State of Rhode Island

Gina M. Raimondo
Governor

2020 DEC 30 PM 4:45
SECRETARY OF STATE
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EXECUTIVE ORDER

20-110

December 30, 2020

ONE HUNDRED AND FIFTH SUPPLEMENTAL EMERGENCY DECLARATION – INCREASING TEACHING AND ADMINISTRATIVE STAFF CAPACITY

WHEREAS, on March 9, 2020, I issued Executive Order 20-02 declaring a state of emergency due to the dangers to health and life posed by COVID-19 and that Order is in effect until at least January 20, 2021;

WHEREAS, the COVID-19 public health emergency has led to the closure of all school buildings in Rhode Island for what remained of the 2019-2020 school year, with distance learning for all students taking place while school buildings are closed;

WHEREAS, the Rhode Island Department of Elementary and Secondary Education (RIDE) has issued a uniform, statewide 2020-2021 school calendar;

WHEREAS, RIDE and the Rhode Island Department of Health (RIDOH) have been collaborating on designing regulations and providing guidance to local school districts and other local educational agencies throughout the State (LEAs[1]) for the reopening of schools;

[1] As used herein, LEA has the same meaning as used in 34 C.F.R. § 300.28, and thus includes "a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township,

WHEREAS, ensuring safe and effective teaching during the pandemic while complying with requisite health and safety measures, including physical distancing, and meeting the need of vulnerable subpopulations of students for in-person support and oversight, has placed additional demands on teachers and other school employees, leading to the need for flexibility in scheduling and additional staff at the schools;

WHEREAS, as a result of staff shortages at schools, it may be advisable to call upon the knowledge, skills and expertise of certain retired staff members and to bring them back into active state service;

WHEREAS, Rhode Island General Laws §§ 16-16-24 and 36-10-36 provide for the suspension of pension benefits of retirees who have retired under the provisions of titles 16, 36 or 46 and return to state service;

WHEREAS, retirees who may have critical skills necessary to address this public health emergency may be reluctant to re-enter state service if their pension benefits will thereby be suspended; and

WHEREAS, it is advisable to remove any disincentive to re-employment of skilled and knowledgeable retirees by the state for limited periods and for limited personnel in order to address this health emergency.

NOW THEREFORE, I, GINA M. RAIMONDO, by virtue of the authority vested in me as Governor of the State of Rhode Island, pursuant to Article IX of the Rhode Island Constitution and the Rhode Island General Laws, including, but not limited to, Title 30, Chapter 15, do hereby find, order and direct that:

1. The prohibitions and restrictions on post-retirement employment by persons who have retired under the provisions of R. I. Gen. Laws Title 16, 36, or 45 contained in R. I. Gen. Laws §§ 16-16-24 and 36-10-36 are hereby suspended with respect to those specific retired teaching and administrative staff members identified by an LEA.

2. With respect to each retired teaching or administrative staff member identified by an LEA as possessing the skills, training, or knowledge necessary to address the public health crisis engendered by COVID-19, the LEA shall execute and deliver to the

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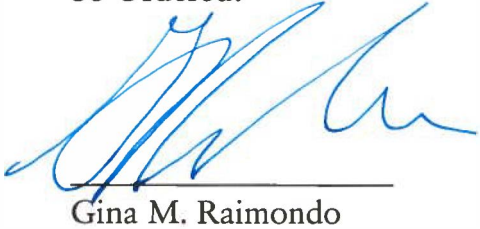
school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools." *Id.*

State Retirement Board of the Employees Retirement System of the State of Rhode Island a written certification that such re-employment (a) is of finite duration during the 2020-2021 school year ending on June 25, 2021 and (b) is necessitated by the good faith belief that the skills, training, or knowledge of such retiree is needed to address the public health crisis caused by COVID-19.

3. Any retired teaching or administrative staff so employed or re-employed by an LEA shall not be entitled to additional service credits for retirement.

This Order shall take effect immediately and remain in full force and effect until January 28, 2021 unless renewed, modified or terminated by subsequent Executive Order.

So Ordered:



Gina M. Raimondo
Governor