

2018 -- S 2125

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LC003721
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM -
CONTRIBUTION AND BENEFITS

Introduced By: Senators Archambault, McCaffrey, and Conley

Date Introduced: January 23, 2018

Referred To: Senate 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.**

4 (a) On and after ~~July 7, 1994~~ July 1, 2018, ~~no~~ any member who has retired under the
5 provisions of titles 16, 36, or 45 may be employed or reemployed by any state or municipal
6 agency or department ~~unless any and all~~ without forfeiting retirement benefits to which he or she
7 may be entitled by virtue of the provisions of titles 16, 36, or 45 ~~are suspended for the duration of~~
8 ~~any employment or reemployment~~. No additional service credits shall be granted for any post-
9 retirement employment or reemployment and no deductions shall be taken from an individual's
10 salary for retirement contribution. Notice of any such post-retirement employment or
11 reemployment shall be sent monthly to the retirement board by the employing agency or
12 department and by the retired member.

13 (b) ~~Any member who has retired under the provisions of titles 16, 36, or 45 may be~~
14 ~~employed or reemployed by any municipality within the state that has accepted the provisions of~~
15 ~~chapter 21 of title 45 and participates in the municipal employees' retirement system for a period~~
16 ~~of not more than seventy five (75) working days or one hundred fifty (150) half days with half~~
17 ~~day pay in any one calendar year without any forfeiture or reduction of any retirement benefits~~
18 ~~and allowances the member is receiving, or may receive, as a retired member. Pension payments~~

1 ~~shall be suspended whenever this period is exceeded. No additional contributions shall be taken,~~
2 ~~and no additional service credits shall be granted, for this service. Notice of this employment or~~
3 ~~reemployment shall be sent monthly to the retirement board by the employer and by the retired~~
4 ~~member.~~

5 (c) ~~Any member who has retired under the provisions of title 16, 36, or 45 may be~~
6 ~~employed or reemployed by any municipality within the state that has not accepted the provisions~~
7 ~~of chapter 21 of title 45 and that does not participate in the municipal employees' retirement~~
8 ~~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~~
14 ~~commission or member of any part time municipal board or commission, and shall continue to be~~
15 ~~eligible for, and receive, the retirement allowance for service other than that as a mayor,~~
16 ~~administrator, council member, school committee member, or member of any state board or~~
17 ~~commission or member of any part time municipal board or commission; provided, however, that~~
18 ~~no additional service credits 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~~
21 ~~from service under title 36 or title 45, may be employed or reemployed, on a part time basis, by~~
22 ~~any state college, university, or state school for the purpose of providing classroom instruction,~~
23 ~~academic advising of students, and/or coaching. Compensation shall be provided at a level not to~~
24 ~~exceed the salary provided to other faculty members employed under a collective bargaining~~
25 ~~agreement at the institution. In no event shall "part time" mean gross pay of more than eighteen~~
26 ~~thousand dollars (\$18,000) in any one calendar year. Any retired member who provides such~~
27 ~~instruction or service shall do so without forfeiture or reduction of any retirement benefit or~~
28 ~~allowance; provided, however, that no additional service credits shall be granted for any service~~
29 ~~under this subsection;~~

30 (3) ~~Any retired member who retired from service as a teacher under the provisions of title~~
31 ~~16, or as a state employee who, while an active state employee, was certified to teach driver~~
32 ~~education by the department of elementary and secondary education or by the board of governors~~
33 ~~for higher education, may be employed or reemployed, on a part time basis, by the department of~~
34 ~~elementary and secondary education or by the board of governors of higher education for the~~

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

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

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

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

1 ~~subsection.~~

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM -
CONTRIBUTION AND BENEFITS

- 1 This act would remove some of the restrictions on post-retirement re-employment of
- 2 public employees.
- 3 This act would take effect upon passage.

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