

2022 -- H 7239

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO EDUCATION -- TEACHERS' RETIREMENT (SEE TITLE 16 CHAPTER 97-
THE RHODE ISLAND BOARD OF EDUCATION ACT)

Introduced By: Representatives McEntee, O'Brien, Serpa, Donovan, Ranglin-Vassell,
and Messier

Date Introduced: January 28, 2022

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-16-40 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 **16-16-40. Additional benefits payable to retired teachers.**

5 (a) All teachers and all beneficiaries of teachers receiving any service retirement or
6 ordinary or accidental disability retirement allowance pursuant to the provisions of this chapter and
7 chapter 17 of this title, on or before December 31, 1967, shall receive a cost of living retirement
8 adjustment equal to one and one-half percent (1.5%) per year of the original retirement allowance,
9 not compounded, for each year the retirement allowance has been in effect. For purposes of
10 computation credit shall be given for a full calendar year regardless of the effective date of the
11 retirement allowance. This cost of living retirement adjustment shall be added to the amount of the
12 service retirement allowance as of January 1, 1970, and payment shall begin as of July 1, 1970. An
13 additional cost of living retirement adjustment shall be added to the original retirement allowance
14 equal to three percent (3%) of the original retirement allowance on the first day of January, 1971,
15 and each year thereafter through December 31, 1980.

16 (b) All teachers and beneficiaries of teachers receiving any service retirement or ordinary
17 disability retirement allowance pursuant to the provisions of this title who retired on or after January
18 1, 1968, shall, on the first day of January, next following the third (3rd) year on retirement, receive

1 a cost of living adjustment, in addition to his or her retirement allowance, an amount equal to three
2 percent (3%) of the original retirement allowance. In each succeeding year thereafter, on the first
3 day of January, the retirement allowance shall be increased an additional three percent (3%) of the
4 original retirement allowance, not compounded, to be continued through December 31, 1980.

5 (c)(1) Beginning on January 1, 1981, for all teachers and beneficiaries of teachers receiving
6 any service retirement and all teachers and all beneficiaries of teachers who have completed at least
7 ten (10) years of contributory service on or before July 1, 2005, pursuant to the provisions of this
8 chapter, and for all teachers and beneficiaries of teachers who receive a disability retirement
9 allowance pursuant to §§ 16-16-14 -- 16-16-17, the cost of living adjustment shall be computed
10 and paid at the rate of three percent (3%) of the original retirement allowance or the retirement
11 allowance as computed in accordance with § 16-16-40.1, compounded annually from the year for
12 which the cost of living adjustment was determined to be payable by the retirement board pursuant
13 to the provisions of subsection (a) or (b) of this section. Such cost of living adjustments are available
14 to teachers who retire before October 1, 2009, or are eligible to retire as of September 30, 2009.

15 (2) The provisions of this subsection shall be deemed to apply prospectively only and no
16 retroactive payment shall be made.

17 (3) The retirement allowance of all teachers and all beneficiaries of teachers who have not
18 completed at least ten (10) years of contributory service on or before July 1, 2005, or were not
19 eligible to retire as of September 30, 2009, shall, on the month following the third anniversary date
20 of the retirement, and on the month following the anniversary date of each succeeding year be
21 adjusted and computed by multiplying the retirement allowance by three percent (3%) or the
22 percentage of increase in the Consumer Price Index for all Urban Consumers (CPI-U) as published
23 by the United States Department of Labor Statistics, determined as of September 30 of the prior
24 calendar year, whichever is less; the cost of living adjustment shall be compounded annually from
25 the year for which the cost of living adjustment was determined payable by the retirement board;
26 provided, that no adjustment shall cause any retirement allowance to be decreased from the
27 retirement allowance provided immediately before such adjustment.

28 (d) For teachers not eligible to retire in accordance with this chapter as of September 30,
29 2009, and not eligible upon passage of this article, and for their beneficiaries, the cost of living
30 adjustment described in subsection (3) above shall only apply to the first thirty-five thousand
31 dollars (\$35,000) of retirement allowance, indexed annually, and shall commence upon the third
32 (3rd) anniversary of the date of retirement or when the retiree reaches age sixty-five (65), whichever
33 is later. The thirty-five thousand dollar (\$35,000) limit shall increase annually by the percentage
34 increase in the Consumer Price Index for all Urban Consumer (CPI-U) as published by the United

1 States Department of Labor Statistics determined as of September 30 of the prior calendar year or
2 three percent (3%), whichever is less. The first thirty-five thousand dollars (\$35,000), as indexed,
3 of retirement allowance shall be multiplied by the percentage of increase in the Consumer Price
4 Index for all Urban Consumers (CPI-U) as published by the United States Department of Labor
5 Statistics determined as of September 30 of the prior calendar year or three percent (3%), whichever
6 is less, on the month following the anniversary date of each succeeding year. For teachers eligible
7 to retire as of September 30, 2009, or eligible upon passage of this article, and for their
8 beneficiaries, the provisions of this subsection (d) shall not apply.

