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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

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

Introduced By: Representatives Morgan, Chippendale, Trillo, Giarrusso, and Costa

Date Introduced: February 07, 2013

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) Any retired member who retired from service as a registered nurse may be employed
14 or reemployed, on a per diem basis, for the purpose of providing professional nursing care and/or
15 services at a state operated facility in Rhode Island. In no event shall "part-time" mean gross pay
16 of more than twelve thousand dollars (\$12,000) in any one calendar year. Any retired nurse who
17 provides such care and/or services shall do so without forfeiture or reduction of any retirement
18 benefit or allowance the retired nurse is receiving as a retired nurse; provided, however, that no
19 additional service credits shall be granted for any service under this subsection.

20 (5) Any retired member who at the time of passage of this section serves as a general
21 magistrate within the family court and thereafter retires from judicial service, may be employed
22 or reemployed by the family court to perform such services as a general magistrate of the family
23 court as the chief judge of the family court shall prescribe, without any forfeiture of or reduction
24 of any retirement benefits and allowances that he or she is receiving or may receive. For any such
25 services or assignments performed after retirement, the general magistrate shall receive no
26 compensation whatsoever, either monetary or in kind. No additional contributions shall be taken
27 and no additional service credits shall be granted for this service.

28 (6) No retired member who has retired from employment with the state of Rhode
29 Island, or from any subdivision or entity thereof, including, but not limited to, a Rhode
30 Island public corporation or a quasi-public corporation, or from a city, town, fire district, or
31 any other governmental entity of the state, shall collect any retirement benefit or allowance
32 after the employee's retirement during any period when said employee is working for a
33 period of twenty (20) hours or more for an entity whose employees are part of the
34 employees' retirement system of Rhode Island as defined in chapter 36-8 and/or the

1 municipal employees' retirement system of Rhode Island as defined in chapter 45-21, or any
2 plan established by a municipality that has filed for bankruptcy protection pursuant to
3 chapter 9 of title 11 of the United States Code, or a plan established by a municipality for which a
4 receiver has been appointed pursuant to chapter 45-9, or a plan established by a municipality for
5 which a fiscal overseer has been appointed pursuant to chapter 45-9, or any locally administered
6 plan as defined in chapter 45-64, or any other municipal retirement plan. Any such employee may
7 accrue additional service credits for any post-retirement employment or reemployment under any
8 plan existing with respect to any such post-retirement employment or reemployment.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 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.

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