

2012 -- H 7875

=====  
LC01070  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————  
A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM -  
CONTRIBUTION AND BENEFITS

Introduced By: Representatives Morgan, Reilly, Ehrhardt, and Newberry

Date Introduced: March 01, 2012

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 36-10-36 of the General Laws in Chapter 36-10 entitled  
2 "Retirement System-Contributions and Benefits" is hereby amended to read as follows:

3 **36-10-36. Post retirement employment.** -- (a) On and after July 7, 1994, no member  
4 who has retired under the provisions of titles 16, 36, or 45 may be employed or reemployed by  
5 any state agency or department unless any and all retirement benefits to which he or she may be  
6 entitled by virtue of the provisions of titles 16, 36 or 45 are suspended for the duration of any  
7 employment or reemployment, and no retirement allowance or benefits shall be collected during  
8 such period of employment or reemployment. No additional service credits shall be granted for  
9 any post-retirement employment or reemployment and no deductions shall be taken from an  
10 individual's salary for retirement contribution. Notice of any such post-retirement employment or  
11 reemployment shall be sent monthly to the retirement board by the employing agency or  
12 department and by the retired member.

13 (b) Any member who has retired under the provisions of titles 16, 36, or 45 may be  
14 employed or reemployed by any municipality within the state, which municipality has accepted  
15 the provisions of chapter 21 of title 45 and which participates in the municipal employees'  
16 retirement system for a period of not more than seventy-five (75) working days or one hundred  
17 fifty (150) half days with half day pay in any one calendar year ~~without any forfeiture of or~~  
18 ~~reduction of any retirement benefits and allowances the member is receiving or may receive as a~~

1 ~~retired member~~. Pension payments and retirement allowance shall be suspended ~~whenever this~~  
2 ~~period is exceeded~~ during this period of employment. No additional contributions shall be taken  
3 and no additional service credits shall be granted for this service. Notice of this employment or  
4 re-employment shall be sent monthly to the retirement board by the employer and by the retired  
5 member.

6 (c) Any member who has retired under the provisions of title 16, 36, or 45 may be  
7 employed or re-employed by any municipality within the state which has not accepted the  
8 provisions of chapter 21 of title 45 and which does not participate in the municipal employees'  
9 retirement system. Provided, that if said employee is working for at least twenty (20) hours per  
10 week in a position with the municipality the employee shall not be eligible to receive the  
11 retirement allowance for service during the period the person is so employed. Provided, further,  
12 no additional service credits shall be granted for such employment.

13 (d) Notwithstanding the provisions of this section:

14 (1) Any retired member of the system shall be permitted to serve as an elected mayor,  
15 the town administrator, the city administrator, the town manager, the city manager, the chief  
16 administrative officer or the chief executive officer of any city or town, city or town council  
17 member, school committee member, or unpaid member of any part-time state board or  
18 commission or member of any part-time municipal board or commission, ~~and shall continue to be~~  
19 ; provided, that during the period of such service that retired member shall not be eligible ~~for and~~  
20 to receive the retirement allowance for service other than that as a mayor, administrator, council  
21 member, school committee member, or member of any state board or commission or member of  
22 any part-time municipal board or commission; provided, however, that no additional service  
23 credits shall be granted for any service under this subsection;

24 (2) Any retired member who retired from service at any state college, university, state  
25 school, or who retired from service as a teacher under the provisions of title 16, or who retired  
26 from service under title 36 or title 45, may be employed or reemployed, on a part-time basis, by  
27 any state college, university or state school for the purpose of providing classroom instruction,  
28 academic advising of students and/or coaching. Compensation shall be provided at a level not to  
29 exceed the salary provided to other faculty members employed under a collective bargaining  
30 agreement at the institution. In no event shall "part-time" mean gross pay of more than fifteen  
31 thousand dollars (\$15,000) in any one calendar year. Any retired member who provides such  
32 instruction or service shall ~~do so without forfeiture or reduction of~~ not receive any retirement  
33 benefit or allowance during the period of such part-time employment.; ~~and provided, however,~~  
34 ~~that no~~ No additional service credits shall be granted for any service under this subsection;

1 (3) Any retired member who retired from service as a teacher under the provisions of  
2 title 16, or as a state employee who while an active state employee was certified to teach driver  
3 education by the department of elementary and secondary education or by the board of governors  
4 for higher education, may be employed or reemployed, on a part-time basis, by the department of  
5 elementary and secondary education or by the board of governors for higher education for the  
6 purpose of providing classroom instruction in driver education courses in accordance with section  
7 31-10-19 and/or motorcycle driver education courses in accordance with section 31-10.1-1.1. In  
8 no event shall "part-time" mean gross pay of more than fifteen thousand dollars (\$15,000) in any  
9 one calendar year. Any retired teacher who provides that instruction shall ~~do so without forfeiture~~  
10 ~~or reduction of~~ not receive any retirement benefit or allowance ~~the retired teacher is receiving as a~~  
11 ~~retired teacher~~ during the period of such part-time employment; provided, however, that no  
12 additional service credits shall be granted for any service under this subsection; and

13 (4) No retired member who has retired from employment with the state of Rhode  
14 Island, or from any subdivision or entity thereof, including, but not limited to, a Rhode  
15 Island public corporation or a quasi-public corporation, or from a city, town, fire district, or  
16 any other governmental entity of the state, shall collect any retirement benefit or allowance  
17 after the employee's retirement during any period when said employee is working for a  
18 period of twenty (20) hours or more for an entity whose employees are part of the  
19 employees' retirement system of Rhode Island as defined in chapter 36-8 and/or the  
20 municipal employees' retirement system of Rhode Island as defined in chapter 45-21, or any  
21 plan established by a municipality that has filed for bankruptcy protection pursuant to  
22 chapter 9 of title 11 of the United States Code, or a plan established by a municipality for which a  
23 receiver has been appointed pursuant to chapter 45-9, or a plan established by a municipality for  
24 which a fiscal overseer has been appointed pursuant to chapter 45-9, or any locally administered  
25 plan as defined in chapter 45-64, or any other municipal retirement plan. Any such employee may  
26 accrue additional service credits for any post-retirement employment or reemployment under any  
27 plan existing with respect to any such post-retirement employment or reemployment.

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

=====  
LC01070  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM -  
CONTRIBUTION AND BENEFITS

\*\*\*

- 1           This act would prevent retirees moving from state to municipal employment or vice versa
- 2           from accumulating pension credits in more than one system.
- 3           This act would take effect upon passage.

=====  
LC01070  
=====