

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1269

Short Title: Comm. Coll. Employee Retirement.

(Public)

Sponsors: Representatives Thompson; and Sexton.

Referred to: Pensions and Retirement, if favorable, Appropriations.

May 21, 1996

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT COMMUNITY COLLEGE EMPLOYEES WHO WORK THIRTY HOURS PER WEEK FOR NINE OR MORE MONTHS PER CALENDAR YEAR ARE ELIGIBLE FOR MEMBERSHIP IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-1(10) reads as rewritten:

"(10) 'Employee' shall mean all full-time employees, agents or officers of the State of North Carolina or any of its departments, bureaus and institutions other than educational, whether such employees are elected, appointed or employed: Provided that the term 'employee' shall not include any person who is a member of the Consolidated Judicial Retirement System, any member of the General Assembly or any part-time or temporary employee. Notwithstanding any other provision of law, 'employee' shall include all employees of the General Assembly except participants in the Legislative Intern Program, pages, and reemployed beneficiaries in receipt of a monthly retirement allowance under this Chapter. In all cases of doubt, the Board of Trustees shall determine whether any person is an employee as

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1 defined in this Chapter. 'Employee' shall also mean every full-
2 time civilian employee of the army national guard and air
3 national guard of this State who is employed pursuant to section
4 709 of Title 32 of the United States Code and paid from federal
5 appropriated funds, but held by the federal authorities not to be a
6 federal employee: Provided, however, that the authority or
7 agency paying the salaries of such employees shall deduct or
8 cause to be deducted from each employee's salary the employee's
9 contribution in accordance with applicable provisions of G.S.
10 135-8 and remit the same, either directly or indirectly, to the
11 Retirement System; coverage of employees described in this
12 sentence shall commence upon the first day of the calendar year
13 or fiscal year, whichever is earlier, next following the date of
14 execution of an agreement between the Secretary of Defense of
15 the United States and the Adjutant General of the State acting for
16 the Governor in behalf of the State, but no credit shall be allowed
17 pursuant to this sentence for any service previously rendered in
18 the above-described capacity as a civilian employee of the
19 national guard: Provided, further, that the Adjutant General, in
20 his discretion, may terminate the Retirement System coverage of
21 the above-described national guard employees if a federal
22 retirement system is established for such employees and the
23 Adjutant General elects to secure coverage of such employees
24 under such federal retirement system. Any full-time civilian
25 employee of the national guard described above who is now or
26 hereafter may become a member of the Retirement System may
27 secure Retirement System credit for such service as a national
28 guard civilian employee for the period preceding the time when
29 such employees became eligible for Retirement System coverage
30 by paying to the Retirement System an amount equal to that
31 which would have constituted employee contributions if he had
32 been a member during the years of ineligibility, plus interest.
33 Employees of State agencies, departments, institutions,
34 community colleges, boards, and commissions who are employed
35 in permanent job positions on a recurring basis and who work 30
36 or more hours per week for nine or more months per calendar
37 year are covered by the provisions of this subdivision."

38 Sec. 2. Any employee of a community college in service on the effective date
39 of this act may purchase any comparable prior service at the same institution by paying
40 an amount equal to six percent (6%) of the compensation earned during that service plus
41 regular interest, and the employing community college shall pay the difference between
42 the full actuarial cost and the employee's purchase cost.

43 Sec. 3. This act becomes effective July 1, 1996.