements, this letter provides clarification about inconsistent employer practices we have found regarding member enrollment and contribution reporting.

## MEMBER ENROLLMENT

- All employees must be enrolled in WRS beginning from the date of employment regardless of any probationary period the agency may apply for other purposes. Probationary periods are not allowed for purposes of retirement plan enrollment, consequently all employees must be enrolled in WRS effective from the date of employment.
- Generally, participating employers must enroll both full-time and regular part-time employees in the plan starting from the date of employment. An exception exists for cities, counties, and towns as they have the option to cover only their full-time employees. Please see W.S. 9-3-405(a)(ii)(A) for specifics.
- Employees meeting the definition of "member" according to Wyoming Statutes must be enrolled in one of the WRS defined benefit plans. Please see W.S. 9-3-402(a)(vii) for the definition of "member" for the Public Employees Pension Plan. Please contact WRS for more information regarding eligibility for the other plans.

Employees not meeting the "member" definition are not to be enrolled. This would include:

- An employee who is compensated:
  - As an independent contractor; or
  - On a fee basis
- An employee who is reimbursed on a per diem basis;
- An employee whose term of employment is on a temporary basis for less than six (6) months;
- A permanent employee of the legislature, unless the employee elects in writing to become a member under rules adopted by the board;

- Members of any state board or commission not otherwise employed by the state who elect in writing not to become a member under rules adopted by the board;
- Students employed by the University of Wyoming, community colleges or school districts;
- Employees of the agricultural extension service of the University of Wyoming who hold a federal civil service appointment and are required to participate in the federal civil service retirement program;
- An employee of the University of Wyoming or a community college who earns no more than five thousand five hundred dollars (\$5,500.00) per year for part-time teaching and has elected in writing not to participate in the system under rules adopted by the board;
- An at-will contract employee under W.S. 9-2-1022(a)(xi)(F), unless specifically authorized by the contract pursuant to W.S. 9-2-1022(a)(xi)(F)(III) or (IV).

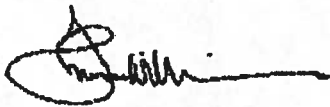
### CONTRIBUTION REPORTING

- Participating employers have the option to report employee contributions as either "taxed", "untaxed", or a combination of the two, so long as the reporting is consistent across all employee groups. If an employer wants to report employee contributions as untaxed, a resolution from your governing body regarding this decision must be provided to WRS.
- Monthly contribution reports must be received by WRS no later than the 12<sup>th</sup> of each subsequent month. Late payments accrue interest at the rate of 8%.
- Military Service Purchase, Make-up Contributions, and Workers' Compensation payments are to be reported separately from the regular monthly report.

This letter is intended to give you notice of WRS' commitment to actively monitor compliance with applicable rules and regulations. While most employers fully comply with our requirements, effective July 1, 2010, required prior contributions and applicable interest will be imposed in instances of non-compliance. I believe this is the best way to achieve the results we all want -- equity among participating employers, member participants, as well as fiscal soundness of the System.

I hope this correspondence serves to clarify our requirements as they relate to the above topics. Please contact either Erin Gorney, Wyoming Retirement System's external auditor (307) 777-7833 or me if you have questions or require additional assistance.

Sincerely,



Thomas Williams,  
Executive Director