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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 LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION
COURT

Introduced By: Senators McCaffrey, and Lynch

Date Introduced: February 28, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 28-30-15, 28-30-15.1, 28-30-16 and 28-30-16.2 of the General
2 Laws in Chapter 28-30 entitled "Workers' Compensation Court" are hereby amended to read as
3 follows:

4 **28-30-15. Retirement of judges engaged on or before July 2, 1997, on reduced pay. --**

5 (a) Whenever any person engaged as a judge on or before July 2, 1997, has served as a workers'
6 compensation judge for twenty (20) years, or has so served for ten (10) years and has reached the
7 age of sixty-five (65) years, he or she may retire from active service and subsequently he or she
8 shall receive annually during life a sum equal to three-fourths (3/4) of the annual salary that he or
9 she was receiving at the time of retirement. In determining eligibility under this section, any
10 judge who has served as a general officer may include that service as if that service had been on
11 the workers' compensation court. Whenever a judge or magistrate shall be granted a leave of
12 absence without pay, such absence shall not be credited towards active service time for the
13 purposes of retirement.

14 (b) Any judge who retires in accordance with the provisions of this section may at his or
15 her own request and at the direction of the chief ~~judge~~ justice of the supreme court, subject to the
16 retiree's physical and mental competence, be assigned to perform any services that a judge on the
17 workers' compensation court as the chief judge prescribes. When so assigned and performing
18 those services, he or she shall have all the powers and authority of a judge. A retired judge shall

1 not be counted in the number of judges provided by law for the workers' compensation court.
2 Whenever a judge or magistrate shall be granted a leave of absence without pay, such absence
3 shall not be credited towards active service time for the purposes of retirement.

4 **28-30-15.1. Retirement of judges engaged after July 2, 1997.** -- (a) Whenever any
5 person first engaged as a judge:

6 (1) Subsequent to July 2, 1997 and prior to January 1, 2009, has served as a workers'
7 compensation judge for twenty (20) years, or has so served for ten (10) years and has reached the
8 age of sixty-five (65) years, he or she may retire from active service and subsequently he or she
9 shall receive annually during life a sum equal to three-fourths ($3/4$) of his or her average highest
10 three (3) consecutive years of compensation;

11 (2) On or after January 1, 2009 and prior to July 1, 2009, has served as a workers'
12 compensation judge for twenty (20) years or has so served for ten (10) years and reached the age
13 of sixty-five (65) years, he or she may retire from active service and subsequently he or she shall
14 receive annually during life a sum equal to seventy percent (70%) of his or her average highest
15 three (3) consecutive years or compensation.

16 (3) On or after July 1, 2009, has served as a workers' compensation judge for twenty (20)
17 years, or has served for ten (10) years, and reached the age of sixty-five (65) years, he or she may
18 retire from regular active service and thereafter said justice shall receive annually during his or
19 her life a sum equal to sixty-five (65%) percent of his or her average highest five (5) consecutive
20 years of compensation.

21 (b) In determining eligibility under this section, any judge who has served as a general
22 officer may include that service as if that service had been on the workers' compensation court.
23 Whenever a judge or magistrate shall be granted a leave of absence without pay, such absence
24 shall not be credited towards active service time for the purposes of retirement.

25 (c) Any judge who retires in accordance with the provisions of this section may at his or
26 her own request and at the direction of the chief ~~judge~~ justice of the supreme court subject to the
27 retiree's physical and mental competence, be assigned to perform those services that a judge on
28 the workers' compensation court as the chief judge prescribes. When so assigned and performing
29 those services, he or she shall have all the powers and authority of a judge. A retired judge shall
30 not be counted in the number of judges provided by law for the workers' compensation court.

31 **28-30-16. Retirement of judges engaged on or before July 2, 1997, on full pay.** -- (a)
32 Whenever any person engaged as a judge on or before July 2, 1997, has served as a workers'
33 compensation judge for twenty (20) years and has reached the age of sixty-five (65) years, or has
34 served for fifteen (15) years and reached the age of seventy (70) years, he or she may retire from

1 regular active service and subsequently he or she shall receive annually during his or her life a
2 sum equal to the annual salary he or she was receiving at the time of his or her retirement.
3 Whenever a judge or magistrate shall be granted a leave of absence without pay, such absence
4 shall not be credited towards active service time for the purposes of retirement.

5 (b) Any judge who retires in accordance with the provisions of this section shall at the
6 direction of the chief ~~judge~~ justice of the supreme court, subject to the retiree's physical and
7 mental competence, be assigned to perform those services that a judge as the chief judge
8 prescribes. When so assigned and performing that service, the retiree shall have all the powers
9 and authority of a judge. The retired judge shall not be counted in the number of judges provided
10 by law for the workers' compensation court.

11 **28-30-16.2. Retirement of judges engaged after July 2, 1997, on full pay.** -- (a)

12 Whenever any person first engaged as a judge:

13 (1) Subsequent to July 2, 1997 and prior to January 1, 2009, has served as a workers'
14 compensation judge for twenty (20) years and has reached the age of sixty-five (65) years, or has
15 served for fifteen (15) years and reached the age of seventy (70) years, he or she may retire from
16 regular active service and subsequently he or she shall receive annually during his or her life a
17 sum equal to his or her average highest three (3) consecutive years of compensation;

18 (2) On or after January 1, 2009 and prior to July 1, 2009 has served as a workers'
19 compensation judge for twenty (20) years and has reached the age of sixty-five (65) years, or has
20 served for fifteen (15) years and reached the age of seventy (70) years, he or she may retire from
21 regular active service and subsequently he or she shall receive annually during his or her life a
22 sum equal to ninety percent (90%) of his or her average highest three (3) consecutive years of
23 compensation.

24 (3) On or after July 1, 2009 has served as a workers' compensation judge for twenty (20)
25 years and has reached the age of sixty-five (65) years, or has served for fifteen (15) years and
26 reached the age of seventy (70) years, he or she may retire from regular active service and
27 subsequently he or she shall receive annually during his or her life a sum equal to eighty percent
28 (80%) of his or her average highest five (5) consecutive years of compensation.

29 (b) Whenever a judge or magistrate shall be granted a leave of absence without pay, such
30 absence shall not be credited towards active service time for the purposes of retirement.

31 (c) Any judge who retires in accordance with the provisions of this section shall at the
32 direction of the chief ~~judge~~ justice of the supreme court, subject to the retiree's physical and
33 mental competence be assigned to perform those services as a judge that the chief judge
34 prescribes. When so assigned and performing that service, the retiree shall have all the powers

1 and authority of a judge. The retired judge shall not be counted in the number of judges provided
2 by law for the workers' compensation court.

3 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 provide for the recall of a workers' compensation court judge by the chief
- 2 justice of the supreme court consistent with the recall provisions of all other state courts.
- 3 This act would take effect upon passage.

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