

SSA-OASI
OFFICE MEMORANDUM * UNITED STATES GOVERNMENT

To : Mr. Ewell T. Bartlett
Assistant Director

ll:CP:C
Date: April 3, 1958

From : Louis Zawatzky, Chief
Coverage Branch


Subject: Modification No. 29, Rhode Island

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

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

Remarks: *Number of employees not shown.

Cleared by the Regional Attorney.


Louis Zawatzky

Enclosure(s) (5)

To : Division of Claims Policy

From : Office of General Counsel

Subject: Modification No. ,

The modification is (is not) cleared.

Remarks:

Handwritten: 4/3/58

MODIFICATION NO. 29

TO RHODE ISLAND STATE SOCIAL SECURITY AGREEMENT

The Secretary of Health, Education, and Welfare, and the State of Rhode Island, acting through its representative designated to administer its responsibilities under the agreement of December 20, 1951, hereby accept as an additional coverage group under said agreement and acknowledge full applicability of the terms of said agreement to the following:

Services by individuals as employees of the State of Rhode Island as members of a coverage group (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).

Effective date of Coverage: January 1, 1956

Approved for the State of Rhode Island this twenty-fifth day of March, 1958.

by Raymond H. Hawksley
GENERAL TREASURER

Approved this 3rd day of April, 1958.

Secretary of Health, Education, and Welfare

by Thomas C. Parrott
Thomas C. Parrott, Acting Assistant Director
Bureau of Old-Age and Survivors Insurance

1958 MAR 31 3 30 PM

1052

This is to certify that--

(a) A vote by written ballot was held on February 24, 1958 on the question of whether services of Employees of the State of Rhode Island in positions covered by the Employees Retirement System of the State of Rhode Island should be included under the agreement entered into on December 20, 1951 by the State of Rhode Island, and the Secretary of Health, Education, and Welfare pursuant to Section 218 of the Social Security Act;

(b) An opportunity to vote was given to all individuals who were members of the Employees Retirement System of the State of Rhode Island at the time the vote was held;

(c) Not less than ninety days' notice of such vote was given to all individuals who were members of such system on the date the notice was issued;

(d) Such vote was conducted under the supervision of the Commission on Federal Social Security Coverage for Members of Employees' Retirement System duly designated by the undersigned to conduct such referendum; and

(e) The Employees Retirement System of the State of Rhode Island was divided into two parts or divisions in accordance with the desires of the membership of the system.

Done this twenty-sixth day of March, 1958.

Signature Wm. J. Roberts

GOVERNOR

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
Region I
Boston 16, Massachusetts

GC:RA:I

DATE: March 31, 1958

TO : Regional Director
Attention: OASI Representative

FROM : Office of the General Counsel
Boston Regional Office

SUBJECT: State and Local Coverage - Rhode Island Modification No. 29, Governor's
Certification, and Attorney-General's
opinion

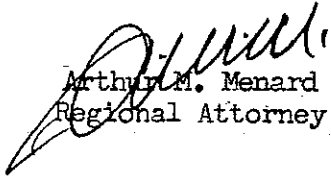
COMMENTS: Cleared for approval.

Although this is the first time that Rhode Island is covering State employees who are members of a retirement system, we believe that the provisions of the Rhode Island agreement as amended by Modification No. 22, executed September 19, 1955, are broad enough to allow for such coverage.

As indicated in the modification and certification, the State is covering the retirement system coverage group designated as Part A of the Employees Retirement System of Rhode Island, after a section 218(d)(7) vote. Both Federal and State law were amended in 1957 to include Rhode Island among those States that can divide retirement systems according to the desires of the members. P.L. 85 - 227; G.L. R.I., 1956, sec. 36-7-10, as amended by 1957 Revised Acts, C. 98, sec. 2. The Attorney-General's opinion, dated October 30, 1957, holds that the section 218(d)(7) vote procedure, as enacted by P.L. 85 - 229 (H.R. 8821), is applicable under Rhode Island law. With regard to that opinion, we would note that it is not a point-by-point answer to the questions submitted; rather, it appears that the second and third questions ^{combined} are answered by the third, fourth and fifth paragraphs of the opinion.

We are informed by the State that the Employees Retirement System of the State of Rhode Island includes State and local teachers. G.L. R.I., 1956, Title 36, chapters 8, 9 and 10; Title 16, chapters 16 and 17. The vote was conducted, however, only among the deemed retirement system composed of State employees. G.L. R.I., 1956, sec. 36-7-10. Thus, teachers who are State employees and are in the "A" group will be covered.

The retroactivity of the modification to January 1, 1956, is in accordance with Federal and State law, as amended in 1957. P.L. 85 - 226 and P.L. 85 - 227; G.L. R.I., 1956, sec. 36-7-3(3), as amended by 1957 Revised Acts, C. 98, sec. 1.


Arthur M. Menard
Regional Attorney

STATE OF RHODE ISLAND
DEPARTMENT OF THE ATTORNEY GENERAL

PROVIDENCE COUNTY COURT HOUSE
PROVIDENCE

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F. THOMAS O'HALLORAN
COUNSEL

October 30, 1957

Mr. Ralph P. Cinquegrana
21 Linden Drive
West Warwick, Rhode Island

Dear Mr. Cinquegrana:

The following answers are submitted to the inquiries set forth in your letter addressed to the undersigned.

Your question number one is answered in the negative. It is the opinion of this office that the problem presented is covered by H.R. 8821, August 30, 1957. We submit that our conclusion is that this amendment is not in conflict with our law or the Federal Social Security Act.

The only question to be submitted is whether or not they elect to join Social Security. Those voting yes automatically become members of the system. Those voting no, it is felt, are excluded and can not become members without first obtaining a majority of the group who voted in the negative on the original question.

If the majority of those voting elect to join the system, then the entire group shall automatically become members of the Social Security System.

The required lapse of time and pertinent details are not herein discussed.


It may be considered that the referendum is that action taken at the time the members of the retirement system elect coverage or non-coverage of Social Security. Any other action would be a duplication and unnecessary.

Very truly yours,

WILLIAM E. POWERS, ATTORNEY GENERAL

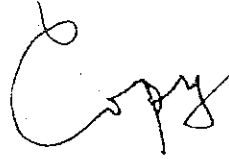
RJP:pak

By:


Assistant Attorney General

RHODE ISLAND STATE COMMISSION
ON SOCIAL SECURITY

21 Linden Drive
West Warwick, R. I.
Telephone Home: Valley 1-1717
Office: Valley 1-5400



September 25, 1957

Honorable Raymond J. Pettine
Office of Attorney General
Court House
Providence, Rhode Island

Dear Mr. Pettine:

At the outset, may I convey to you the appreciation of the Commission for your visit with us on Tuesday, September 24, 1957. I think that your frankness in suggesting to the Commission that the Attorney General is its legal representative removed any doubts that may have been in the minds of some of us.

We have formulated four questions which we are submitting to you for an interpretation and opinion.

The questions are as follows:

- (1) At the time the referendum and the split vote is held dividing the State Retirement System into two parts - Part "A" those electing coverage and Part "B" those electing non-coverage, is it necessary for those electing coverage to vote again in order to complete the referendum?
- (2) At the time of the calling of the referendum, is it necessary to present the question to be voted upon?
- (3) Under existing law pertaining to Social Security for State employees who are members of the State Retirement System, how many votes of such members electing coverage are necessary to put Social Security for such members into effect?
- (4) What constitutes a referendum under the provisions of the Social Security law?

The above questions are the ones that seem to be pressing at the moment. Thank you very much for your cooperation.

Sincerely,

Ralph P. Cinquegrana
Secretary