

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 326

Short Title: Retired Nurses Return to Work. (Public)

Sponsors: Senators Bingham; Atwater, Brock, Brown, Clodfelter, Dannelly, Dorsett, Forrester, Garwood, Goodall, Hartsell, Holloman, Horton, Hunt, Jacumin, Jenkins, Kerr, Kinnaird, Lucas, Malone, Presnell, Rand, Smith, Stevens, and Tillman.

Referred to: Health Care.

March 3, 2005

A BILL TO BE ENTITLED

1 AN ACT TO ENABLE RETIRED REGISTERED NURSES TO RETURN TO
2 EMPLOYMENT TEACHING AT COMMUNITY COLLEGES WITHOUT
3 LOSING RETIREMENT BENEFITS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 135-3(8)c. reads as rewritten:

6 "c. Should a beneficiary who retired on an early or service
7 retirement allowance under this Chapter be reemployed, or
8 otherwise engaged to perform services, by an employer
9 participating in the Retirement System on a part-time,
10 temporary, interim, or on a fee-for-service basis, whether
11 contractual or otherwise, and if such beneficiary earns an
12 amount during the 12-month period immediately following the
13 effective date of retirement or in any calendar year which
14 exceeds fifty percent (50%) of the reported compensation,
15 excluding terminal payments, during the 12 months of service
16 preceding the effective date of retirement, or twenty thousand
17 dollars (\$20,000), whichever is greater, as hereinafter indexed,
18 then the retirement allowance shall be suspended as of the first
19 day of the month following the month in which the
20 reemployment earnings exceed the amount above, for the
21 balance of the calendar year. The retirement allowance of the
22 beneficiary shall be reinstated as of January 1 of each year
23 following suspension. The amount that may be earned before
24 suspension shall be increased on January 1 of each year by the
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1 ratio of the Consumer Price Index to the Index one year earlier,
2 calculated to the nearest tenth of a percent (1/10 of 1%).

3 The computation of postretirement earnings of a beneficiary
4 under this sub-subdivision, G.S. 135-3(8)c., who has been
5 retired at least six months and has not been employed in any
6 capacity, except as a substitute teacher or a part-time tutor, with
7 a public school for at least six months immediately preceding
8 the effective date of reemployment, shall not include earnings
9 while the beneficiary is employed to teach on a substitute,
10 interim, or permanent basis in a public school. The Department
11 of Public Instruction shall certify to the Retirement System that
12 a beneficiary is employed to teach by a local school
13 administrative unit under the provisions of this sub-subdivision
14 and as a retired teacher as the term is defined under the
15 provisions of G.S. 115C-325(a)(5a).

16 The computation of postretirement earnings of a beneficiary
17 under this sub-subdivision, G.S. 135-3(8)c., who is a registered
18 nurse with a masters degree in nursing, and who has been
19 retired at least six months and has not been employed in any
20 capacity by the State for at least six months immediately
21 preceding the effective date of reemployment, shall not include
22 earnings while the beneficiary is employed to teach nursing at a
23 community college. The Department of Community Colleges
24 shall certify to the Retirement System that a beneficiary is
25 employed to teach by a community college under the provisions
26 of this sub-subdivision and as a retired registered nurse.

27 Beneficiaries employed under this sub-subdivision are not
28 entitled to any benefits otherwise provided under this Chapter
29 as a result of this period of employment."

30 **SECTION 2.** This act becomes effective July 1, 2005.