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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION
COURT

Introduced By: Senators McKenney, LaMountain, and Zurier

Date Introduced: February 26, 2025

Referred To: Senate Finance

(Judiciary)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-30-18 of the General Laws in Chapter 28-30 entitled "Workers'
2 Compensation Court" is hereby amended to read as follows:

3 **28-30-18. Additional benefits payable to retired judges and their surviving spouses or**
4 **domestic partners.**

5 (a) All judges of the workers' compensation court, or their surviving spouses or domestic
6 partners, who retire after January 1, 1970, and who receive a retirement allowance pursuant to the
7 provisions of this title, shall, on the first day of January next following the third anniversary date
8 of their retirement, receive a cost-of-living retirement adjustment in addition to his or her retirement
9 allowance in an amount equal to three percent (3%) of the original retirement allowance. In each
10 succeeding subsequent year during the month of January the retirement allowance shall be
11 increased an additional three percent (3%) of the original allowance, compounded annually from
12 the year the cost-of-living adjustment was first payable to be continued during the lifetime of that
13 judge or his or her surviving spouse or domestic partner. For the purpose of that computation, credit
14 shall be given for a full calendar year regardless of the effective date of the retirement allowance.

15 (b) Any judge who retired prior to January 31, 1980, shall be deemed for the purpose of
16 this section to have retired on January 1, 1980.

17 (c) For judges not eligible to retire as of September 30, 2009, and not eligible upon passage
18 of this article, and for their beneficiaries, the cost-of-living adjustment described in subsection (a)

1 above shall only apply to the first thirty-five thousand dollars (\$35,000) of retirement allowance,
2 indexed annually, and shall commence upon the third (3rd) anniversary of the date of retirement or
3 when the retiree reaches age sixty-five (65), whichever is later. The thirty-five thousand dollar
4 (\$35,000) limit shall increase annually by the percentage increase in the Consumer Price Index for
5 all Urban Consumers (CPI-U) as published by the United States Department of Labor Statistics
6 determined as of September 30 of the prior calendar year or three percent (3%), whichever is less.
7 The first thirty-five thousand dollars (\$35,000), as indexed, of retirement allowance shall be
8 multiplied by the percentage of increase in the Consumer Price Index for all Urban Consumers
9 (CPI-U) as published by the United States Department of Labor Statistics determined as of
10 September 30 of the prior calendar year or three percent (3%), whichever is less on the month
11 following the anniversary date of each succeeding year. For judges eligible to retire as of September
12 30, 2009, or eligible upon passage of this article, and for their beneficiaries, the provisions of this
13 subsection (c) shall not apply.

14 (d) This subsection (d) shall be effective for the period July 1, 2012, through June 30, 2015.

15 (1) Notwithstanding the prior paragraphs of this section, and subject to subsection (d)(2)
16 below, for all present and former justices, active and retired justices, and beneficiaries receiving
17 any retirement, disability or death allowance or benefit of any kind, whether provided for or on
18 behalf of justices engaged on or prior to December 31, 1989, as a noncontributory justice or
19 engaged after December 31, 1989, as a contributory justice, the annual benefit adjustment provided
20 in any calendar year under this section shall be equal to (A) multiplied by (B) where (A) is equal
21 to the percentage determined by subtracting five and one-half percent (5.5%) (the "subtrahend")
22 from the five-year average investment return of the retirement system determined as of the last day
23 of the plan year preceding the calendar year in which the adjustment is granted, said percentage not
24 to exceed four percent (4%) and not to be less than zero percent (0%), and (B) is equal to the lesser
25 of the justice's retirement allowance or the first twenty-five thousand dollars (\$25,000) of
26 retirement allowance, such twenty-five thousand dollars (\$25,000) amount to be indexed annually
27 in the same percentage as determined under (d)(1)(A) above. The "five-year average investment
28 return" shall mean the average of the investment return of the most recent five (5) plan years as
29 determined by the retirement board. Subject to subsection (d)(2) below, the benefit adjustment
30 provided by this paragraph shall commence upon the third (3rd) anniversary of the date of
31 retirement or the date on which the retiree reaches his or her Social Security retirement age,
32 whichever is later. In the event the retirement board adjusts the actuarially assumed rate of return
33 for the system, either upward or downward, the subtrahend shall be adjusted either upward or
34 downward in the same amount.