9 (e) The provisions of §§ 45-13-7 -- 45-13-10 shall not apply to this section.

10 (f) This subsection (f) shall be effective for the period July 1, 2012, through June 30, 2015.

11 (1) Notwithstanding the prior paragraphs of this section, and subject to paragraph (f)(2)
12 below, for all present and former teachers, active and retired teachers, and beneficiaries receiving
13 any retirement, disability or death allowance or benefit of any kind, the annual benefit adjustment
14 provided in any calendar year under this section shall be equal to (A) multiplied by (B) where (A)
15 is equal to the percentage determined by subtracting five and one-half percent (5.5%) (the
16 "subtrahend") from the Five-Year Average Investment Return of the retirement system determined
17 as of the last day of the plan year preceding the calendar year in which the adjustment is granted,
18 said percentage not to exceed four percent (4%) and not to be less than zero percent (0%), and (B)
19 is equal to the lesser of the teacher's retirement allowance or the first twenty-five thousand dollars
20 (\$25,000) of retirement allowance, such twenty-five thousand dollars (\$25,000) amount to be
21 indexed annually in the same percentage as determined under paragraph (f)(1)(A) above. The
22 "Five-Year Average Investment Return" shall mean the average of the investment returns of the
23 most recent five (5) plan years as determined by the retirement board. Subject to paragraph (f)(2)
24 below, the benefit adjustment provided by this paragraph shall commence upon the third (3rd)
25 anniversary of the date of retirement or the date on which the retiree reaches his or her Social
26 Security retirement age, whichever is later. In the event the retirement board adjusts the actuarially
27 assumed rate of return for the system, either upward or downward, the subtrahend shall be adjusted
28 either upward or downward in the same amount.

29 (2) Except as provided in paragraph (f)(3), the benefit adjustments under this section for
30 any plan year shall be suspended in their entirety unless the Funded Ratio of the Employees'
31 Retirement System of Rhode Island, the Judicial Retirement Benefits Trust and the State Police
32 Retirement Benefits Trust, calculated by the system's actuary on an aggregate basis, exceeds eighty
33 percent (80%) in which event the benefit adjustment will be reinstated for all teachers for such plan
34 year.

1 In determining whether a funding level under this paragraph (f)(2) has been achieved, the
2 actuary shall calculate the funding percentage after taking into account the reinstatement of any
3 current or future benefit adjustment provided under this section.

4 (3) Notwithstanding paragraph (f)(2), in each fifth plan year commencing after June 30,
5 2012, commencing with the plan year ending June 30, 2017, and subsequently at intervals of five
6 plan years, a benefit adjustment shall be calculated and made in accordance with paragraph (f)(1)
7 above until the Funded Ratio of the Employees' Retirement System of Rhode Island, the Judicial
8 Retirement Benefits Trust and the State Police Retirement Benefits Trust, calculated by the system's
9 actuary on an aggregate basis, exceeds eighty percent (80%).

10 (4) Notwithstanding any other provisions of this chapter, the provisions of this paragraph
11 (f) of § 16-16-40 shall become effective July 1, 2012, and shall apply to any benefit adjustments
12 not granted on or prior to June 30, 2012.

13 (g) This subsection (g) shall become effective July 1, 2015.

14 (1)(A) As soon as administratively reasonable following the enactment into law of this
15 subsection (g)(1)(A), a one-time benefit adjustment shall be provided to teachers and/or
16 beneficiaries of teachers who retired on or before June 30, 2012, in the amount of two percent (2%)
17 of the lesser of either the teacher's retirement allowance or the first twenty-five thousand dollars
18 (\$25,000) of the teacher's retirement allowance. This one-time benefit adjustment shall be provided
19 without regard to the retiree's age or number of years since retirement.

20 (B) Notwithstanding the prior subsections of this section, for all present and former
21 teachers, active and retired teachers, and beneficiaries receiving any retirement, disability or death
22 allowance or benefit of any kind, the annual benefit adjustment provided in any calendar year under
23 this section for adjustments on and after January 1, 2016, and subject to subsection (g)(2) below,
24 shall be equal to (I) multiplied by (II):

25 (I) Shall equal the sum of fifty percent (50%) of (i) plus fifty percent (50%) of (ii) where:

26 (i) Is equal to the percentage determined by subtracting five and one-half percent (5.5%)
27 (the "subtrahend") from the five-year average investment return of the retirement system
28 determined as of the last day of the plan year preceding the calendar year in which the adjustment
29 is granted, said percentage not to exceed four percent (4%) and not to be less than zero percent
30 (0%). The "five-year average investment return" shall mean the average of the investment returns
31 of the most recent five (5) plan years as determined by the retirement board. In the event the
32 retirement board adjusts the actuarially assumed rate of return for the system, either upward or
33 downward, the subtrahend shall be adjusted either upward or downward in the same amount.

