To Rhode Island State Social Security Agreement

Whereas, the Secretary of Health, Education, and Welfare and the State of Rhode Island acting through its representative designated to administer its responsibilities, entered into an agreement on January 24, 1952, for the purpose of extending coverage under the provisions of the Social Security Act, as amended, to the employees of the State and the political subdivisions of the State; and

Whereas, coverage under the Social Security Act was extended by execution of the following listed modifications to the aforesaid agreement to services by individuals as employees of the following enumerated political subdivisions as members of coverage groups (as established by section 218(d)(4) of the Act) of the retirement system designated as Part A of the Employees Retirement System of the State of Rhode Island (as established by section 218(d)(6) of the Act), including individuals in positions covered by the retirement system who are not members of the system but who are eligible to become members of such system:

<table>
<thead>
<tr>
<th>Political Subdivisions</th>
<th>Modification No.</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of Jamestown</td>
<td>36</td>
<td>January 1, 1956</td>
</tr>
<tr>
<td>Town of Narragansett</td>
<td>36</td>
<td>January 1, 1959</td>
</tr>
<tr>
<td>Town of South Kingstown</td>
<td>36</td>
<td>January 1, 1959</td>
</tr>
<tr>
<td>City of Providence</td>
<td>41</td>
<td>January 1, 1961</td>
</tr>
<tr>
<td>City of Warwick</td>
<td>43</td>
<td>January 1, 1963</td>
</tr>
<tr>
<td>Town of North Providence</td>
<td>45</td>
<td>January 1, 1964</td>
</tr>
<tr>
<td>City of Pawtucket</td>
<td>46</td>
<td>January 1, 1964</td>
</tr>
<tr>
<td>City of Woonsocket</td>
<td>47</td>
<td>January 1, 1963</td>
</tr>
</tbody>
</table>

And whereas, the aforesaid political subdivisions pursuant to the directives of the State Official designated to act for the State in carrying out matters arising under the Federal-State Agreement were given to
believe that coverage was thereby extended to services performed by those employees of the said political subdivision who were in positions covered by the Employees Retirement System of the State of Rhode Island but who were personally ineligible for membership in the said system; and

Whereas, in furtherance of this belief wage reports have been and continue to be filed and payments made under the Federal-State Agreement on behalf of the said "ineligible" employees of each of the said political subdivisions for the same effective periods established for each of the said political subdivisions by the above-listed modifications; and

Whereas, this belief was erroneous but represents the intent of the State and of the said political subdivisions to extend coverage to the aforesaid "ineligible" employees; and

Whereas, the State of Rhode Island and the Secretary of Health, Education, and Welfare desire to correct the above error in said agreement;

Now, therefore, the Secretary of Health, Education, and Welfare and the State of Rhode Island, acting through its representative designated to administer its responsibility under the above agreement, hereby modify said agreement with respect to the above-listed political subdivisions to which said agreement already applies to provide that said agreement shall also apply effective as of the effective dates listed herein with respect to each such political subdivision to services provided by the employees of each such political subdivision in positions covered by the Employees Retirement System of the State of Rhode Island, but who are ineligible to be members of such retirement system.
It is further agreed that the services of any ineligible employee referred to in this modification shall continue to be covered by the said agreement if after the effective date specified herein with respect to the political subdivision of which he is an employee he becomes eligible to be a member of the Employees Retirement System of the State of Rhode Island.

Approved for the State of Rhode Island this First day of September, 1965.

[Signature]
General Treasurer

Approved this 17th day of September, 1965.

Secretary of Health, Education, and Welfare

E. Albert Kreek, Deputy Director
Bureau of Retirement and Survivors Insurance
Social Security Administration
To: Mr. E. Albert Kreek  
Deputy Director  

From: Edward N. Watman, Chief  
Coverage Branch  

Subject: Modification No. 58, Rhode Island  

Enclosed is the above identified modification and supporting documents for necessary action.  

- 218(b)(5) Coverage Groups  
- 218(d)(4) Coverage Groups  
- Other (See Remarks)  
- Total No. of Coverage Groups  

No. of Employees  
No. of Employees  
Unk. No. of Employees  
Unk. Total No. of Employees Covered  

Remarks:  

Clear by regional attorney  

* Error modification extends coverage to services of employees of eight political subdivisions as part of the (b)(5) coverage groups of each who are in positions under the Employees' Retirement System of the State of Rhode Island, a retirement system divided on the basis of members desires, and are personally ineligible for membership therein.
Department of
Health, Education, and Welfare
Region I
Boston, Massachusetts 02116

DATE: September 9, 1965

TO: SSA Regional Representative
FROM: Office of the General Counsel
       Boston Regional Office

SUBJECT: State and Local Coverage - Rhode Island Modification No. 58

COMMENTS: Cleared for approval.

This error modification is cleared for approval in accordance with our understanding as to current Administration policy concerning error modifications as pointed out in our prior memoranda of May 24, 1965, and June 22, 1965. We believe that the letter of July 8, 1965, from the State official designated to carry out the responsibilities under the Federal-State Agreement provides adequate evidence of the error involved. This letter points out that the State itself mistakenly believed that when coverage was extended to regular teachers of eight cities and towns on a desire for coverage basis as members of a deemed retirement system pursuant to section 218(d)(5)(A and C) of the Act, coverage was thereby also extended to the substitute teachers, i.e., the "ineligibles." In response, therefore, to the directives of the State official, the eight cities and towns have filed wage reports and made payments under the Federal-State agreement on behalf of the substitute teachers for the same effective periods of time as are applicable to the regular teachers. Such practice itself is at least corroborative evidence of the error involved.

[Signature]
Arthur M. Menard
Regional Attorney
Mr. John A. Campbell, Jr.
Cent. of S. S. C. W.
Regional Representative
120 Boylston St.
Boston, Massachusetts 02116

Dear Mr. Campbell:

The following information on substitute teachers may be helpful in clarifying the situation.

As this office has previously informed your agency, substitute teachers—in each City and Town who have extended Social Security coverage to their teachers as a group—have also been covered from the effective date of the specific legislation involved.

This situation came about through our interpretation of coverage of a "split-retirement" system and we considered the fact while conducting this referendum that a substitute teacher had no action as to coverage but was in a position subject to coverage; subsequently we extended coverage to all teachers except those who had a vote and voted no. The result is that all cities and Towns involved, through our directives, have been covering substitute teachers.

Contact me, if any further information is desired.

Sincerely,

Raymond H. Hawksley
General Treasurer
Mr. John R. Campbell, Jr.
Dept. of H. E. & W.
Regional Representative
120 Boylston Street
Boston, Massachusetts 02116