

MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL SECURITY ADMINISTRATION

CV 5-13

TO : Mr. Abraham J. Teitler, Director
Division of Coverage

DATE March 4, 1975

REFER TO: IRI-451

FROM : Harry Stahmer, Chief
Contract Coverage Branch


SUBJECT: Modification No. 89, Rhode Island

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

<u>1</u>	218(b)(5) coverage groups	<u>unknown</u>	No. of Employees
	218(d)(4) coverage groups		No. of Employees
*	Other (See Remarks)		No. of Employees
<u>1</u>	Total No. of coverage groups	<u>unknown</u>	Total No. of Employees Covered

Remarks:

*Error modification extending coverage to a (b)(5) coverage of one political subdivision that has erroneously reported under FICA procedures. Transfer requested.


Harry Stahmer

MKoropecyjk/AKenney:gcb 3/4/75

Western Rhode Island Law Enforcement Commission
1516 Atwood Avenue Johnston, Rhode Island 02919

"It is hereby agreed that the reports and payments made pursuant to the provisions of the Federal Insurance Contributions Act with respect to wages paid to employees of Western Rhode Island Law Enforcement Commission for the period 6/30/69 to 12/31/73, in which the services of such employees are covered under the agreement between the State of Rhode Island and the Department of Health, Education, and Welfare pursuant to Section 218 of the Social Security Act will be considered as having been paid pursuant to the agreement. It is understood, however, that the State is not relieved of its liabilities with respect to the preparation of any supplemental wage reports and payment of contributions for such periods in the event such wage reports or contributions are necessary to conform old-age, survivors, and disability coverage of services of the employees involved in the prior periods to the terms of this agreement, or, in the event any refund should be made of amounts paid as Federal Insurance Contributions Act taxes when the same amount is payable under this agreement."

"If any refund is made of the amounts paid as taxes under the Federal Insurance Contributions Act with respect to wages paid for services which are covered under this agreement, the State will repay such amounts upon receipt of notice from the Social Security Administration. Interest will be charged with respect to any payment not paid within the time prescribed by Regulations No. 4, Section 404.1255."

Raymond H. Harebsky

MEMORANDUM

TO : Hugh F. McKenna, Director
Bureau of Retirement and Survivors Insurance

DATE: December 13, 1974
ICF-RI

FROM : Walter W. Mode *WWM*
Regional Commissioner

SUBJECT: State and Local - Rhode Island Modification No. 89

We are enclosing for your approval five copies of Modification No. 89 submitted by the State of Rhode Island in connection with the Federal-State agreement under Section 218 of the Social Security Act.

This Modification was personally delivered to the Providence, Rhode Island District Office on August 27, 1974, rather than being received by mail. Upon receipt, all copies were immediately date-stamped. The State has requested August 27, 1974, as the designated date for existence of employment relationship.

This Modification has been reviewed by this office and cleared for approval by the Regional Attorney.

Enclosures

MEMORANDUM

TO : Regional Commissioner, SSA

DATE: December 11, 1974

FROM : Office of the General Counsel
Boston Regional Office

SUBJECT: State and Local Coverage - Rhode Island Modification No. 89 - Western
Rhode Island Law Enforcement Commission

Cleared for approval.

To further the purposes of the Omnibus Crime Control and Safe Streets Act of 1968, some dozen towns in Rhode Island designated the Western Rhode Island Law Enforcement Planning Agency, also known as the Western Rhode Island Law Enforcement Commission, as their common comprehensive law enforcement planning agency. According to the Rhode Island Attorney General, the agency receives funds from the Governor's Committee on Crime.

The Attorney General's opinion of November 27, 1974 states that the entity has the power to enter into contracts, sue and be sued, hold and disburse funds for its own account, and hire and fire employees. It therefore possesses the general characteristics of a separate juristic entity.

Although the Attorney General avers that the Western Rhode Island Law Enforcement Commission is not a political subdivision of the State or of any of its political subdivisions, his opinion is that it "may meet the Federal definition of a political subdivision of the State in that it is an instrumentality of more than one of the political subdivisions of the State of Rhode Island and is organized to carry on some function of government for the State as an independent legal entity ... " In light of the resolutions by the towns which created the Commission and the governmental nature of the Commission's functions, we concur in the Attorney General's conclusion that the Commission is an instrumentality of more than one of the political subdivisions of the State.

Inasmuch as Social Security Act §218 states that the term "political subdivision" includes an instrumentality of a State or one or more political subdivisions of a State, the Western Rhode Island Law Enforcement Commission is entitled to coverage for its employees as a "political subdivision" within the meaning of Section 218.

George Eng for
Samuel C. Fisk
Regional Attorney

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 December 20, 1951 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, the Western Rhode Island Law Enforcement Commission, a political subdivision of the State, filed wage reports and contribution returns under the Federal Insurance Contributions Act beginning with the calendar quarter ending with 6/30/69 in the belief that such action would result in extending coverage under the provisions of the Social Security Act, as amended; and

Whereas, in furtherance of this belief the said political subdivision continued to file wage reports and make contribution payment under the Federal Insurance Contributions Act for each succeeding calendar quarter after the quarter ending with 6/30/69;

Whereas, the filing of such wage reports and contribution returns under the Federal Insurance Contributions Act was erroneous; and

Whereas, the political subdivision has established that services of its employees may be covered under the provisions of section 218 of the Social Security Act, as amended; and

Whereas, the political subdivision has followed the incorrect procedure in effectuating such coverage; 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 responsibilities under the above agreement hereby agree to and by this modification do add the above-named political subdivision to said agreement, with coverage effective as of April 1, 1969, the beginning of the period for which wage reports were first erroneously filed under the Federal Insurance Contributions Act.

Services Covered: Services of employees in all coverage groups (as defined in section 218(b)(5) of the Act)

Excluded Services: ~~None~~ As per State - Federal Agreement of December 20, 1951

Approved for the State of Rhode Island this 27th day of August, 1974.

Raymond M. Harembek
General Treasurer

Approved this 10 day of March, 1975.

Secretary of Health, Education, and Welfare

By: Abraham J. Teitler
Abraham J. Teitler, Director
Division of Coverage

Bureau of Retirement and Survivors Insurance
Social Security Administration