34 (ii) Is equal to the lesser of three percent (3%) or the percentage increase in the Consumer

1 Price Index for all Urban Consumers (CPI-U) as published by the U.S. Department of Labor
2 Statistics determined as of September 30 of the prior calendar year.

3 In no event shall the sum of (i) plus (ii) exceed three and one-half percent (3.5%) or be less
4 than (0%) percent.

5 (II) is equal to the lesser of either the teacher's retirement allowance or the first twenty-five
6 thousand eight hundred and fifty-five dollars (\$25,855) of retirement allowance, such amount to be
7 indexed annually in the same percentage as determined under subsection (g)(1)(B)(I) above.

8 The benefit adjustments provided by this subsection (g)(1)(B) shall be provided to all
9 retirees entitled to receive a benefit adjustment as of June 30, 2012, under the law then in effect,
10 and for all other retirees the benefit adjustments shall commence upon the third anniversary of the
11 date of retirement or the date on which the retiree reaches his or her Social Security retirement age,
12 whichever is later.

13 (2) ~~Except as provided in subsection (g)(3), the~~ The benefit adjustments under subsection
14 (g)(1)(B) for any plan year shall be ~~suspended in their entirety~~ reduced to twenty-five percent (25%)
15 of the benefit adjustment unless the funded ratio of the employees' retirement system of Rhode
16 Island, the judicial retirement benefits trust and the state police retirement benefits trust, calculated
17 by the system's actuary on an aggregate basis, exceeds eighty percent (80%) in which event the
18 benefit adjustment will be reinstated for all teachers for such plan year.

19 In determining whether a funding level under this subsection (g)(2) has been achieved, the
20 actuary shall calculate the funding percentage after taking into account the reinstatement of any
21 current or future benefit adjustment provided under this section.

22 (3) ~~Notwithstanding subsection (g)(2), in each fourth plan year commencing after June 30,~~
23 ~~2012, commencing with the plan year ending June 30, 2016, and subsequently at intervals of four~~
24 ~~plan years: (i) A benefit adjustment shall be calculated and made in accordance with subsection~~
25 ~~(g)(1)(B) above; and (ii)~~ Effective for teachers and/or beneficiaries of teachers who retired on or
26 before June 30, 2015, the dollar amount in subsection (g)(1)(B)(II) of twenty-five thousand eight
27 hundred and fifty-five dollars (\$25,855) shall be replaced with thirty-one thousand and twenty-six
28 dollars (\$31,026) until the funded ratio of the employees' retirement system of Rhode Island, the
29 judicial retirement benefits trust and the state police retirement benefits trust, calculated by the
30 system's actuary on an aggregate basis, exceeds eighty percent (80%).

31 (4) Effective for teachers and or beneficiaries of teachers who have retired on or before
32 July 1, 2015, a one-time stipend of five hundred dollars (\$500) shall be payable within sixty (60)
33 days following the enactment of the legislation implementing this provision, and a second one-time
34 stipend of five hundred dollars (\$500) in the same month of the following year. These stipends

1 shall be payable to all retired teachers or beneficiaries receiving a benefit as of the applicable
2 payment date and shall not be considered cost of living adjustments under the prior provisions of
3 this § 16-16-40.

4 SECTION 2. Section 36-10-35 of the General Laws in Chapter 36-10 entitled "Retirement
5 System - Contributions and Benefits" is hereby amended to read as follows:

6 **36-10-35. Additional benefits payable to retired employees.**

7 (a) All state employees and all beneficiaries of state employees receiving any service
8 retirement or ordinary or accidental disability retirement allowance pursuant to the provisions of
9 this title on or before December 31, 1967, shall receive a cost of living retirement adjustment equal
10 to one and one-half percent (1.5%) per year of the original retirement allowance, not compounded,
11 for each calendar year the retirement allowance has been in effect. For the purposes of computation,
12 credit shall be given for a full calendar year regardless of the effective date of the retirement
13 allowance. This cost of living adjustment shall be added to the amount of the retirement allowance
14 as of January 1, 1968, and an additional one and one-half percent (1.5%) shall be added to the
15 original retirement allowance in each succeeding year during the month of January, and provided
16 further, that this additional cost of living increase shall be three percent (3%) for the year beginning
17 January 1, 1971, and each year thereafter, through December 31, 1980. Notwithstanding any of the
18 above provisions, no employee receiving any service retirement allowance pursuant to the
19 provisions of this title on or before December 31, 1967, or the employee's beneficiary, shall receive
20 any additional benefit hereunder in an amount less than two hundred dollars (\$200) per year over
21 the service retirement allowance where the employee retired prior to January 1, 1958.