1 (2) Except as provided in subsection (d)(3), the benefit adjustments under this section for
2 any plan year shall be suspended in their entirety unless the funded ratio of the employees'
3 retirement system of Rhode Island, the judicial retirement benefits trust, and the state police
4 retirement benefits trust, calculated by the system's actuary on an aggregate basis, exceeds eighty
5 percent (80%) in which event the benefit adjustment will be reinstated for all justices for such plan
6 year.

7 In determining whether a funding level under this subsection (d)(2) has been achieved, the
8 actuary shall calculate the funding percentage after taking into account the reinstatement of any
9 current or future benefit adjustment provided under this section.

10 (3) Notwithstanding subsection (d)(2), in each fifth plan year commencing after June 30,
11 2012, commencing with the plan year ending June 30, 2017, and subsequently at intervals of five
12 (5) plan years, a benefit adjustment shall be calculated and made in accordance with subsection
13 (d)(1) above until the funded ratio of the employees' retirement system of Rhode Island, the judicial
14 retirement benefits trust, and the state police retirement benefits trust, calculated by the system's
15 actuary on an aggregate basis, exceeds eighty percent (80%).

16 (4) Notwithstanding any other provision of this chapter, the provisions of this subsection
17 (d) shall become effective July 1, 2012, and shall apply to any benefit adjustment not granted on or
18 prior to June 30, 2012.

19 (e) This subsection (e) shall become effective July 1, 2015.

20 (1)(i) As soon as administratively reasonable following the enactment into law of this
21 subsection (e)(1)(i), a one-time benefit adjustment shall be provided to justices and/or beneficiaries
22 of justices who retired on or before June 30, 2012, in the amount of two percent (2%) of the lesser
23 of either the justice's retirement allowance or the first twenty-five thousand dollars (\$25,000) of
24 the justice's retirement allowance. This one-time benefit adjustment shall be provided without
25 regard to the retiree's age or number of years since retirement.

26 (ii) Notwithstanding the prior subsections of this section, for all present and former justices,
27 active and retired justices, and beneficiaries receiving any retirement, disability or death allowance
28 or benefit of any kind, whether provided for or on behalf of justices engaged on or prior to
29 December 31, 1989, as a noncontributory justice or engaged after December 31, 1989, as a
30 contributory justice, the annual benefit adjustment provided in any calendar year under this section
31 for adjustments on and after January 1, 2016, and subject to subsection (e)(2) below, shall be equal
32 to (A) multiplied by (B):

33 (A) Shall equal the sum of fifty percent (50%) of (I) plus fifty percent (50%) of (II) where:

34 (I) Is equal to the percentage determined by subtracting five and one-half percent (5.5%)

1 (the “subtrahend”) from the five-year average investment return of the retirement system
2 determined as of the last day of the plan year preceding the calendar year in which the adjustment
3 is granted, said percentage not to exceed four percent (4%) and not to be less than zero percent
4 (0%). The “five-year average investment return” shall mean the average of the investment returns
5 of the most recent five (5) plan years as determined by the retirement board. In the event the
6 retirement board adjusts the actuarially assumed rate of return for the system, either upward or
7 downward, the subtrahend shall be adjusted either upward or downward in the same amount.

8 (II) Is equal to the lesser of three percent (3%) or the percentage increase in the Consumer
9 Price Index for all Urban Consumers (CPI-U) as published by the United States Department of
10 Labor Statistics determined as of September 30 of the prior calendar year. In no event shall the sum
11 of (I) plus (II) exceed three and one-half percent (3.5%) or be less than zero percent (0%).

