

2023 -- H 5195

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO EDUCATION -- TEACHERS' RETIREMENT

Introduced By: Representatives McEntee, Caldwell, O'Brien, Dawson, Serpa, Phillips,  
Knight, Craven, and Morales

Date Introduced: January 19, 2023

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 16-16-8 of the General Laws in Chapter 16-16 entitled "Teachers'  
2 Retirement [See Title 16 Chapter 97 — The Rhode Island Board of Education Act]" is hereby  
3 amended to read as follows:

4           **16-16-8. Credit for service as a state or municipal employee.**

5           (a) Any member who shall have rendered service as a state employee as defined by the  
6 provisions of chapter 17 of this title and chapters 8 — 10 of title 36 or who shall have rendered  
7 service as an employee of a participating municipality, as defined by chapter 21 of title 45, shall be  
8 entitled to credit for his or her service for the various purposes of this system, provided the member  
9 shall have been a contributing member for that period. All contributions made by the member shall  
10 be transferred in toto to this system for the periods of service and the retirement system shall  
11 calculate the full actuarial value of the accrued benefit with the former employer. If the full actuarial  
12 value of the accrued benefit with the former employer is greater than the total employee  
13 contributions transferred, the retirement system shall also transfer the difference between full  
14 actuarial value of the accrued benefit with the former employer and the employee's contributions  
15 from the account of the former employer to the account of the current employer. In any case in  
16 which a member shall have received a refund or refunds of contributions made to the system, the  
17 allowance of the credit for service shall be conditioned upon the repayment of the full actuarial cost  
18 as defined in § 36-8-1(10). Any service as defined in this section for which no contributions were  
19 made may be granted provided the member pays to the retirement system the full actuarial cost as

1 defined in § 36-8-1(10). The retirement board shall fix and determine the rules and regulations  
2 needed to govern the provisions of this section.

3 (b) Any member who shall have rendered service both as a teacher under §16-16-12, and  
4 service under § 36-10-9.2(a), shall be eligible to elect to combine the member's service under § 16-  
5 16-12, and service under § 36-10-9.2(a), to determine the member's retirement eligibility date  
6 under § 16-16-12. For any member making this election, the member will receive a single benefit  
7 equal to the accrued benefit computed under § 36-10-10.2, plus the accrued benefit computed under  
8 § 16-16-13.

9 SECTION 2. Sections 36-10-9.2 and 36-10-10.2 of the General Laws in Chapter 36-10  
10 entitled "Retirement System — Contributions and Benefits" are hereby amended to read as follows:

11 **36-10-9.2. Retirement on service allowance — Correctional officers.**

12 (a) This section shall apply to the retirement of members employed as assistant director  
13 (adult services), assistant deputy director, chief of inspection, and associate directors, correctional  
14 officer, chief of security, work rehabilitation program supervisor, supervisor of custodial records  
15 and reports, and classification counselor within the department of corrections.

16 (b)(1) Any member who has attained the age of fifty (50) years may be retired subsequent  
17 to the proper execution and filing of a written application; provided, however, that the member  
18 shall have completed twenty (20) years of total service within the department of corrections and  
19 who retires before October 1, 2009, or is eligible to retire as of September 30, 2009.

20 (2) For members who become eligible to retire on or after October 1, 2009, benefits are  
21 available to members who have attained the age of fifty-five (55) and have completed at least  
22 twenty-five (25) years of total contributory service within the department of corrections. For  
23 members in service as of October 1, 2009, who were not eligible to retire as of September 30, 2009,  
24 but who are eligible to retire on or prior to June 30, 2012, the minimum retirement age of fifty-five  
25 (55) will be adjusted downward in proportion to the amount of service the member has earned as  
26 of September 30, 2009. The proportional formula shall work as follows:

27 (i) The formula shall determine the first age of retirement eligibility under the laws in effect  
28 on September 30, 2009, which shall then be subtracted from the minimum retirement age of fifty-  
29 five (55).

30 (ii) The formula shall then take the member's total service credit as of September 30, 2009,  
31 as the numerator and the years of service credit determined under (b)(2)(i) as the denominator.

32 (iii) The fraction determined in (b)(2)(ii) shall then be multiplied by the age difference  
33 determined in (b)(2)(i) to apply a reduction in years from age fifty-five (55).