22 (b) All state employees and all beneficiaries of state employees retired on or after January
23 1, 1968, who are receiving any service retirement or ordinary or accidental disability retirement
24 allowance pursuant to the provisions of this title shall, on the first day of January next following
25 the third anniversary date of the retirement, receive a cost of living retirement adjustment, in
26 addition to his or her retirement allowance, in an amount equal to three percent (3%) of the original
27 retirement allowance. In each succeeding year thereafter through December 31, 1980, during the
28 month of January, the retirement allowance shall be increased an additional three percent (3%) of
29 the original retirement allowance, not compounded, to be continued during the lifetime of the
30 employee or beneficiary. For the purposes of computation, credit shall be given for a full calendar
31 year regardless of the effective date of the service retirement allowance.

32 (c)(1) Beginning on January 1, 1981, for all state employees and beneficiaries of the state
33 employees receiving any service retirement and all state employees, and all beneficiaries of state
34 employees, who have completed at least ten (10) years of contributory service on or before July 1,

1 2005, pursuant to the provisions of this chapter, and for all state employees, and all beneficiaries
2 of state employees who receive a disability retirement allowance pursuant to §§ 36-10-12 -- 36-10-
3 15, the cost of living adjustment shall be computed and paid at the rate of three percent (3%) of the
4 original retirement allowance or the retirement allowance as computed in accordance with § 36-
5 10-35.1, compounded annually from the year for which the cost of living adjustment was
6 determined to be payable by the retirement board pursuant to the provisions of subsection (a) or (b)
7 of this section. Such cost of living adjustments are available to members who retire before October
8 1, 2009, or are eligible to retire as of September 30, 2009.

9 (2) The provisions of this subsection shall be deemed to apply prospectively only and no
10 retroactive payment shall be made.

11 (3) The retirement allowance of all state employees and all beneficiaries of state employees
12 who have not completed at least ten (10) years of contributory service on or before July 1, 2005, or
13 were not eligible to retire as of September 30, 2009, shall, on the month following the third
14 anniversary date of retirement, and on the month following the anniversary date of each succeeding
15 year be adjusted and computed by multiplying the retirement allowance by three percent (3%) or
16 the percentage of increase in the Consumer Price Index for all Urban Consumers (CPI-U) as
17 published by the United States Department of Labor Statistics determined as of September 30 of
18 the prior calendar year, whichever is less; the cost of living adjustment shall be compounded
19 annually from the year for which the cost of living adjustment was determined payable by the
20 retirement board; provided, that no adjustment shall cause any retirement allowance to be decreased
21 from the retirement allowance provided immediately before such adjustment.

22 (d) For state employees not eligible to retire in accordance with this chapter as of
23 September 30, 2009, and not eligible upon passage of this article, and for their beneficiaries, the
24 cost of living adjustment described in subsection (c)(3) of this section shall only apply to the first
25 thirty-five thousand dollars (\$35,000) of retirement allowance, indexed annually, and shall
26 commence upon the third (3rd) anniversary of the date of retirement or when the retiree reaches
27 age sixty-five (65), whichever is later. The thirty-five thousand dollar (\$35,000) limit shall increase
28 annually by the percentage increase in the Consumer Price Index for all Urban Consumers (CPI-
29 U) as published by the United States Department of Labor Statistics determined as of September
30 30 of the prior calendar year or three percent (3%), whichever is less. The first thirty-five thousand
31 dollars (\$35,000) of retirement allowance, as indexed, shall be multiplied by the percentage of
32 increase in the Consumer Price Index for all Urban Consumers (CPI-U) as published by the United
33 States Department of Labor Statistics determined as of September 30 of the prior calendar year or
34 three percent (3%), whichever is less, on the month following the anniversary date of each

1 succeeding year. For state employees eligible to retire as of September 30, 2009, or eligible upon
2 passage of this article, and for their beneficiaries, the provisions of this subsection (d) shall not
3 apply.

4 (e) All legislators and all beneficiaries of legislators who are receiving a retirement
5 allowance pursuant to the provisions of § 36-10-9.1 for a period of three (3) or more years, shall,
6 commencing January 1, 1982, receive a cost of living retirement adjustment, in addition to a
7 retirement allowance, in an amount equal to three percent (3%) of the original retirement allowance.
8 In each succeeding year thereafter during the month of January, the retirement allowance shall be
9 increased an additional three percent (3%) of the original retirement allowance, compounded
10 annually, to be continued during the lifetime of the legislator or beneficiary. For the purposes of
11 computation, credit shall be given for a full calendar year regardless of the effective date of the
12 service retirement allowance.

13 (f) The provisions of §§ 45-13-7 -- 45-13-10 shall not apply to this section.

14 (g) This subsection (g) shall be effective for the period July 1, 2012, through June 30, 2015.

