

2012 -- S 2452

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LC01451  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO RETIREMENT -- TOWNS AND CITIES

Introduced By: Senator Beatrice A. Lanzi

Date Introduced: February 16, 2012

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 45-21.2-5 of the General Laws in Chapter 45-21.2 entitled  
2 "Optional Retirement for Members of Police Force and Fire Fighters" is hereby amended to read  
3 as follows:

4           **45-21.2-5. Retirement on service allowance.** -- (a) Retirement of a member on a service  
5 retirement allowance for members eligible to retire on or before June 30, 2012 shall be made,  
6 subject to paragraph (a)(11) below, by the retirement board as follows:

7           (1) Any member who has attained or attains age seventy (70) shall be retired as stated in  
8 section 45-21-16 subject to the discretions contained in that section; provided, that any member  
9 who is a member of the Woonsocket fire department who has attained or attains an age of sixty-  
10 five (65) years shall be retired. Retirement occurs on the first day of the next succeeding calendar  
11 month in which the member has attained the age of sixty-five (65) years.

12           (2) Any member may retire pursuant to this subdivision upon written application to the  
13 board stating at what time the member desires to retire; provided, that the member at the specified  
14 time for retirement has attained an age of fifty-five (55) years and has completed at least ten (10)  
15 years of total service, and notwithstanding that the member may have separated from service.

16           (3) Any member may retire pursuant to this subdivision upon written application to the  
17 board stating at what time the member desires to retire; provided, that the member at the specified  
18 time for retirement has completed at least twenty-five (25) years of total service, and  
19 notwithstanding that the member may have separated from service.

1 (4) Any member may retire pursuant to this subdivision upon written application to the  
2 board stating at what time the member desires to retire; provided, that the member at the specified  
3 time for retirement has attained an age of fifty (50) years and has completed at least twenty (20)  
4 years of total service, notwithstanding that the member may have separated from service;  
5 provided, that the service retirement allowance, as determined according to the formula provided  
6 in section 45-21.2-6, is reduced one-half of one percent ( 1/2%) for each month that the age of the  
7 member is less than fifty-five (55) years.

8 (5) Any member of the South Kingstown police department may retire pursuant to this  
9 subdivision upon written application to the board stating at what time the member desires to  
10 retire; provided, that the member at the specified time for retirement has earned a service  
11 retirement allowance of fifty percent (50%) of final compensation pursuant to section 45-21.2-  
12 6.1.

13 (6) Any member of the Johnston police department may retire pursuant to this  
14 subdivision upon written application to the board stating at what time the member desires to  
15 retire; provided, that the member at the specified time for retirement has earned a service  
16 retirement allowance of fifty percent (50%) of final compensation pursuant to section 45-21.2-  
17 6.2.

18 (7) Any member of the Cranston fire department hired after July 1, 1995, or any member  
19 of the Cranston fire department with five (5) years or less of service effective July 1, 1995, may  
20 retire pursuant to this subdivision upon written application to the board stating at what time the  
21 member desires to retire; provided, that the member at the specified time for retirement has  
22 earned a service retirement allowance of fifty percent (50%) of final compensation for at least  
23 twenty (20) years service; final compensation for Cranston fire department members is based on  
24 the compensation components of weekly salary, longevity and holidays with longevity of the  
25 members highest year of earnings and members shall receive a three percent (3%) escalation of  
26 their pension payment compounded each year on January 1st following the year of retirement and  
27 continuing on an annual basis on that date; further, any illness or injury not covered in title 45 of  
28 the general laws relating to the presumption of disability is governed by the collective bargaining  
29 agreement between the City of Cranston and members of the Cranston fire department.