12 (B) Is equal to the lesser of either the justice’s retirement allowance or the first twenty-five
13 thousand eight hundred and fifty-five dollars (\$25,855) of retirement allowance, such amount to be
14 indexed annually in the same percentage as determined under subsection (e)(1)(ii)(A) above.

15 The benefit adjustments provided by this subsection (e)(1)(ii) shall be provided to all
16 retirees entitled to receive a benefit adjustment as of June 30, 2012, under the law then in effect,
17 and for all other retirees the benefit adjustments shall commence upon the third anniversary of the
18 date of retirement or the date on which the retiree reaches his or her Social Security retirement age,
19 whichever is later.

20 (2) Except as provided in subsection (e)(3), the benefit adjustments under subsection
21 (e)(1)(ii) for any plan year shall be suspended in their entirety unless the funded ratio of the
22 employees’ retirement system of Rhode Island, the judicial retirement benefits trust, and the state
23 police retirement benefits trust, calculated by the system’s actuary on an aggregate basis, exceeds
24 eighty percent (80%) in which event the benefit adjustment will be reinstated for all justices for
25 such plan year. [Effective July 1, 2024, the funded ratio of the employees’ retirement system of
26 Rhode Island, the judicial retirement benefits trust, and the state police retirement benefits trust,
27 calculated by the system’s actuary on an aggregate basis, of exceeding eighty percent \(80%\) for the
28 benefit adjustment to be reinstated for all members for such plan year shall be replaced with
29 seventy-five percent \(75%\).](#)

30 In determining whether a funding level under this subsection (e)(2) has been achieved, the
31 actuary shall calculate the funding percentage after taking into account the reinstatement of any
32 current or future benefit adjustment provided under this section.

33 (3) Notwithstanding subsection (e)(2), in each fourth plan year commencing after June 30,
34 2012, commencing with the plan year ending June 30, 2016, and subsequently at intervals of four

1 plan years: (i) A benefit adjustment shall be calculated and made in accordance with subsection
2 (e)(1)(ii) above; and (ii) Effective for members and/or beneficiaries of members who retired on or
3 before June 30, 2015, the dollar amount in subsection (e)(1)(ii)(B) of twenty-five thousand eight
4 hundred and fifty-five dollars (\$25,855) shall be replaced with thirty-one thousand and twenty-six
5 dollars (\$31,026) until the funded ratio of the employees' retirement system of Rhode Island, the
6 judicial retirement benefits trust, and the state police retirement benefits trust, calculated by the
7 system's actuary on an aggregate basis, exceeds eighty percent (80%). Effective July 1, 2024, the
8 funded ratio of the employees' retirement system of Rhode Island, the judicial retirement benefits
9 trust, and the state police retirement benefits trust, calculated by the system's actuary on an
10 aggregate basis, of exceeding eighty percent (80%) shall be replaced with seventy-five percent
11 (75%).

12 (4) Effective for members and/or beneficiaries of members who have retired on or before
13 July 1, 2015, a one-time stipend of five hundred dollars (\$500) shall be payable within sixty (60)
14 days following the enactment of the legislation implementing this provision, and a second one-time
15 stipend of five hundred dollars (\$500) in the same month of the following year. These stipends
16 shall be payable to all retired members or beneficiaries receiving a benefit as of the applicable
17 payment date and shall not be considered cost of living adjustments under the prior provisions of
18 this section.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION
COURT

1 This act would amend a provision in the general laws relative to additional benefits payable
2 to retired judges and their surviving spouses to add judges of the Rhode Island workers'
3 compensation court to the current list of judicial officers in the supreme, superior, family and
4 district courts, who will receive a cost-of-living allowance when the funded ratio of the employees'
5 retirement system, the judicial retirement benefits trust, and the state police retirement benefits trust
6 reaches seventy-five percent (75%).

7 This act would take effect upon passage.

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