15 (1) Notwithstanding the prior paragraphs of this section, and subject to paragraph (g)(2)
16 below, for all present and former employees, active and retired members, and beneficiaries
17 receiving any retirement, disability or death allowance or benefit of any kind, the annual benefit
18 adjustment provided in any calendar year under this section shall be equal to (A) multiplied by (B)
19 where (A) is equal to the percentage determined by subtracting five and one-half percent (5.5%)
20 (the "subtrahend") from the Five-Year Average Investment Return of the retirement system
21 determined as of the last day of the plan year preceding the calendar year in which the adjustment
22 is granted, said percentage not to exceed four percent (4%) and not to be less than zero percent
23 (0%), and (B) is equal to the lesser of the member's retirement allowance or the first twenty-five
24 thousand dollars (\$25,000) of retirement allowance, such twenty-five thousand dollars (\$25,000)
25 amount to be indexed annually in the same percentage as determined under (g)(1)(A) above. The
26 "Five-Year Average Investment Return" shall mean the average of the investment returns of the
27 most recent five (5) plan years as determined by the retirement board. Subject to paragraph (g)(2)
28 below, the benefit adjustment provided by this paragraph shall commence upon the third (3rd)
29 anniversary of the date of retirement or the date on which the retiree reaches his or her Social
30 Security retirement age, whichever is later. In the event the retirement board adjusts the actuarially
31 assumed rate of return for the system, either upward or downward, the subtrahend shall be adjusted
32 either upward or downward in the same amount.

33 (2) Except as provided in paragraph (g)(3), the benefit adjustments under this section for
34 any plan year shall be suspended in their entirety unless the Funded Ratio of the Employees'

1 Retirement System of Rhode Island, the Judicial Retirement Benefits Trust and the State Police
2 Retirement Benefits Trust, calculated by the system's actuary on an aggregate basis, exceeds eighty
3 percent (80%) in which event the benefit adjustment will be reinstated for all members for such
4 plan year.

5 In determining whether a funding level under this paragraph (g)(2) has been achieved, the
6 actuary shall calculate the funding percentage after taking into account the reinstatement of any
7 current or future benefit adjustment provided under this section.

8 (3) Notwithstanding paragraph (g)(2), in each fifth plan year commencing after June 30,
9 2012, commencing with the plan year ending June 30, 2017, and subsequently at intervals of five
10 plan years, a benefit adjustment shall be calculated and made in accordance with paragraph (g)(1)
11 above until the Funded Ratio of the Employees' Retirement System of Rhode Island, the Judicial
12 Retirement Benefits Trust and the State Police Retirement Benefits Trust, calculated by the system's
13 actuary on an aggregate basis, exceeds eighty percent (80%).

14 (4) Notwithstanding any other provision of this chapter, the provisions of this paragraph
15 (g) shall become effective July 1, 2012, and shall apply to any benefit adjustment not granted on or
16 prior to June 30, 2012.

17 (h) This subsection (h) shall become effective July 1, 2015.

18 (1)(A) As soon as administratively reasonable following the enactment into law of this
19 subsection (h)(1)(A), a one-time benefit adjustment shall be provided to members and/or
20 beneficiaries of members who retired on or before June 30, 2012, in the amount of 2% of the lesser
21 of either the member's retirement allowance or the first twenty-five thousand dollars (\$25,000) of
22 the member's retirement allowance. This one-time benefit adjustment shall be provided without
23 regard to the retiree's age or number of years since retirement.

24 (B) Notwithstanding the prior subsections of this section, for all present and former
25 employees, active and retired members, and beneficiaries receiving any retirement, disability or
26 death allowance or benefit of any kind, the annual benefit adjustment provided in any calendar year
27 under this section for adjustments on and after January 1, 2016, and subject to subsection (h)(2)
28 below, shall be equal to (I) multiplied by (II):

29 (I) Shall equal the sum of fifty percent (50%) of (i) plus fifty percent (50%) of (ii) where:

30 (i) Is equal to the percentage determined by subtracting five and one-half percent (5.5%)
31 (the "subtrahend") from the five-year average investment return of the retirement system
32 determined as of the last day of the plan year preceding the calendar year in which the adjustment
33 is granted, said percentage not to exceed four percent (4%) and not to be less than zero percent
34 (0%). The "five-year average investment return" shall mean the average of the investment returns

1 of the most recent five (5) plan years as determined by the retirement board. In the event the
2 retirement board adjusts the actuarially assumed rate of return for the system, either upward or
3 downward, the subtrahend shall be adjusted either upward or downward in the same amount.

4 (ii) Is equal to the lesser of three percent (3%) or the percentage increase in the Consumer
5 Price Index for all Urban Consumers (CPI-U) as published by the U.S. Department of Labor
6 Statistics determined as of September 30 of the prior calendar year. In no event shall the sum of (i)
7 plus (ii) exceed three and one-half percent (3.5%) or be less than zero percent (0%).

