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State of Rhode Island

Daniel J. McKee
Governor

EXECUTIVE ORDER

21-96

September 8, 2021

INCREASING TEACHING AND ADMINISTRATIVE STAFF CAPACITY

WHEREAS, on March 9, 2020, Executive Order 20-02 was issued for a declaration of a state of emergency due to the dangers to health and life posed by COVID-19, and that Order has been extended through at least October 2, 2021;

WHEREAS, on August 19, 2021, I issued Executive Order 21-86 declaring a disaster emergency for new COVID-19 variants;

WHEREAS, Rhode Island Department of Elementary and Secondary Education (RIDE) and the Rhode Island Department of Health (RIDOH) have been collaborating on designing and providing back-to-school protocols and guidance to local school districts and other local educational agencies throughout the State (LEAs¹);

WHEREAS, ensuring safe and effective teaching during the pandemic while complying with requisite health and safety measures, including universal indoor masking, has placed

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, 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.*

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 is 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.

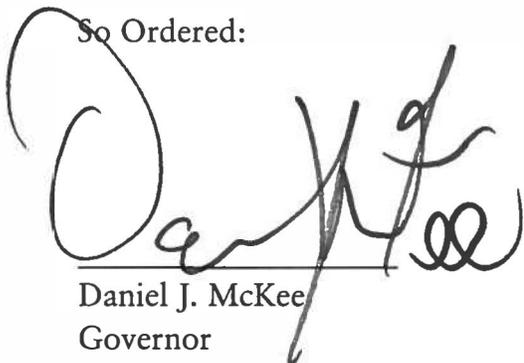
NOW THEREFORE, I, DANIEL J. MCKEE, by virtue of the authority vested in me as Governor of the State of Rhode Island, pursuant to Article IX of the Rhode Island Constitution and the Rhode Island General Laws, including, but not limited to, Title 30, Chapter 15, do hereby find, order and direct that:

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 and its variants, the LEA shall execute and deliver to the 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 2021-2022 school year 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 and its variants.

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 Executive Order shall take effect immediately and remain in full force and effect through October 7, 2021 unless renewed, modified or terminated by subsequent Executive Order.

So Ordered:

A handwritten signature in black ink, appearing to read "Daniel J. McKee", written over a horizontal line. The signature is stylized and cursive.

Daniel J. McKee
Governor