34 (c) Any member with contributory service on or after July 1, 2012, who has completed at

1 least five (5) years of contributory service but who has not completed twenty-five (25) years of  
2 contributory service, shall be eligible to retire upon the attainment of the member's Social Security  
3 retirement age or, notwithstanding any other provisions, effective July 1, 2015, members in active  
4 service shall be eligible to retire upon the earlier of:

5 (1) The attainment of at least age sixty-five (65) and the completion of at least thirty (30)  
6 years of total service, or the attainment of at least age sixty-four (64) and the completion of at least  
7 thirty-one (31) years of total service, or the attainment of at least age sixty-three (63) and the  
8 completion of at least thirty-two (32) years of total service, or the attainment of at least age sixty-  
9 two (62) and the completion of at least thirty-three (33) years of total service; or

10 (2) The member's retirement eligibility date under § 36-10-9(1)(c)(ii).

11 (d) Any member who shall have rendered service both as a state employee under § 36-10-  
12 9 [and/or as a teacher under § 16-16-12](#), and service under subsection (a) of this section, shall be  
13 eligible to elect to combine the member's service under subsection (a) of this section and service  
14 under § 36-10-9 [and/or § 16-16-12](#) to determine the member's retirement eligibility date under §  
15 36-10-9 [or § 16-16-12](#). For any member making this election, the member will receive a single  
16 benefit equal to the accrued benefit computed under § 36-10-10.2, plus the accrued benefit  
17 computed under § 36-10-10 [and/or § 16-16-13](#).

18 (e) The provisions of subsection (d) shall also apply to members who have retired on a  
19 service retirement allowance on or after July 1, 2012. Any such request for adjustment shall be in  
20 writing to the retirement board and shall apply prospectively from the date the request is received  
21 by the retirement board.

22 **36-10-10.2. Amount of service retirement allowance — Correctional officers.**

23 (a) Upon retirement for service under § 36-10-9.2, a member with twenty-five (25) or more  
24 years of service as of June 30, 2012, shall receive a retirement allowance of an amount determined  
25 under (1) below. All other members shall receive a retirement allowance of an amount equal to the  
26 sum of (1) below for service prior to July 1, 2012, plus (2) below for service on and after July 1,  
27 2012.

28 (1) Two percent (2%) of his or her average compensation multiplied by his or her first  
29 thirty (30) years of total service within the department of corrections; any and all years of remaining  
30 service shall be issued to the member at a retirement allowance of an amount equal to his or her  
31 average compensation multiplied by the percentage allowance determined in accordance with  
32 Schedule A below:

33

Schedule A	
Years of Service	Percentage Allowance

34

1	1 through 30 inclusive	2%
2	31 <sup>st</sup>	6%
3	32 <sup>nd</sup>	5%
4	33 <sup>rd</sup>	4%
5	34 <sup>th</sup>	3%
6	35 <sup>th</sup>	2%

7 (2) On and after July 1, 2012, two percent (2%) of his or her average compensation  
8 multiplied by his or her first thirty (30) years of total service within the department of corrections,  
9 and three percent (3%) of his or her average compensation multiplied by the member's thirty-first  
10 (31st) through thirty-fifth (35th) years of service.

11 (b) A member who has rendered service as a state employee under § 36-10-9 [and/or as a](#)  
12 [teacher under § 16-16-12](#) shall be eligible to combine the accrued benefit under § 36-10-10 as a  
13 state employee [and/or § 16-16-13 as a teacher](#) with the accrued benefit under this section, provided  
14 the member has first obtained eligibility under § 36-10-9.2(a), (b)(1), or (b)(2). The accrual under  
15 § 36-10-10 [or § 16-16-13](#) will be added in the year in which service was rendered consistent with  
16 the schedules provided under § 36-10-10 [and/or § 16-16-13](#).

17 (c) The provisions of subsection (b) shall also apply to members who have retired on a  
18 service retirement allowance on or after July 1, 2012. Any such request for adjustment shall be in  
19 writing to the retirement board and will only apply prospectively from the date the request is  
20 received by the retirement board.

21 (d) In no case shall a retirement percentage allowance exceed the greater of the member's  
22 retirement percentage allowance on June 30, 2012, or seventy-five percent (75%). Any member  
23 who has in excess of thirty-five (35) years on or before July 1, 1987, shall not be entitled to any  
24 refund. Any member with thirty-five (35) years or more on or after July 1, 1987, shall contribute  
25 from July 1, 1987, until his or her retirement, provided, however, that any member with thirty-eight  
26 (38) years of service prior to July 1, 1987, shall not be required to contribute.

27 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 EDUCATION -- TEACHERS' RETIREMENT

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1           This act would allow any member who has rendered service both as a teacher under § 16-  
2 16-12, and service as a correctional officer under § 36-10-9.2(a), would be eligible to elect to  
3 combine the member's service under § 16-16-12 to determine the member's retirement eligibility  
4 date under § 16-16-12.

5           This act would take effect upon passage.

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