8 (II) Is equal to the lesser of either the member's retirement allowance or the first twenty-
9 five thousand eight hundred and fifty-five dollars (\$25,855) of retirement allowance, such amount
10 to be indexed annually in the same percentage as determined under subsection (h)(1)(B)(I) above.

11 The benefit adjustments provided by this subsection (h)(1)(B) shall be provided to all
12 retirees entitled to receive a benefit adjustment as of June 30, 2012, under the law then in effect,
13 and for all other retirees the benefit adjustments shall commence upon the third anniversary of the
14 date of retirement or the date on which the retiree reaches his or her Social Security retirement age,
15 whichever is later.

16 (2) ~~Except as provided in subsection (h)(3) of this section, the~~ The benefit adjustments
17 under subsection (h)(1)(B) for any plan year shall be ~~suspended in their entirety~~ reduced to twenty-
18 five percent (25%) of the benefit adjustment unless the funded ratio of the employees' retirement
19 system of Rhode Island, the judicial retirement benefits trust and the state police retirement benefits
20 trust, calculated by the system's actuary on an aggregate basis, exceeds eighty percent (80%) in
21 which event the benefit adjustment will be reinstated for all members for such plan year.

22 In determining whether a funding level under this subsection (h)(2) has been achieved, the
23 actuary shall calculate the funding percentage after taking into account the reinstatement of any
24 current or future benefit adjustment provided under this section.

25 (3) ~~Notwithstanding subsection (h)(2), in each fourth plan year commencing after June 30,~~
26 ~~2012, commencing with the plan year ending June 30, 2016, and subsequently at intervals of four~~
27 ~~plan years:~~

28 (i) ~~A benefit adjustment shall be calculated and made in accordance with subsection~~
29 ~~(h)(1)(B) above; and~~

30 (ii) Effective for members and/or beneficiaries of members who retired on or before June
31 30, 2015, the dollar amount in subsection (h)(1)(B)(II) of twenty-five thousand eight hundred and
32 fifty-five dollars (\$25,855) shall be replaced with thirty-one thousand and twenty-six dollars
33 (\$31,026) until the funded ratio of the employees' retirement system of Rhode Island, the judicial
34 retirement benefits trust and the state police retirement benefits trust, calculated by the system's

1 actuary on an aggregate basis, exceeds eighty percent (80%).

2 (i) Effective for members and/or beneficiaries of members who have retired on or before
3 July 1, 2015, a one-time stipend of five hundred dollars (\$500) shall be payable within sixty (60)
4 days following the enactment of the legislation implementing this provision, and a second one-time
5 stipend of five hundred dollars (\$500) in the same month of the following year. These stipends
6 shall be payable to all retired members or beneficiaries receiving a benefit as of the applicable
7 payment date and shall not be considered cost of living adjustments under the prior provisions of
8 this section.

9 SECTION 3. Section 45-21-52 of the General Laws in Chapter 45-21 entitled "Retirement
10 of Municipal Employees" is hereby amended to read as follows:

11 **45-21-52. Automatic increase in service retirement allowance.**

12 (a) The local legislative bodies of the cities and towns may extend to their respective
13 employees automatic adjustment increases in their service retirement allowances, by a resolution
14 accepting any of the plans described in this section:

15 (1) Plan A. All employees and beneficiaries of those employees receiving a service
16 retirement or disability retirement allowance under the provisions of this chapter on December 31
17 of the year their city or town accepts this section, receive a cost of living adjustment equal to one
18 and one-half percent (1 1/2%) per year of the original retirement allowance, not compounded, for
19 each calendar year the retirement allowance has been in effect. This cost of living adjustment is
20 added to the amount of the retirement allowance as of January 1 following acceptance of this
21 provision, and an additional one and one-half percent (1 1/2%) is added to the original retirement
22 allowance in each succeeding year during the month of January, and provided, further, that this
23 additional cost of living increase is three percent (3%) for the year beginning January 1 of the year
24 the plan is accepted and each succeeding year.

25 (2) Plan B. All employees and beneficiaries of those employees receiving a retirement
26 allowance under the provisions of this chapter on December 31 of the year their municipality
27 accepts this section, receive a cost of living adjustment equal to three percent (3%) of their original
28 retirement allowance. This adjustment is added to the amount of the retirement allowance as of
29 January 1 following acceptance of this provision, and an additional three percent (3%) of the
30 original retirement allowance, not compounded, is payable in each succeeding year in the month
31 of January.

32 (3) Plan C. All employees and beneficiaries of those employees who retire on or after
33 January 1 of the year following acceptance of this section, on the first day of January next following
34 the date of the retirement, receive a cost of living adjustment in an amount equal to three percent

1 (3%) of the original retirement allowance.

2 (b) In each succeeding year in the month of January, the retirement allowance is increased
3 an additional three percent (3%) of the original retirement allowance, not compounded.

4 (c) This subsection (c) shall be effective for the period July 1, 2012, through June 30, 2015.

