

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

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**SENATE BILL 326**

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

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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.

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Referred to: Health Care.

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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

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

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.