

2013 -- H 5199

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO TOWNS AND CITIES - OPTIONAL RETIREMENT FOR MEMBERS OF
POLICE FORCE AND FIRE FIGHTERS

Introduced By: Representatives Carnevale, Guthrie, Johnston, Hull, and Jacquard

Date Introduced: January 30, 2013

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-21.2-5 of the General Laws in Chapter 45-21.2 entitled
2 "Optional Retirement for Members of Police Force and Fire Fighters" is hereby amended to read
3 as follows:

4 **45-21.2-5. Retirement on service allowance.** -- (a) Retirement of a member on a service
5 retirement allowance for members eligible to retire on or before June 30, 2012 shall be made,
6 subject to paragraph (a)(11) below, by the retirement board as follows:

7 (1) Any member who has attained or attains age seventy (70) shall be retired as stated in
8 section 45-21-16 subject to the discretions contained in that section; provided, that any member
9 who is a member of the Woonsocket fire department who has attained or attains an age of sixty-
10 five (65) years shall be retired. Retirement occurs on the first day of the next succeeding calendar
11 month in which the member has attained the age of sixty-five (65) years.

12 (2) Any member may retire pursuant to this subdivision upon written application to the
13 board stating at what time the member desires to retire; provided, that the member at the specified
14 time for retirement has ~~attained an age of fifty-five (55) years and has~~ completed at least ten (10)
15 years of total service, and notwithstanding that the member may have separated from service.

16 (3) Any member may retire pursuant to this subdivision upon written application to the
17 board stating at what time the member desires to retire; provided, that the member at the specified
18 time for retirement has completed at least twenty-five (25) years of total service, and

1 notwithstanding that the member may have separated from service.

2 (4) Any member may retire pursuant to this subdivision upon written application to the
3 board stating at what time the member desires to retire; provided, that the member at the specified
4 time for retirement has attained an age of fifty (50) years and has completed at least twenty (20)
5 years of total service, notwithstanding that the member may have separated from service;
6 provided, that the service retirement allowance, as determined according to the formula provided
7 in section 45-21.2-6, is reduced one-half of one percent (1/2%) for each month that the age of the
8 member is less than fifty-five (55) years.

9 (5) Any member of the South Kingstown police department may retire pursuant to this
10 subdivision upon written application to the board stating at what time the member desires to
11 retire; provided, that the member at the specified time for retirement has earned a service
12 retirement allowance of fifty percent (50%) of final compensation pursuant to section 45-21.2-
13 6.1.

14 (6) Any member of the Johnston police department may retire pursuant to this
15 subdivision upon written application to the board stating at what time the member desires to
16 retire; provided, that the member at the specified time for retirement has earned a service
17 retirement allowance of fifty percent (50%) of final compensation pursuant to section 45-21.2-
18 6.2.

19 (7) Any member of the Cranston fire department hired after July 1, 1995, or any member
20 of the Cranston fire department with five (5) years or less of service effective July 1, 1995, may
21 retire pursuant to this subdivision upon written application to the board stating at what time the
22 member desires to retire; provided, that the member at the specified time for retirement has
23 earned a service retirement allowance of fifty percent (50%) of final compensation for at least
24 twenty (20) years service; final compensation for Cranston fire department members is based on
25 the compensation components of weekly salary, longevity and holidays with longevity of the
26 members highest year of earnings and members shall receive a three percent (3%) escalation of
27 their pension payment compounded each year on January 1st following the year of retirement and
28 continuing on an annual basis on that date; further, any illness or injury not covered in title 45 of
29 the general laws relating to the presumption of disability is governed by the collective bargaining
30 agreement between the City of Cranston and members of the Cranston fire department.

