

2013 -- H 5405

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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

Introduced By: Representative Thomas Winfield

Date Introduced: February 13, 2013

Referred To: House Finance

(by request)

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. No additional service credits shall be granted for any post-
8 retirement employment or reemployment and no deductions shall be taken from an individual's
9 salary for retirement contribution. Notice of any such post-retirement employment or
10 reemployment shall be sent monthly to the retirement board by the employing agency or
11 department and by the retired member.

12 (b) Any member who has retired under the provisions of titles 16, 36, or 45 may be
13 employed or reemployed by any municipality within the state, which municipality has accepted
14 the provisions of chapter 21 of title 45 and which participates in the municipal employees'
15 retirement system for a period of not more than seventy-five (75) working days or one hundred
16 fifty (150) half days with half day pay in any one calendar year without any forfeiture of or
17 reduction of any retirement benefits and allowances the member is receiving or may receive as a
18 retired member. Pension payments shall be suspended whenever this period is exceeded. No
19 additional contributions shall be taken and no additional service credits shall be granted for this

1 service. Notice of this employment or re-employment shall be sent monthly to the retirement
2 board by the employer and by the retired member.

3 (c) Any member who has retired under the provisions of title 16, 36, or 45 may be
4 employed or re-employed by any municipality within the state which has not accepted the
5 provisions of chapter 21 of title 45 and which does not participate in the municipal employees'
6 retirement system.

7 (d) Notwithstanding the provisions of this section:

8 (1) Any retired member of the system shall be permitted to serve as an elected mayor,
9 the town administrator, the city administrator, the town manager, the city manager, the chief
10 administrative officer or the chief executive officer of any city or town, city or town council
11 member, school committee member, or unpaid member of any part-time state board or
12 commission or member of any part-time municipal board or commission, and shall continue to be
13 eligible for and receive the retirement allowance for service other than that as a mayor,
14 administrator, council member, school committee member, or member of any state board or
15 commission or member of any part-time municipal board or commission; provided, however, that
16 no additional service credits shall be granted for any service under this subsection;

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

28 (3) Any retired member who retired from service as a teacher under the provisions of
29 title 16, or as a state employee who while an active state employee was certified to teach driver
30 education by the department of elementary and secondary education or by the board of governors
31 for higher education, may be employed or reemployed, on a part-time basis, by the department of
32 elementary and secondary education or by the board of governors for higher education for the
33 purpose of providing classroom instruction in driver education courses in accordance with section
34 31-10-19 and/or motorcycle driver education courses in accordance with section 31-10.1-1.1. In

1 no event shall "part-time" mean gross pay of more than ~~fifteen thousand dollars (\$15,000)~~
2 twenty-five thousand dollars (\$25,000) in any one calendar year. Any retired teacher who
3 provides that instruction shall do so without forfeiture or reduction of any retirement benefit or
4 allowance the retired teacher is receiving as a retired teacher; provided, however, that no
5 additional service credits shall be granted for any service under this subsection; and

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

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

21 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 increase the maximum amount a retired school teacher could earn as a
2 teacher on a part-time basis from fifteen thousand dollars (\$15,000) to twenty-five thousand
3 dollars (\$25,000) per year.

4 This act would take effect upon passage.

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