

2016 -- H 7725

=====
LC004708
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

—————
A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM -
CONTRIBUTIONS AND BENEFITS - RETIRED TEACHERS

Introduced By: Representatives Amore, Hearn, and Fogarty

Date Introduced: February 24, 2016

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
2 "Retirement System-Contributions and Benefits" is hereby amended to read as follows:
3 **36-10-36. Post retirement employment.** -- (a) On and after July 7, 1994, no member
4 who has retired under the provisions of titles 16, 36, or 45 may be employed or reemployed by
5 any state agency or department unless any and all retirement benefits to which he or she may be
6 entitled by virtue of the provisions of titles 16, 36, or 45 are suspended for the duration of any
7 employment or reemployment. No additional service credits shall be granted for any post-
8 retirement employment or reemployment and no deductions shall be taken from an individual's
9 salary for retirement contribution. Notice of any such post-retirement employment or
10 reemployment shall be sent monthly to the retirement board by the employing agency or
11 department and by the retired member.
12 (b) Any member who has retired under the provisions of titles 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-
16 day pay in any one calendar year without any forfeiture or reduction of any retirement benefits
17 and allowances the member is receiving, or may receive, as a retired member. Pension payments
18 shall be suspended whenever this period is exceeded. No additional contributions shall be taken,

1 and no additional service credits shall be granted, for this service. Notice of this employment or
2 re-employment shall be sent monthly to the retirement board by the employer and by the retired
3 member.

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

8 (d) Notwithstanding the provisions of this section:

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

18 (2) Any retired member, who retired from service at any state college, university, state
19 school, or who retired from service as a teacher under the provisions of title 16, or who retired
20 from service under title 36 or title 45, may be employed or reemployed, on a part-time basis, by
21 any state college, university, or state school for the purpose of providing classroom instruction,
22 academic advising of students, and/or coaching. Compensation shall be provided at a level not to
23 exceed the salary provided to other faculty members employed under a collective bargaining
24 agreement at the institution. In no event shall "part-time" mean gross pay of more than fifteen
25 thousand dollars (\$15,000) in any one calendar year. Any retired member who provides such
26 instruction or service shall do so without forfeiture or reduction of any retirement benefit or
27 allowance; provided, however, that no additional service credits shall be granted for any service
28 under this subsection;

29 (3) Any retired member who retired from service as a teacher under the provisions of
30 title 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
5 teacher; provided, however, that no additional service credits shall be granted for any service
6 under this subsection; provided that:

7 (i) Based upon a determination by the department of education that there does not exist
8 enough eligible part-time educators to teach certain subjects, or based on an anticipated need to
9 fill those positions, the department of education may petition the state retirement board to take
10 such reasonable steps as may be necessary to ensure that students' classroom experience is not
11 diminished by a lack of teachers in those subjects;

12 (ii) The state retirement board, upon a finding that there does exist a shortage of part-time
13 teachers in certain subjects, may, by rule, allow retired members to exceed the restriction on
14 earnings in subsection (d)(3) of this section without having their retirement benefits reduced; and

15 (iii) Retired members shall not exceed the restriction on earnings in subsection (d)(3) of
16 this section for more than two (2) consecutive years without having their retirement benefits
17 reduced.

18 (4) Any retired member who retired from service as a registered nurse may be employed
19 or reemployed, on a per-diem basis, for the purpose of providing professional nursing care and/or
20 services at a state-operated facility in Rhode Island. In no event shall "part-time" mean gross pay
21 of more than fifteen thousand dollars (\$15,000) in any one calendar year. Any retired nurse who
22 provides such care and/or services shall do so without forfeiture or reduction of any retirement
23 benefit or allowance the retired nurse is receiving as a retired nurse; provided, however, that no
24 additional service credits shall be granted for any service under this subsection; and

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

33 (6) Any retired member of the system shall be permitted to serve as a municipal
34 employee without any forfeiture or reduction of any retirement benefits and allowances that he or

1 she is receiving or may receive; provided, that said member shall be appointed by and serves at
2 the pleasure of the highest elected chief executive officer, as defined in § 45-9-2, in any city or
3 town subject to the provisions of chapter 9 of title 45 entitled "Budget Commissions" relating to
4 the appointment of a fiscal overseer, budget commission, receiver, and/or financial advisor.
5 Provided further, that no additional service credits shall be granted for any service under this
6 subsection.

7 (7) The state retirement board shall promulgate any rule or regulation, to the extent
8 necessary to protect the health, safety, and welfare of the residents of the state, and implement
9 any temporary measures that allow persons covered under subsection (d) of this section to exceed
10 any restriction on earnings that would normally result in a reduction of retirement benefits. Any
11 rule or regulation promulgated under this subsection shall be effective for no more than one year,
12 and may be renewed only upon a finding by the retirement board that the rule or regulation is
13 necessary for the health, safety, and welfare of the residents of the state.

14 SECTION 2. This act shall take effect upon passage.

=====
LC004708
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM -
CONTRIBUTIONS AND BENEFITS - RETIRED TEACHERS

- 1 This act would permit retired teachers to exceed earnings limits if the department of
- 2 education determines there is a shortage of teachers in their subject.
- 3 This act would take effect upon passage.

=====
LC004708
=====