

**HR Bulletin #10**  
**(Revised March 3, 2009)**

TO: All Certificated and Classified Employees  
FROM: Kyla Jensby, Employee Benefits Specialist  
DATE: March 3, 2009  
RE: DIRECTIVE ON ELIGIBLE PARTICIPANTS IN LINCOLN PUBLIC SCHOOLS NONELECTIVE 403(b) RETIREMENT PLAN AND HEALTH REIMBURSEMENT ARRANGEMENT (HRA)

The Lincoln Public Schools Nonelective 403(b) Retirement Plan (Nonelective 403(b) Plan) effective January 1, 2006 in Article 2, ELIGIBILITY FOR PARTICIPATION, §2.1 provides that the District will designate to the Custodian the Employees or former Employees who are eligible to participate in such plan. Under and pursuant to such §2.1 and plan provisions which include but are not limited to Article 9, ADMINISTRATION §9.3 and §9.4, the District hereby designates, decides, determines and declares that the eligibility requirements shall be as follows:

To be eligible for and participate in the Lincoln Public Schools Nonelective 403(b) Retirement Plan, the employee must have attained age 55 and terminated employment on or after September 1, 2006. In addition, to be eligible for and participate in the Lincoln Public Schools Health Reimbursement Arrangement (HRA), the employee must have (a) attained age 55, (b) terminated employment on or after February 1, 2007, and, (c) immediately before termination of employment, be a member of an eligible class described in the HRA Plan. The date an employee “terminates employment” will be the date approved by the Board of Education.

Effective March 3, 2009, a Nonelective 403(b) Plan participant who has terminated employment between ages 55 and 59 ½ will be required to sign a Request for Change of Status Form which contains a statement affirming that he or she cannot reapply for any employment with the District for at least 180 days following termination of employment.

A Nonelective 403(b) Plan participant who has terminated employment from the District and who is less than age 59½ may request a distribution from the Nonelective 403(b) Plan upon signing a statement affirming that he or she has no expectation of rehire and that LPS will not accept an application for employment from the participant for any position including substitute or temporary employee, for at least 180 days following his or her termination of employment. The participant will also affirm that he or she understands that if the participant should apply for and obtain reemployment in any form with Lincoln Public Schools prior to age 59 ½, he or she will be ineligible to receive further benefit distributions from the participant’s 403(b) account as long as he or she is reemployed and less than 59 ½. This statement will be included on the request for distribution form as provided by the administrator of the Nonelective 403(b) Plan.

Questions regarding the eligibility for the Lincoln Public Schools Nonelective 403(b) Retirement Plan or the HRA program should be directed to the Employee Benefits Specialist for Lincoln Public Schools.