

2014 -- H 8151

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

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

Introduced By: Representatives DeSimone, Casey, Morin, Phillips, and Abney

Date Introduced: May 07, 2014

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. 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

1 additional contributions shall be taken and no additional service credits shall be granted for this  
2 service. Notice of this employment or re-employment shall be sent monthly to the retirement  
3 board by the employer and by the retired member.

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

8 (d) Notwithstanding the provisions of this section:

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

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

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

1 31-10-19 and/or motorcycle driver education courses in accordance with section 31-10.1-1.1. In  
2 no event shall "part-time" mean gross pay of more than fifteen thousand dollars (\$15,000) in any  
3 one calendar year. Any retired teacher who provides that instruction shall do so without forfeiture  
4 or reduction of any retirement benefit or allowance the retired teacher is receiving as a retired  
5 teacher; provided, however, that no additional service credits shall be granted for any service  
6 under this subsection; ~~and~~

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

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

22 (6) Any retired member of the system shall be permitted to serve as a municipal  
23 employee and continue to be eligible for and receive the retirement allowance for service other  
24 than as a municipal employee; provided that said municipal employee shall be appointed by and  
25 serves at the pleasure of the highest elected chief executive officer, as defined in § 45-9-2,  
26 including an elected mayor, the town or city council, or president of a city or town council in any  
27 city or town subject to the provisions of chapter 9 of title 45 entitled "Budget Commissions"  
28 relating to the appointment of a fiscal overseer, budget commission, receiver and/or financial  
29 advisor. Provided further, that no additional service credits shall be granted for any service under  
30 this subsection.

31 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 allow retired state and municipal employees to continue receipt of their  
2 retirement benefits provided that their appointment is by the highest ranking elected municipal  
3 official in a city or town placed under the control of a fiscal overseer, budget commission,  
4 receiver and/or financial advisor.

5           This act would take effect upon passage.

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