

2023 -- H 6203

LC002625

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO TOWNS AND CITIES -- OPTIONAL RETIREMENT FOR MEMBERS OF
POLICE FORCE AND FIREFIGHTERS

Introduced By: Representatives O'Brien, Dawson, Caldwell, Craven, McEntee, Shanley,
Batista, Vella-Wilkinson, Perez, and Noret

Date Introduced: March 24, 2023

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-21.2-5 of the General Laws in Chapter 45-21.2 entitled "Optional
2 Retirement for Members of Police Force and Firefighters" is hereby amended to read as follows:

3 **45-21.2-5. Retirement on service allowance.**

4 (a) Retirement of a member on a service retirement allowance for members eligible to retire
5 on or before June 30, 2012, shall be made, subject to paragraph (a)(11) below, by the retirement
6 board as follows:

7 (1) Any member who has attained or attains age seventy (70) shall be retired as stated in §
8 45-21-16 subject to the discretions contained in that section; provided, that any member who is a
9 member of the Woonsocket fire department who has attained or attains an age of sixty-five (65)
10 years shall be retired. Retirement occurs on the first day of the next succeeding calendar month in
11 which the member has attained the age of sixty-five (65) years.

12 (2) Any member may retire pursuant to this subdivision upon written application to the
13 board stating at what time the member desires to retire; provided, that the member at the specified
14 time for retirement has attained an age of fifty-five (55) years and has completed at least ten (10)
15 years of total service, and notwithstanding that the member may have separated from service.

16 (3) Any member may retire pursuant to this subdivision upon written application to the
17 board stating at what time the member desires to retire; provided, that the member at the specified
18 time for retirement has completed at least twenty-five (25) years of total service, and

1 notwithstanding that the member may have separated from service.

2 (4) Any member may retire pursuant to this subdivision upon written application to the
3 board stating at what time the member desires to retire; provided, that the member at the specified
4 time for retirement has attained an age of fifty (50) years and has completed at least twenty (20)
5 years of total service, notwithstanding that the member may have separated from service; provided,
6 that the service retirement allowance, as determined according to the formula provided in § 45-
7 21.2-6, is reduced one-half of one percent ($\frac{1}{2}\%$) for each month that the age of the member is less
8 than fifty-five (55) years.

9 (5) Any member of the South Kingstown police department may retire pursuant to this
10 subdivision upon written application to the board stating at what time the member desires to retire;
11 provided, that the member at the specified time for retirement has earned a service retirement
12 allowance of fifty percent (50%) of final compensation pursuant to § 45-21.2-6.1.

13 (6) Any member of the Johnston police department may retire pursuant to this subdivision
14 upon written application to the board stating at what time the member desires to retire; provided,
15 that the member at the specified time for retirement has earned a service retirement allowance of
16 fifty percent (50%) of final compensation pursuant to § 45-21.2-6.2.

17 (7) Any member of the Cranston fire department hired after July 1, 1995, or any member
18 of the Cranston fire department with five (5) years or less of service effective July 1, 1995, may
19 retire pursuant to this subdivision upon written application to the board stating at what time the
20 member desires to retire; provided, that the member at the specified time for retirement has earned
21 a service retirement allowance of fifty percent (50%) of final compensation for at least twenty (20)
22 years service; final compensation for Cranston fire department members is based on the
23 compensation components of weekly salary, longevity and holidays with longevity of the members
24 highest year of earnings and members shall receive a three percent (3%) escalation of their pension
25 payment compounded each year on January 1st following the year of retirement and continuing on
26 an annual basis on that date; further, any illness or injury not covered in title 45 relating to the
27 presumption of disability is governed by the collective bargaining agreement between the City of
28 Cranston and members of the Cranston fire department.

29 (8) Any member of the Cranston police department hired after July 1, 1995, or any member
30 of the Cranston police department with five (5) years or less of service effective July 1, 1995, may
31 retire pursuant to this subdivision upon written application to the board stating at what time the
32 member desires to retire; provided, that the member at the specified time for retirement has earned
33 a service retirement allowance of fifty percent (50%) of final compensation for at least twenty (20)
34 years service; final compensation for Cranston police department members is based on the

1 compensation components of weekly salary, longevity and holidays with longevity of the members
2 highest year of earnings and members shall receive a three percent (3%) escalation of their pension
3 payment compounded each year on January 1st following the year of retirement and continuing on
4 an annual basis on that date; further, any illness or injury not covered in title 45 relating to the
5 presumption of disability is governed by the collective bargaining agreement between the City of
6 Cranston and members of the Cranston police department.

