

2014 -- H 8317

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LC005914  
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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 TOWNS AND CITIES -- RETIREMENT OF MUNICIPAL EMPLOYEES --  
TOWN OF MIDDLETOWN

Introduced By: Representatives Ruggiero, Finn, and Abney

Date Introduced: June 12, 2014

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 45-21-8 of the General Laws in Chapter 45-21 entitled "Retirement  
2 of Municipal Employees" is hereby amended to read as follows:

3           **45-21-8. Membership in system.** -- Membership in the retirement system does not begin  
4 before the effective date of participation in the system as provided in ~~section~~ §45-21-4, and  
5 consists of the following:

6           (a) Any employee of a participating municipality as defined in this chapter, who  
7 becomes an employee on and after the effective date of participation, shall, under contract of his  
8 or her employment, become a member of the retirement system; provided, that the employee is  
9 not receiving any pension or retirement allowance from any other pension or retirement system  
10 supported wholly or in part by a participating municipality, and is not a contributor to any other  
11 pension or retirement system of a participating municipality. Any employee who is elected to an  
12 office in the service of a municipality after the effective date and prior to July 1, 2012, has the  
13 option of becoming a member of the system, which option must be exercised within sixty (60)  
14 days following the date the employee assumes the duties of his or her office, otherwise that  
15 person is not entitled to participate under the provisions of this section;

16           (b) Any employee or elected official of a participating municipality in service prior to  
17 the effective date of participation, who is not a member of any other pension or retirement system  
18 supported wholly or in part by a participating municipality, and who does not notify the

1 retirement board in writing before the expiration of sixty (60) days from the effective date of  
2 participation that he or she does not wish to join the system, shall automatically become a  
3 member; and

4 (c) Any employee of a participating municipality in service prior to the effective date of  
5 participation, who is a member of any other pension or retirement system supported wholly or in  
6 part by a participating municipality on the effective date of participation of their municipality,  
7 who then or thereafter makes written application to join this system, and waives and renounces all  
8 accrued rights and benefits of any other pension or retirement system supported wholly or in part  
9 by a participating municipality, becomes a member of this retirement system and shall not be  
10 required to make contribution under any other pension or retirement system of a participating  
11 municipality, anything to the contrary notwithstanding.

12 (d) Notwithstanding the provisions of this section, present firefighters employed by the  
13 town of Johnston shall establish a pension plan separate from the state of Rhode Island retirement  
14 system. If the town of Johnston is thirty (30) days or more late on employer or employee  
15 contributions to the pension plan, the auditor general is authorized to redirect any Johnston funds  
16 to cover the shortfall or to deduct that amount from any moneys due the town from the state for  
17 any purpose other than for education. Disability determinations of present firefighters shall be  
18 made by the state retirement board, subject to the provisions of ~~section~~ §45-21-19 at the town of  
19 Johnston's expense. All new firefighters hired by the town of Johnston shall become members of  
20 the state retirement system.

21 (e) Notwithstanding the provisions of this section, any ~~C~~city of Cranston employees,  
22 who are presently members of Teamsters Local Union No. 251, hired between the dates of July 1,  
23 2005 and June 30, 2010 inclusive and who are currently members of the retirement system  
24 established by this chapter, may opt out of said retirement system and choose to enroll in a  
25 defined contribution plan (i.e., a 403 (b) plan or equivalent thereof) established by the ~~C~~city of  
26 Cranston.

27 (f) Notwithstanding the provisions of this section, any ~~C~~city of Cranston employees, who  
28 are presently members of the Laborers International Union of North America Local 1322 hired  
29 between the dates of July 1, 2008 and June 30, 2013 inclusive and who are currently members of  
30 the retirement system established by this chapter, may opt out of said retirement system and  
31 choose to enroll in a defined contribution plan (i.e., a 403(b) plan or equivalent thereof)  
32 established by the ~~C~~city of Cranston.

33 (g) Notwithstanding the provisions of this section, any ~~C~~city of Cranston employees,  
34 who will be members of Teamsters Local Union No. 251, hired after June 30, 2010 shall be

1 enrolled in a defined contribution plan (i.e., a 403 (b) plan or equivalent thereof) established by  
2 the ~~C~~city of Cranston and shall not be a member of the retirement system established by this  
3 chapter.

