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LC003613

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

**RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM --
CONTRIBUTIONS AND BENEFITS -- POST-RETIREMENT EMPLOYMENT**

Introduced By: Representatives Santucci, Nardone, Quattrocchi, Fascia, Slater,
Chippendale, Paplauskas, Cotter, and Fellela

Date Introduced: January 23, 2026

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 "Retirement

2 System — Contributions and Benefits" is hereby amended to read as follows:

3 **36-10-36. Post-retirement employment.**

4 (a) On and after July 7, 1994, no member who has retired under the provisions of title 16,
5 36, or 45 may be employed or reemployed by any state agency or department unless any and all
6 retirement benefits to which the member may be entitled by virtue of the provisions of title 16, 36,
7 or 45 are suspended for the duration of any employment or reemployment. No additional service
8 credits shall be granted for any post-retirement employment or reemployment and no deductions
9 shall be taken from an individual's salary for retirement contribution. Notice of any such post-
10 retirement employment or reemployment shall be sent monthly to the retirement board by the
11 employing agency or department and by the retired member.

12 (b) ~~Any member who has retired under the provisions of title 16, 36, or 45 may be
13 employed or reemployed by any municipality within the state that has accepted the provisions of
14 chapter 21 of title 45 and participates in the municipal employees' retirement system for a period
15 of not more than seventy-five (75) working days or one hundred fifty (150) half days with half-day
16 pay in any one calendar year without any forfeiture or reduction of any retirement benefits and
17 allowances the member is receiving, or may receive, as a retired member. Pension payments shall
18 be suspended whenever this period is exceeded. No additional contributions shall be taken, and no~~

1 ~~additional service credits shall be granted, for this service. Notice of this employment or~~
2 ~~reemployment shall be sent monthly to the retirement board by the employer and by the retired~~
3 ~~member. Any teacher, administrator or staff member, who has retired under the provisions of titles~~
4 ~~16, 36 or 45 of the general laws, shall not be limited to any cap on the length of their post-retirement~~
5 ~~employment.~~

6 (c) Any member who has retired under the provisions of title 16, 36, or 45 may be employed
7 or reemployed by any municipality within the state that has not accepted the provisions of chapter
8 21 of title 45 and that does not participate in the municipal employees' retirement system.

9 (d) Notwithstanding the provisions of this section:

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

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

29 (3) Any retired member who retired from service as a teacher under the provisions of title
30 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 of higher education for the
34 purpose of providing classroom instruction in driver education courses in accordance with § 31-

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

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, including employment as a faculty member of
10 a nursing program at a state-operated college or university. In no event shall “part-time” mean gross
11 pay of more than a period of seventy-five (75) working days or one hundred fifty (150) half days
12 with half pay in any one calendar year. Any retired nurse who provides such care and/or services
13 shall do so without forfeiture or reduction of any retirement benefit or allowance the retired nurse
14 is receiving as a retired nurse; provided, however, that no additional service credits shall be granted
15 for any service under this subsection. Pension payments shall be suspended whenever this period
16 is exceeded. No additional contributions shall be taken and no additional service credits shall be
17 granted for this service. Notice of this employment or reemployment shall be sent monthly to the
18 retirement board by the employer and by the retired member;

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

27 (6) Any retired district court clerk/magistrate or magistrate of the district court who shall
28 subsequently be assigned to perform service in accordance with § 8-8-8.1 or § 8-8-16.2(e), may be
29 employed or reemployed by the district court to perform such services as a magistrate as the chief
30 judge of the district court shall prescribe without any forfeiture or reduction of any retirement
31 benefits and allowance that they are receiving or may receive. For any such services or assignment
32 performed after retirement, the district court clerk/magistrate or magistrate shall receive, in addition
33 to their retirement pension, the difference in pay and fringe benefits between their retirement
34 pension, and that of a sitting magistrate of the district court with comparable state service time. No

1 additional contributions shall be taken and no additional service credits shall be granted for this
2 service; and

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

10 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 PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM --
CONTRIBUTIONS AND BENEFITS -- POST-RETIREMENT EMPLOYMENT

- 1 This act would remove the cap on post-retirement employment for teachers, administrators
- 2 or staff members who have retired under the provisions of titles 16, 36 or 35 of the general laws.
- 3 This act would take effect upon passage.

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