

2021 -- H 5362

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES

Introduced By: Representative William W. O'Brien

Date Introduced: February 05, 2021

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 36-10-1 of the General Laws in Chapter 36-10 entitled "Retirement
2 System - Contributions and Benefits" is hereby amended to read as follows:

3 **36-10-1. Member contributions -- Deduction from compensation.**

4 (a)(1) Prior to July 1, 2012, each member of the retirement system shall contribute an
5 amount equal to eight and three-quarters percent (8.75%) of his or her compensation as his or her
6 share of the cost of annuities, benefits, and allowances. Effective July 1, 2012, each member of the
7 retirement system shall contribute an amount equal to three and three quarters percent (3.75%) of
8 his or her compensation, except for correctional officers as defined in § 36-10-9.2 who shall
9 contribute an amount equal to eight and three quarters percent (8.75%) of his or her compensation.
10 Effective July 1, 2015, each member of the retirement system, except for correctional officers as
11 defined in § 36-10-9.2, with twenty (20) or more years of total service as of June 30, 2012 shall
12 contribute an amount equal to eleven percent (11%) of compensation.

13 (2) Effective July 1, 2021, those members of the retirement system who are state employees
14 employed as deputy sheriffs, capitol police officers, environmental police officers, juvenile
15 program workers, shift coordinators, firefighters, crew chiefs, assistant chiefs, fire investigators,
16 fire safety inspectors, fire safety training officers, explosives and flammable liquids technicians,
17 and campus police officers employed by the state of Rhode Island and executive military staff shall
18 contribute an amount equal to ten percent (10%) of compensation.

19 (3) The contributions shall be made in the form of deductions from compensation.

1 (b) The deductions provided for herein shall be made notwithstanding that the minimum
2 compensation provided by law for any member shall be reduced thereby. Every member shall be
3 deemed to consent and agree to the deductions made and provided for herein and receipt of his or
4 her full compensation and payment of compensation, less the deductions, shall be a full and
5 complete discharge and acquittance of all claims and demands whatsoever for the services rendered
6 by the person during the period covered by the payment except as to the benefit provided under this
7 chapter.

8 SECTION 2. Section 36-10.3-1 of the General Laws in Chapter 36-10.3 entitled "Defined
9 Contribution Retirement Plan" is hereby amended to read as follows:

10 **36-10.3-1. Definitions.**

11 As used in this chapter, the following terms, unless the context requires a different
12 interpretation, shall have the following meanings:

13 (1) "Compensation" means compensation as defined in section 36-8-1(8).

14 (2) "Employee" means an employee as defined in §§ 36-8-1(9) and 45-21-2(7) and a
15 teacher as defined in § 16-16-1(12), effective July 1, 2012; provided however, effective July 1,
16 2015, "employee" shall not include any employee with twenty (20) or more years of total service
17 as of June 30, 2012 in the employees retirement system under chapters 8 through 10 of title 36 or
18 chapter 16 of title 16 (ERS), or the municipal employees retirement system under chapter 21 of
19 title 45 (MERS); provided, however, effective July 1, 2021, "employee" shall not include deputy
20 sheriffs, capitol police officers, environmental police officers, juvenile program workers, shift
21 coordinators, firefighters, crew chiefs, assistant chiefs, fire investigators, fire safety inspectors, fire
22 safety training officers, explosives and flammable liquids technicians, and campus police officers
23 employed by the state of Rhode Island and executive military staff.

24 (3) "Employer" means the State of Rhode Island or the local municipality which employs
25 a member of the Employees Retirement System under chapters 8 through 10 of title 36 or chapter
26 16 of title 16 (ERS) or the Municipal Employees Retirement System under chapters 21 and 21.2 of
27 title 45 (MERS).

28 (4) "Plan" means the retirement plan established by this chapter.

29 (5) A "public safety member" shall mean a member of MERS who is a municipal fire
30 fighter or a municipal policeman or policewoman as defined in § 45-21.2-2 who does not participate
31 in Social Security under the Federal Old Age, Survivors, and Disability income program.

32 (6) "Regular member" means:

33 (i) An employee who is a member of ERS other than correctional officers as defined in §
34 36-10-9.2; or

1 (ii) An employee who is a member of MERS other than a public safety member.

2 (7) The "retirement board" or "board" shall mean the retirement board of the Employees
3 Retirement System of Rhode Island as defined in Chapter 36-8. The retirement board shall be the
4 plan administrator and plan trustee and shall administer the plan in accordance with § 36-8-4.1.

5 (8) "State investment commission" or "commission" means the state investment
6 commission as defined in § 35-10-1.

7 (9) "Supplemental employer" includes any employer that provides supplemental
8 contributions to the defined contribution retirement plan as provided in § 36-10.3-3.

9 (10) "Supplemental member" is defined in § 36-10.3-3.

10 SECTION 3. Chapter 36-10 of the General Laws entitled "Retirement System-
11 Contributions and Benefits" is hereby amended by adding thereto the following section:

12 **36-10-9.8. Retirement on service allowance -- State law enforcement professionals.**

13 (a) Effective July 1, 2021, notwithstanding any special law or general law, rule or
14 regulation to the contrary, state employees employed as deputy sheriffs, capitol police officers,
15 environmental police officers, juvenile program workers, shift coordinators, firefighters, crew
16 chiefs, assistant chiefs, fire investigators, fire safety inspectors, fire safety training officers,
17 explosives and flammable liquids technicians, and campus police officers employed by the state of
18 Rhode Island and executive military staff shall be entitled to the benefits provided by §§ 45-21.2-
19 5, 45-21.2-6, 45-21.2-10, 45-21.2-11, 45-21.2-12, and 45-21.2-13.

20 (b) For members identified in subsection (a) of this section, service credits earned prior to
21 July 1, 2021, shall be determined by the laws in effect on June 30, 2021.

22 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 PUBLIC OFFICERS AND EMPLOYEES

1 This act would provide state employee public safety professionals subject to the state
2 retirement system with a position of parity with public safety employees of the municipal retirement
3 system, effective July 1, 2021. The act would set their retirement contribution at ten percent (10%)
4 of their compensation.

5 This act would take effect upon passage.

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