

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**SENATE BILL 326
Health Care Committee Substitute Adopted 4/21/05**

Short Title: Retired Nurses Return to Work.

(Public)

Sponsors:

Referred to:

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.
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5 The General Assembly of North Carolina enacts:

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

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

28 The computation of postretirement earnings of a beneficiary
29 under this sub-subdivision, G.S. 135-3(8)c., who has been

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

12 The computation of postretirement earnings of a beneficiary
13 under this sub-subdivision who is a registered nurse with a
14 masters degree in nursing and who has been retired at least six
15 months and has not been employed in any capacity by the State
16 for at least six months immediately preceding the effective date
17 of reemployment, shall not include earnings while the
18 beneficiary is employed to teach nursing at a community
19 college or a constituent institution of The University of North
20 Carolina. The Department of Community Colleges or the Board
21 of Governors of The University of North Carolina, as
22 applicable, shall certify to the Retirement System that a
23 beneficiary is employed to teach by a community college or
24 constituent institution of The University of North Carolina
25 under the provisions of this sub-subdivision and as a retired
26 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.