30 (8) Any member of the Cranston police department hired after July 1, 1995, or any  
31 member of the Cranston police department with five (5) years or less of service effective July 1,  
32 1995, may retire pursuant to this subdivision upon written application to the board stating at what  
33 time the member desires to retire; provided, that the member at the specified time for retirement  
34 has earned a service retirement allowance of fifty percent (50%) of final compensation for at least

1 twenty (20) years service; final compensation for Cranston police department members is based  
2 on the compensation components of weekly salary, longevity and holidays with longevity of the  
3 members highest year of earnings and members shall receive a three percent (3%) escalation of  
4 their pension payment compounded each year on January 1st following the year of retirement and  
5 continuing on an annual basis on that date; further, any illness or injury not covered in title 45 of  
6 the general laws relating to the presumption of disability is governed by the collective bargaining  
7 agreement between the City of Cranston and members of the Cranston police department.

8 (9) Any member of the Hopkinton police department may retire pursuant to this  
9 subdivision upon written application to the board stating at what time the member desires to  
10 retire; provided, that the member at the specified time for retirement has earned a service  
11 retirement allowance of fifty percent (50%) of final compensation for at least twenty (20) years  
12 service; final compensation for Hopkinton police department members is based on the  
13 compensation components of weekly salary, longevity and holidays with longevity of the  
14 members highest year of earnings and members shall receive a three percent (3%) escalation of  
15 their pension payment compounded each year on January 1st following the year of retirement and  
16 continuing on an annual basis on that date.

17 (10) Any member of the Richmond police department may retire pursuant to this  
18 subdivision upon written application to the board stating at what time the member desires to  
19 retire; provided, that the member at the specified time for retirement has earned a service  
20 retirement allowance of fifty percent (50%) of final compensation for at least twenty-two (22)  
21 years' service pursuant to section 45-21.2-6.3.

22 (11) Notwithstanding any provision in this section to the contrary, for any service on or  
23 after July 1, 2012, final compensation shall be defined in accordance with section 45-21.2-2, and  
24 no benefit adjustments shall be provided except as set forth in subsection 45-21-52(c).

25 (b) Retirement of a member on a service retirement allowance eligible to retire on and  
26 after July 1, 2012 shall be made by the retirement board as follows:

27 (1) Any member may retire pursuant to this subdivision upon written application to the  
28 board stating at what time the member desires to retire; provided, that the member at the specified  
29 time for retirement attained the age of at least fifty-five (55) years and has completed at least  
30 twenty-five (25) years of total service, and notwithstanding that the member may have separated  
31 from service.

32 (2) Any member with contributory service on or after July 1, 2012, who has completed at  
33 least five (5) years of contributory service but who has not completed twenty-five (25) years of  
34 service, shall be eligible to retire ~~upon the attainment of the member's Social Security retirement~~

1 ~~age;~~ however, the member shall not be able to collect the pension until the member has reached  
2 his or her social security retirement age or the age sixty-seven (67) years, whichever comes first.

3 (3) If a member had ten (10) or more years of contributory service and attained age  
4 forty-five (45) prior to July 1, 2012 and would have been eligible to retire at or prior to age fifty-  
5 two (52) in accordance with the rules in effect prior to July 1, 2012, the member may retire upon  
6 attainment of age fifty-two (52).

7 (4) A member who has completed twenty (20) or more years of total service who has  
8 attained an age within five (5) years of the eligible retirement age under subparagraphs (b)(1) or  
9 (b)(2) above, may elect to retire provided that the retirement allowance shall be reduced  
10 actuarially for each month that the age of the member is less than the eligible retirement age  
11 under subparagraphs (b)(1) or (b)(2) above.

12 (5) Notwithstanding any other provisions of this section, a member on June 30, 2012,  
13 may elect to retire at his or her eligible retirement date as determined under the rules in effect on  
14 June 30, 2012 provided that a member making an election under this paragraph shall receive the  
15 member's retirement benefit determined and calculated based on the member's service and final  
16 compensation as of June 30, 2012. This provision shall be interpreted and administered in a  
17 manner to protect a member's accrued benefit on June 30, 2012.

18 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 RETIREMENT -- TOWNS AND CITIES

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1           This act would provide that police and fire fighters who meet certain requirements could  
2 retire, but would not be able to collect a pension until the member reached his or her social  
3 security retirement age or age 67, whichever would come first.

4           This act would take effect upon passage.

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