

2020 -- S 2807

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LC004994  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO TOWNS AND CITIES -- RETIREMENT OF STATE AND MUNICIPAL  
EMPLOYEES

Introduced By: Senators Ciccone, Lombardi, Lawson, and Lombardo

Date Introduced: March 12, 2020

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-21-54 of the General Laws in Chapter 45-21 entitled "Retirement  
2 of Municipal Employees" is hereby amended to read as follows:

3 **45-21-54. Reemployment of retired members.**

4 Any retired member of the system is permitted to reenter the service of the system for not  
5 more than ~~seventy five (75) working days in a calendar year~~ twenty hours (20 hrs.) per week  
6 without interruption of pension benefits. Pension payments, however, are suspended when that  
7 period is exceeded. If the retired member continues in service ~~beyond the seventy five (75) day~~  
8 ~~period~~ in excess of twenty (20) hours per week (with his annuity temporarily suspended) the  
9 member is not eligible for pension credit for the additional service, nor is the member required to  
10 make pension contributions for this service; provided, that any retired member of the system is  
11 permitted to serve as an elected city or town council member or school committee member and  
12 continues to be eligible for and receive the retirement allowance for service other than that as a  
13 council member or school committee member.

14 SECTION 2. Section 36-10-36 of the General Laws in Chapter 36-10 entitled "Retirement  
15 System - Contributions and Benefits" is hereby amended to read as follows:

16 **36-10-36. Post-retirement employment.**

17 (a) On and after July 7, 1994, no member who has retired under the provisions of titles 16,  
18 36, or 45 may be employed or reemployed by any state agency or department unless any and all

1 retirement benefits to which he or she may be entitled by virtue of the provisions of titles 16, 36,  
2 or 45 are suspended for the duration of any employment or reemployment. No additional service  
3 credits shall be granted for any post-retirement employment or reemployment and no deductions  
4 shall be taken from an individual's salary for retirement contribution. Notice of any such post-  
5 retirement employment or reemployment shall be sent monthly to the retirement board by the  
6 employing agency or department and by the retired member.

7 (b) Any member who has retired under the provisions of titles 16, 36, or 45 may be  
8 employed or reemployed by any municipality within the state that has accepted the provisions of  
9 chapter 21 of title 45 and participates in the municipal employees' retirement system for a period  
10 of not more than ~~seventy five (75) working days or one hundred fifty (150) half days with half day~~  
11 ~~pay in any one calendar year~~ twenty (20) hours per week without any forfeiture or reduction of any  
12 retirement benefits and allowances the member is receiving, or may receive, as a retired member.  
13 Pension payments shall be suspended whenever this period is exceeded. No additional contributions  
14 shall be taken, and no additional service credits shall be granted, for this service. Notice of this  
15 employment or reemployment shall be sent monthly to the retirement board by the employer and  
16 by the retired member.

17 (c) Any member who has retired under the provisions of title 16, 36, or 45 may be employed  
18 or reemployed by any municipality within the state that has not accepted the provisions of chapter  
19 21 of title 45 and that does not participate in the municipal employees' retirement system.

20 (d) Notwithstanding the provisions of this section:

21 (1) Any retired member of the system shall be permitted to serve as an elected mayor, the  
22 town administrator, the city administrator, the town manager, the city manager, the chief  
23 administrative officer, or the chief executive officer of any city or town, city or town council  
24 member, school committee member, or unpaid member of any part-time state board or commission  
25 or member of any part-time municipal board or commission, and shall continue to be eligible for,  
26 and receive, the retirement allowance for service other than that as a mayor, administrator, council  
27 member, school committee member, or member of any state board or commission or member of  
28 any part-time municipal board or commission; provided, however, that no additional service credits  
29 shall be granted for any service under this subsection;