7 (9) Any member of the Hopkinton police department may retire pursuant to this subdivision
8 upon written application to the board stating at what time the member desires to retire; provided,
9 that the member at the specified time for retirement has earned a service retirement allowance of
10 fifty percent (50%) of final compensation for at least twenty (20) years service; final compensation
11 for Hopkinton police department members is based on the compensation components of weekly
12 salary, longevity and holidays with longevity of the members highest year of earnings and members
13 shall receive a three percent (3%) escalation of their pension payment compounded each year on
14 January 1st following the year of retirement and continuing on an annual basis on that date.

15 (10) Any member of the Richmond police department may retire pursuant to this
16 subdivision upon written application to the board stating at what time the member desires to retire;
17 provided, that the member at the specified time for retirement has earned a service retirement
18 allowance of fifty percent (50%) of final compensation for at least twenty-two (22) years' service
19 pursuant to § 45-21.2-6.3.

20 (11) Notwithstanding any provision in this section to the contrary, for any service on or
21 after July 1, 2012, final compensation shall be defined in accordance with § 45-21.2-2, ~~and no~~
22 ~~benefit adjustments shall be provided except as set forth in § 45-21-52(e).~~

23 (12) Notwithstanding any provision in this section or in § 45-21-52(c) or (d), active and
24 retired members, and the beneficiaries receiving any retirement allowance or benefit of any kind,
25 shall also receive a two and one-half percent (2.5%) escalation of their pension payment,
26 compounded each year on January 1 following the year of retirement and continuing on an annual
27 basis thereafter on that date.

28 ~~(12)~~(13) Notwithstanding any provisions of this section to the contrary, with respect to
29 police officers employed by the town of Johnston, only those police officers hired on or after July
30 1, 2010, shall be eligible to be members of the Municipal Employees' Retirement System of the
31 state of Rhode Island in accordance with this chapter.

32 (b) Retirement of a member on a service retirement allowance eligible to retire on and after
33 July 1, 2012, shall be made by the retirement board as follows:

34 (1) Any member may retire pursuant to this subdivision upon written application to the

1 board stating at what time the member desires to retire; provided, that the member at the specified
2 time for retirement attained the age of at least fifty-five (55) years and has completed at least
3 twenty-five (25) years of total service, and notwithstanding that the member may have separated
4 from service; or

5 (2) Effective July 1, 2015, the member makes contributions to the plan effective July 1,
6 2015, in accordance with § 45-21.2-14, and (i) The member at the specified time for retirement
7 attained the age of at least fifty (50) years and has completed at least twenty-five (25) years of total
8 service; or (ii) The member has completed at least twenty-seven (27) years of total service
9 regardless of the member's attained age, and notwithstanding that the member may have separated
10 from service.

11 (3) Any member with contributory service on or after July 1, 2012, who has completed at
12 least five (5) years of contributory service but who has not completed twenty-five (25) years of
13 service, shall be eligible to retire upon the attainment of the member's Social Security retirement
14 age.

15 (4) If a member had ten (10) or more years of contributory service and attained age forty-
16 five (45) prior to July 1, 2012, and would have been eligible to retire at or prior to age fifty-two
17 (52) in accordance with the rules in effect prior to July 1, 2012, the member may retire upon
18 attainment of age fifty-two (52).

19 (5) Effective July 1, 2015, a member who has completed twenty (20) or more years of total
20 service who has attained an age within five (5) years of the eligible retirement age under
21 subparagraphs (b)(1) or (b)(2) or (b)(3) or (b)(4) above, may elect to retire provided that the
22 retirement allowance shall be reduced actuarially for each month that the age of the member is less
23 than the eligible retirement age under subparagraphs (b)(1) or (b)(2) or (b)(3) or (b)(4) above in
24 accordance with the following table:

25 Year Preceding Retirement	Cumulative Annual Reduction	Cumulative Monthly
26 Reduction		
27 For Year 1	9%	.75%
28 For Year 2	8%	.667%
29 For Year 3	7%	.583%
30 For Year 4	7%	.583%
31 For Year 5	7%	.583%

32 (6) Notwithstanding any other provisions of this section, a member on June 30, 2012,
33 may elect to retire at his or her eligible retirement date as determined under the rules in effect on
34 June 30, 2012, provided that a member making an election under this paragraph shall receive the

1 member's retirement benefit determined and calculated based on the member's service and final
2 compensation as of June 30, 2012. This provision shall be interpreted and administered in a
3 manner to protect a member's accrued benefit on June 30, 2012.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would authorize an annual two and one-half percent (2.5%) escalation for all active
2 and retired police and fire fighter's retirement pension allowance, compounded each year on
3 January 1 following the year of retirement and continuing yearly, on that date.

4 This act would take effect upon passage.

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