5 (1) Notwithstanding any other paragraphs of this section, and subject to paragraph (c)(2)
6 below, for all present and former employees, active and retired members, and beneficiaries
7 receiving any retirement, disability or death allowance or benefit of any kind by reason of adoption
8 of this section by their employer, the annual benefit adjustment provided in any calendar year under
9 this section shall be equal to (A) multiplied by (B) where (A) is equal to the percentage determined
10 by subtracting five and one-half percent (5.5%) (the "subtrahend") from the Five-Year Average
11 Investment Return of the retirement system determined as of the last day of the plan year preceding
12 the calendar year in which the adjustment is granted, said percentage not to exceed four percent
13 (4%) and not to be less than zero percent (0%), and (B) is equal to the lesser of the member's
14 retirement allowance or the first twenty-five thousand dollars (\$25,000) of retirement allowance,
15 such twenty-five thousand dollars (\$25,000) amount to be indexed annually in the same percentage
16 as determined under (c)(1)(A) above. The "Five-Year Average Investment Return" shall mean the
17 average of the investment returns of the most recent five (5) plan years as determined by the
18 retirement board. Subject to paragraph (c)(2) below, the benefit adjustment provided by this
19 paragraph shall commence upon the third (3rd) anniversary of the date of retirement or the date on
20 which the retiree reaches his or her Social Security retirement age, whichever is later; or for
21 municipal police and fire retiring under the provisions of chapter 45-21.2, the benefit adjustment
22 provided by this paragraph shall commence on the later of the third (3rd) anniversary of the date of
23 retirement or the date on which the retiree reaches age fifty-five (55). In the event the retirement
24 board adjusts the actuarially assumed rate of return for the system, either upward or downward, the
25 subtrahend shall be adjusted either upward or downward in the same amount.

26 (2) Except as provided in paragraph (c)(3) the benefit adjustments provided under this
27 section for any plan year shall be ~~suspended in their entirety~~ reduced to twenty-five percent (25%)
28 of the benefit adjustment for each municipal plan within the municipal employees retirement
29 system unless the municipal plan is determined to be funded at a Funded Ratio equal to or greater
30 than eighty percent (80%) as of the end of the immediately preceding plan year in accordance with
31 the retirement system's actuarial valuation report as prepared by the system's actuary, in which
32 event the benefit adjustment will be reinstated for all members for such plan year.

33 In determining whether a funding level under this paragraph (c)(2) has been achieved, the
34 actuary shall calculate the funding percentage after taking into account the reinstatement of any

1 current or future benefit adjustment provided under this section.

2 (3) Notwithstanding paragraph (c)(2), for each municipal plan that has a Funded Ratio of
3 less than eighty percent (80%) as of June 30, 2012, in each fifth plan year commencing after June
4 30, 2012, commencing with the plan year ending June 30, 2017, and subsequently at intervals of
5 five (5) plan years, a benefit adjustment shall be calculated and made in accordance with paragraph
6 (c)(1) above until the municipal plan's Funded Ratio exceeds eighty percent (80%).

7 (d) This subsection (d) shall become effective July 1, 2015.

8 (1)(A) As soon as administratively reasonable following the enactment into law of this
9 subsection (d)(1)(A), a one-time benefit adjustment shall be provided to members and/or
10 beneficiaries of members who retired on or before June 30, 2012, in the amount of two percent
11 (2%) of the lesser of either the employee's retirement allowance or the first twenty-five thousand
12 dollars (\$25,000) of the member's retirement allowance. This one-time benefit adjustment shall be
13 provided without regard to the retiree's age or number of years since retirement.

14 (B) Notwithstanding the prior subsections of this section, for all present and former
15 employees, active and retired employees, and beneficiaries receiving any retirement, disability or
16 death allowance or benefit of any kind by reason of adoption of this section by their employer, the
17 annual benefit adjustment provided in any calendar year under this section for adjustments on and
18 after January 1, 2016, and subject to paragraph (d)(2) below, shall be equal to (I) multiplied by (II):

19 (I) Shall equal the sum of fifty percent (50%) of (i) plus fifty percent (50%) of (ii) where:

20 (i) Is equal to the percentage determined by subtracting five and one-half percent (5.5%)
21 (the "subtrahend") from the five-year average investment return of the retirement system
22 determined as of the last day of the plan year preceding the calendar year in which the adjustment
23 is granted, said percentage not to exceed four percent (4%) and not to be less than zero percent
24 (0%). The "five-year average investment return" shall mean the average of the investment returns
25 of the most recent five (5) plan years as determined by the retirement board. In the event the
26 retirement board adjusts the actuarially assumed rate of return for the system, either upward or
27 downward, the subtrahend shall be adjusted either upward or downward in the same amount.

28 (ii) Is equal to the lesser of three percent (3%) or the percentage increase in the Consumer
29 Price Index for all Urban Consumers (CPI-U) as published by the U.S. Department of Labor
30 Statistics determined as of September 30 of the prior calendar year.