4 (h) Notwithstanding the provisions of this section, any ~~C~~city of Cranston employees,  
5 who are presently members of the Laborers International Union of North America Local 1322  
6 hired after April 23, 2013 shall be enrolled in a defined contribution plan (i.e., 403(b) plan or  
7 equivalent thereof) established by the ~~C~~city of Cranston and shall not be a member of the  
8 retirement system established by this chapter.

9 (i) Notwithstanding the provisions of this section, any ~~C~~city of Cranston employees  
10 defined in (e) and (f) of this section shall be precluded from purchase of service credit for time  
11 served on or after July 1, 2010 while participating in the defined contribution plan (i.e., a 403 (b)  
12 plan or equivalent thereof) established by the ~~C~~city of Cranston should the member cease  
13 employment with the ~~C~~city of Cranston or Teamsters Local Union No. 251 and re-enter the  
14 system with another participating employer who has accepted the provisions, as defined, in  
15 ~~section~~ [§45-21-4](#).

16 (j) Notwithstanding the provisions of this section, any town of Middletown employees,  
17 who will be members of the Teamsters Local Union No. 251 bargaining unit, hired after June 30,  
18 2012, and any town of Middletown employees who are employed as full-time civilian  
19 dispatchers, hired after June 30, 2012, and any town of Middletown employees who are not  
20 affiliated with any recognized collective bargaining representative or union, hired after June 30,  
21 2012, shall be enrolled in a defined contribution plan (i.e., a 403(b) plan or equivalent thereof)  
22 established by the town of Middletown and shall not be members of the retirement system  
23 established by this chapter. Said town of Middletown employees defined herein shall be  
24 precluded from the purchase of service credit for time served on or after July 1, 2012 while  
25 participating in the defined contribution plan (i.e., a 403(b) plan or equivalent thereof) established  
26 by the town of Middletown should the member cease employment with the town of Middletown  
27 or in the Teamsters Local Union No. 251 bargaining unit and re-enter the system with any  
28 participating employer who has accepted the provisions, as defined in ~~section~~ [§45-21-4](#).

29 (k) Notwithstanding the provisions of this section, any town of Middletown employees,  
30 who will be members of the Middletown Municipal Employees Association NEARI Local 869  
31 bargaining unit, hired after June 30, 2012, shall be enrolled in a defined contribution plan (i.e., a  
32 403(b) plan or equivalent thereof) established by the town of Middletown and shall not be  
33 members of the retirement system established by this chapter. Said town of Middletown  
34 employees defined herein shall be precluded from the purchase of service credit for time served

1 on or after July 1, 2012 while participating in the defined contribution plan (i.e., a 403(b) plan or  
2 equivalent thereof) established by the town of Middletown should the member cease employment  
3 with the town of Middletown or in the Middletown Municipal Employees Association NEARI  
4 Local 869 bargaining unit and re-enter the system with any participating employer who has  
5 accepted the provisions, as defined in ~~section~~ §45-21-4.

6 (l) Notwithstanding the provisions of this section, any Cranston public school  
7 employees, who will be members of National Association of Government Employees (NAGE),  
8 Local RI-153, hired after June 30, 2012 shall be enrolled in a defined contribution plan (i.e., a  
9 401(a) plan or equivalent thereof) established by the Cranston school department and shall not be  
10 a member of the retirement system established by this chapter.

11 (m) Notwithstanding the provisions of this section, any Cranston public school  
12 employees defined in subsection (h) shall be precluded from the purchase of service credit for  
13 time served on or after July 1, 2012, while participating in the defined contribution plan (i.e., a  
14 401(a) plan or equivalent thereof) established by the Cranston public schools, should the member  
15 cease employment with the Cranston public schools or National Association of Government  
16 Employees (NAGE), Local RI-153 and re-enter the system with another participating employer  
17 who has accepted the provisions, as defined, in ~~section~~ §45-21-4.

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 TOWNS AND CITIES -- RETIREMENT OF MUNICIPAL EMPLOYEES --  
TOWN OF MIDDLETOWN

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1           This act would provide that town of Middletown employees employed as full-time  
2 civilian dispatchers, and town of Middletown employees not affiliated with any recognized  
3 collective bargaining representative or union, hired after June 30, 2012, would be enrolled in a  
4 defined contribution plan (403(b) or equivalent thereof) established by the town of Middletown in  
5 lieu of the state municipal employees' retirement plan.

6           This act would take effect upon passage.

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