31 (8) Any member of the Cranston police department hired after July 1, 1995, or any
32 member of the Cranston police department with five (5) years or less of service effective July 1,
33 1995, may retire pursuant to this subdivision upon written application to the board stating at what
34 time the member desires to retire; provided, that the member at the specified time for retirement

1 has earned a service retirement allowance of fifty percent (50%) of final compensation for at least
2 twenty (20) years service; final compensation for Cranston police department members is based
3 on the compensation components of weekly salary, longevity and holidays with longevity of the
4 members highest year of earnings and members shall receive a three percent (3%) escalation of
5 their pension payment compounded each year on January 1st following the year of retirement and
6 continuing on an annual basis on that date; further, any illness or injury not covered in title 45 of
7 the general laws relating to the presumption of disability is governed by the collective bargaining
8 agreement between the City of Cranston and members of the Cranston police department.

9 (9) Any member of the Hopkinton police department may retire pursuant to this
10 subdivision upon written application to the board stating at what time the member desires to
11 retire; provided, that the member at the specified time for retirement has earned a service
12 retirement allowance of fifty percent (50%) of final compensation for at least twenty (20) years
13 service; final compensation for Hopkinton police department members is based on the
14 compensation components of weekly salary, longevity and holidays with longevity of the
15 members highest year of earnings and members shall receive a three percent (3%) escalation of
16 their pension payment compounded each year on January 1st following the year of retirement and
17 continuing on an annual basis on that date.

18 (10) Any member of the Richmond police department may retire pursuant to this
19 subdivision upon written application to the board stating at what time the member desires to
20 retire; provided, that the member at the specified time for retirement has earned a service
21 retirement allowance of fifty percent (50%) of final compensation for at least twenty-two (22)
22 years' service pursuant to section 45-21.2-6.3.

23 (11) Notwithstanding any provision in this section to the contrary, for any service on or
24 after July 1, 2012, final compensation shall be defined in accordance with section 45-21.2-2, and
25 no benefit adjustments shall be provided except as set forth in subsection 45-21-52(c).

26 (12) Notwithstanding any provisions of this section to the contrary, with respect to police
27 officers employed by the town of Johnston, only those police officers hired on or after July 1,
28 2010 shall be eligible to be members of the Municipal Employees' Retirement System of the state
29 of Rhode Island in accordance with this chapter.

30 (b) Retirement of a member on a service retirement allowance eligible to retire on and
31 after July 1, 2012 shall be made by the retirement board as follows:

32 (1) Any member may retire pursuant to this subdivision upon written application to the
33 board stating at what time the member desires to retire; provided, that the member at the specified
34 time for retirement attained the age of at least fifty-five (55) years and has completed at least

1 twenty-five (25) years of total service, and notwithstanding that the member may have separated
2 from service.

3 (2) Any member with contributory service on or after July 1, 2012, who has completed at
4 least five (5) years of contributory service but who has not completed twenty-five (25) years of
5 service, shall be eligible to retire upon the attainment of the member's Social Security retirement
6 age.

7 (3) If a member had ten (10) or more years of contributory service and attained age
8 forty-five (45) prior to July 1, 2012 and would have been eligible to retire at or prior to age fifty-
9 two (52) in accordance with the rules in effect prior to July 1, 2012, the member may retire upon
10 attainment of age fifty-two (52).

11 (4) A member who has completed twenty (20) or more years of total service who has
12 attained an age within five (5) years of the eligible retirement age under subparagraphs (b)(1) or
13 (b)(2) above, may elect to retire provided that the retirement allowance shall be reduced
14 actuarially for each month that the age of the member is less than the eligible retirement age
15 under subparagraphs (b)(1) or (b)(2) above.

16 (5) Notwithstanding any other provisions of this section, a member on June 30, 2012,
17 may elect to retire at his or her eligible retirement date as determined under the rules in effect on
18 June 30, 2012 provided that a member making an election under this paragraph shall receive the
19 member's retirement benefit determined and calculated based on the member's service and final
20 compensation as of June 30, 2012. This provision shall be interpreted and administered in a
21 manner to protect a member's accrued benefit on June 30, 2012.

22 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 - OPTIONAL RETIREMENT FOR MEMBERS OF
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- 1 This act would remove the requirement that police and fire fighters reach the age of fifty-
- 2 five (55) before retiring on service allowance.
- 3 This act would take effect upon passage.

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