31 In no event shall the sum of (i) plus (ii) exceed three and one-half percent (3.5%) or be less
32 than zero percent (0%).

33 (II) Is equal to the lesser of either the member's retirement allowance or the first twenty-
34 five thousand eight hundred and fifty-five dollars (\$25,855) of retirement allowance, such amount

1 to be indexed annually in the same percentage as determined under subsection (d)(1)(B)(I) above.

2 The benefit adjustments provided by this subsection (d)(1)(B) shall be provided to all
3 retirees entitled to receive a benefit adjustment as of June 30, 2012, under the law then in effect,
4 and for all other retirees the benefit adjustments shall commence upon the third anniversary of the
5 date of retirement or the date on which the retiree reaches his or her Social Security retirement age,
6 whichever is later; or for municipal police and fire retiring under the provisions of § 45-21.2-
7 5(b)(1)(A), the benefit adjustment provided by this paragraph shall commence on the later of the
8 third anniversary of the date of retirement or the date on which the retiree reaches age fifty-five
9 (55); or for municipal police and fire retiring under the provisions of § 45-21.2-5(b)(1)(B), the
10 benefit adjustment provided by this paragraph shall commence on the later of the third anniversary
11 of the date of retirement or the date on which the retiree reaches age fifty (50).

12 (2) ~~Except as provided in subsection (d)(3), the~~ The benefit adjustments under subsection
13 (d)(1)(B) for any plan year shall be ~~suspended in their entirety~~ reduced to twenty-five percent (25%)
14 of the benefit adjustment for each municipal plan within the municipal employees retirement
15 system unless the municipal plan is determined to be funded at a funded ratio equal to or greater
16 than eighty percent (80%) as of the end of the immediately preceding plan year in accordance with
17 the retirement system's actuarial valuation report as prepared by the system's actuary, in which
18 event the benefit adjustment will be reinstated for all members for such plan year.

19 In determining whether a funding level under this subsection (d)(2) has been achieved, the
20 actuary shall calculate the funding percentage after taking into account the reinstatement of any
21 current or future benefit adjustment provided under this section.

22 (3) ~~Notwithstanding subsection (d)(2), in each fourth plan year commencing after June 30,~~
23 ~~2012, commencing with the plan year ending June 30, 2016, and subsequently at intervals of four~~
24 ~~plan years: (i) A benefit adjustment shall be calculated and made in accordance with subsection~~
25 ~~(d)(1)(B) above; and (ii)~~ Effective for members and/or beneficiaries of members who retired on or
26 before June 30, 2015, the dollar amount in subsection (d)(1)(B)(II) of twenty-five thousand eight
27 hundred and fifty-five dollars (\$25,855) shall be replaced with thirty-one thousand and twenty-six
28 dollars (\$31,026) until the municipal plan's funded ratio exceeds eighty percent (80%).

29 (e) Upon acceptance of any of the plans in this section, each employee shall on January 1
30 next succeeding the acceptance, contribute by means of salary deductions, pursuant to § 45-21-41,
31 one percent (1%) of the employee's compensation concurrently with and in addition to
32 contributions otherwise being made to the retirement system.

33 (f) The city or town shall make any additional contributions to the system, pursuant to the
34 terms of § 45-21-42, for the payment of any benefits provided by this section.

1 (g) The East Greenwich town council shall be allowed to accept Plan C of subsection (a)(3)
2 of this section for all employees of the town of East Greenwich who either, pursuant to contract
3 negotiations, bargain for Plan C, or who are non-union employees who are provided with Plan C
4 and who shall all collectively be referred to as the "Municipal-COLA Group" and shall be separate
5 from all other employees of the town and school department, union or non-union, who are in the
6 same pension group but have not been granted Plan C benefits. Upon acceptance by the town
7 council, benefits in accordance with this section shall be available to all such employees who retire
8 on or after January 1, 2003.

9 (h) Effective for members and/or beneficiaries of members who have retired on or before
10 July 1, 2015, and without regard to whether the retired member or beneficiary is receiving a benefit
11 adjustment under this section, a one-time stipend of five hundred dollars (\$500) shall be payable
12 within sixty (60) days following the enactment of the legislation implementing this provision, and
13 a second one-time stipend of five hundred dollars (\$500) in the same month of the following year.
14 These stipends shall not be considered cost of living adjustments under the prior provisions of this
15 section.

16 SECTION 4. 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 (SEE TITLE 16 CHAPTER 97-
THE RHODE ISLAND BOARD OF EDUCATION ACT)

1 This act would provide that effective January 1, 2023, the current COLA suspension
2 schedule would be replaced with a fractional annual COLA of twenty-five percent (25%) of the
3 COLA declared for that plan year, as it pertains to retired teachers, state and municipal employees.

4 This act would take effect upon passage.

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