

2023 -- H 5039

LC000064

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

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

Introduced By: Representatives McEntee, Fogarty, Craven, O'Brien, Dawson, Abney,
and Phillips

Date Introduced: January 11, 2023

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 "Retirement
2 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, no member who has retired under the provisions of title 16,
5 36, or 45 may be employed or reemployed by any state agency or department unless any and all
6 retirement benefits to which he or she may be entitled by virtue of the provisions of title 16, 36, or
7 45 are suspended for the duration of any employment or reemployment. No additional service
8 credits shall be granted for any post-retirement employment or reemployment and no deductions
9 shall be taken from an individual's salary for retirement contribution. Notice of any such post-
10 retirement employment or reemployment shall be sent monthly to the retirement board by the
11 employing agency or department and by the retired member.

12 (b) Any member who has retired under the provisions of title 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-day
16 pay in any one calendar year without any forfeiture or reduction of any retirement benefits and
17 allowances the member is receiving, or may receive, as a retired member. Pension payments shall
18 be suspended whenever this period is exceeded. No additional contributions shall be taken, and no

1 additional service credits shall be granted, for this service. Notice of this employment or
2 reemployment 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 employed
5 or reemployed by any municipality within the state that has not accepted the provisions of chapter
6 21 of title 45 and that does not participate in the municipal employees' retirement system.

7 (d) Notwithstanding the provisions of this section:

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

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

28 (3) Any retired member who retired from service as a teacher under the provisions of title
29 16, or as a state employee who, while an active state employee, was certified to teach driver
30 education by the department of elementary and secondary education or by the board of governors
31 for higher education, may be employed or reemployed, on a part-time basis, by the department of
32 elementary and secondary education or by the board of governors of higher education for the
33 purpose of providing classroom instruction in driver education courses in accordance with § 31-
34 10-19 and/or motorcycle driver education courses in accordance with § 31-10.1-1.1. In no event

1 shall “part-time” mean gross pay of more than fifteen thousand dollars (\$15,000) in any one
2 calendar year. Any retired teacher who provides that instruction shall do so without forfeiture or
3 reduction of any retirement benefit or allowance the retired teacher is receiving as a retired teacher;
4 provided, however, that no additional service credits shall be granted for any service under this
5 subsection;

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

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

26 (6) Any retired district court clerk/magistrate or magistrate of the district court who shall
27 subsequently be assigned to perform service in accordance with § 8-8-8.1 or § 8-8-16.2(e), may be
28 employed or reemployed by the district court to perform such services as a magistrate as the chief
29 judge of the district court shall prescribe without any forfeiture or reduction of any retirement
30 benefits and allowance that he or she is receiving or may receive. For any such services or
31 assignment performed after retirement, the district court clerk/magistrate or magistrate shall
32 receive, in addition to his or her retirement pension, the difference in pay and fringe benefits
33 between his or her retirement pension, and that of a sitting magistrate of the district court with
34 comparable state service time. No additional contributions shall be taken and no additional service

1 credits shall be granted for this service; and

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

9 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 increase the maximum post retirement employment earnings from eighteen
2 thousand dollars (\$18,000) to twenty-five thousand dollars (\$25,000) a year for certain retired
3 educators.

4 This act would take effect upon passage.

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