30 (2) Any retired member, who retired from service at any state college, university, state  
31 school, or who retired from service as a teacher under the provisions of title 16, or who retired from  
32 service under title 36 or title 45, may be employed or reemployed, on a part-time basis, by any state  
33 college, university, or state school for the purpose of providing classroom instruction, academic  
34 advising of students, and/or coaching. Compensation shall be provided at a level not to exceed the

1 salary provided to other faculty members employed under a collective bargaining agreement at the  
2 institution. In no event shall "part-time" mean gross pay of more than eighteen thousand dollars  
3 (\$18,000) in any one calendar year. Any retired member who provides such instruction or service  
4 shall do so without forfeiture or reduction of any retirement benefit or allowance; provided,  
5 however, that no additional service credits shall be granted for any service under this subsection;

6 (3) Any retired member who retired from service as a teacher under the provisions of title  
7 16, or as a state employee who, while an active state employee, was certified to teach driver  
8 education by the department of elementary and secondary education or by the board of governors  
9 for higher education, may be employed or reemployed, on a part-time basis, by the department of  
10 elementary and secondary education or by the board of governors of higher education for the  
11 purpose of providing classroom instruction in driver education courses in accordance with § 31-  
12 10-19 and/or motorcycle driver education courses in accordance with § 31-10.1-1.1. In no event  
13 shall "part-time" mean gross pay of more than fifteen thousand dollars (\$15,000) in any one  
14 calendar year. Any retired teacher who provides that instruction shall do so without forfeiture or  
15 reduction of any retirement benefit or allowance the retired teacher is receiving as a retired teacher;  
16 provided, however, that no additional service credits shall be granted for any service under this  
17 subsection;

18 (4) Any retired member who retired from service as a registered nurse may be employed  
19 or reemployed, on a per-diem basis, for the purpose of providing professional nursing care and/or  
20 services at a state-operated facility in Rhode Island, including employment as a faculty member of  
21 a nursing program at a state-operated college or university. In no event shall "part-time" mean gross  
22 pay of more than a period of seventy-five (75) working days or one hundred fifty (150) half days  
23 with half pay in any one calendar year. Any retired nurse who provides such care and/or services  
24 shall do so without forfeiture or reduction of any retirement benefit or allowance the retired nurse  
25 is receiving as a retired nurse; provided, however, that no additional service credits shall be granted  
26 for any service under this subsection. Pension payments shall be suspended whenever this period  
27 is exceeded. No additional contributions shall be taken and no additional service credits shall be  
28 granted for this service. Notice of this employment or reemployment shall be sent monthly to the  
29 retirement board by the employer and by the retired member;

30 (5) Any retired member who, at the time of passage of this section, serves as a general  
31 magistrate within the family court and thereafter retires from judicial service, may be employed or  
32 reemployed by the family court to perform such services as a general magistrate of the family court  
33 as the chief judge of the family court shall prescribe without any forfeiture or reduction of any  
34 retirement benefits and allowances that he or she is receiving or may receive. For any such services

1 or assignments performed after retirement, the general magistrate shall receive no compensation  
2 whatsoever, either monetary or in kind. No additional contributions shall be taken and no additional  
3 service credits shall be granted for this service; and

4 (6) Any retired member of the system shall be permitted to serve as a municipal employee  
5 without any forfeiture or reduction of any retirement benefits and allowances that he or she is  
6 receiving or may receive; provided, that said member shall be appointed by and serves at the  
7 pleasure of the highest elected chief executive officer, as defined in § 45-9-2, in any city or town  
8 subject to the provisions of chapter 9 of title 45 entitled "Budget Commissions" relating to the  
9 appointment of a fiscal overseer, budget commission, receiver, and/or financial advisor. Provided  
10 further, that no additional service credits shall be granted for any service under this subsection.

11 SECTION 3. 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 STATE AND MUNICIPAL  
EMPLOYEES

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- 1           This act would allow retired municipal and state employees to reenter the system for up to
- 2 twenty hours per week without interrupting their pension benefits.
- 3           This act would take effect upon passage.

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