

2021 -- H 5107

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

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

Introduced By: Representatives Ruggiero, Cortvriend, and Abney

Date Introduced: January 22, 2021

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.**

4 Membership in the retirement system does not begin before the effective date of
5 participation in the system as provided in § 45-21-4, 45-21.4-2, or 45-21.4-3 and consists of the
6 following:

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

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

1 supported wholly or in part by a participating municipality, and who does not notify the retirement
2 board in writing before the expiration of sixty (60) days from the effective date of participation that
3 he or she does not wish to join the system, shall automatically become a 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, who
7 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 any
17 purpose other than for education. Disability determinations of present firefighters shall be made by
18 the state retirement board, subject to the provisions of § 45-21-19, at the town of Johnston's
19 expense. All new firefighters hired by the town of Johnston shall become members of the state
20 retirement system.

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

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

32 (g) Notwithstanding the provisions of this section, any city of Cranston employees who
33 will be members of Teamsters Local Union No. 251, hired after June 30, 2010, shall be enrolled in
34 a defined contribution plan (i.e., a 403(b) plan or equivalent thereof) established by the city of

1 Cranston and shall not be a member of the retirement system established by this chapter.

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

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

13 (j) Notwithstanding the provisions of this section, any town of Middletown employees,
14 who will be members of the Teamsters Local Union No. 251 bargaining unit, hired after June 30,
15 2012, and any town of Middletown employees who are employed as full-time civilian dispatchers,
16 hired after June 30, 2012, and any town of Middletown employees who are not affiliated with any
17 recognized collective bargaining representative or union hired after June 30, 2012, shall be enrolled
18 in a defined contribution plan (i.e., a 403(b) plan or equivalent thereof) established by the town of
19 Middletown and shall not be members of the retirement system established by this chapter. Said
20 town of Middletown employees defined herein shall be precluded from the purchase of service
21 credit for time served on or after July 1, 2012, while participating in the defined contribution plan
22 (i.e., a 403(b) plan or equivalent thereof) established by the town of Middletown should the member
23 cease employment with the town of Middletown or in the Teamsters Local Union No. 251
24 bargaining unit and re-enter the system with any participating employer who has accepted the
25 provisions as defined in § 45-21-4.

26 (k) Notwithstanding the provisions of this section, any town of Middletown employees,
27 who will be members of the Middletown Municipal Employees Association NEARI Local 869
28 bargaining unit hired after June 30, 2012, shall be enrolled in a defined contribution plan (i.e., a
29 403(b) plan or equivalent thereof) established by the town of Middletown and shall not be members
30 of the retirement system established by this chapter. Said town of Middletown employees defined
31 herein shall be precluded from the purchase of service credit for time served on or after July 1,
32 2012, while participating in the defined contribution plan (i.e., a 403(b) plan or equivalent thereof)
33 established by the town of Middletown should the member cease employment with the town of
34 Middletown or in the Middletown Municipal Employees Association NEARI Local 869 bargaining

1 unit and re-enter the system with any participating employer who has accepted the provisions as
2 defined in § 45-21-4.

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

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

15 (n) Notwithstanding the provisions of this section, the chief of police for the city of
16 Cranston who was hired on or about September 2014, shall be enrolled in a defined contribution
17 plan (i.e., 401(a) plan or any equivalent thereof) established by the city of Cranston, and shall not
18 be a member of the retirement system established by this chapter.

19 (o) Notwithstanding the provisions of this section, any town of Middletown employees,
20 who will be members of the Middletown Fraternal Order of Police, Lodge #21, and hired as full-
21 time police officers after June 30, 2021, shall be enrolled in a defined contribution plan (i.e., a
22 401(a) plan or equivalent thereof) established by the town of Middletown and shall not be members
23 of the retirement system established by this chapter. Said town of Middletown employees defined
24 herein shall be precluded from the purchase of service credit for time served on or after July 1,
25 2021, while participating in the defined contribution plan (i.e., a 401(a) plan or equivalent thereof)
26 established by the town of Middletown, should the member cease employment with the town of
27 Middletown or in the Middletown Fraternal Order of Police, Lodge #21 bargaining unit and re-
28 enter the system with any participating employer who has accepted the provisions as defined in §
29 45-21-4.

30 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--
MIDDLETOWN MUNICIPAL EMPLOYEES RETIREMENT

1 This act would allow the town of Middletown to enroll its full-time police officers hired
2 on or after July 1, 2021, in a defined contribution plan established by the town and would prevent
3 newly hired police officers from becoming members of the retirement system.

4 This act would take effect upon passage.

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