

2011 -- S 0358

LC01179

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES - RETIREMENT SYSTEM

Introduced By: Senator Michael J. McCaffrey

Date Introduced: February 16, 2011

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.** -- (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, which municipality has accepted  
14 the provisions of chapter 21 of title 45 and which participates in the municipal employees'  
15 retirement system for a period of not more than ninety-nine (99) ~~seventy-five (75)~~ working days  
16 or one hundred ninety-eight (198) ~~one hundred fifty (150)~~ half days with half day pay in any one  
17 calendar year without any forfeiture of or reduction of any retirement benefits and allowances the  
18 member is receiving or may receive as a retired member. Pension payments shall be suspended  
19 whenever this period is exceeded. No additional contributions shall be taken and no additional

1 service credits shall be granted for this service. Notice of this employment or re-employment  
2 shall be sent monthly to the retirement board by the employer and by the retired member.

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

28 (3) Any retired member who retired from service as a teacher under the provisions of  
29 title 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 for higher education for the  
33 purpose of providing classroom instruction in driver education courses in accordance with section  
34 31-10-19 and/or motorcycle driver education courses in accordance with section 31-10.1-1.1. In

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

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. In no event shall "part-time" mean gross pay  
9 of more than twelve thousand dollars (\$12,000) in any one calendar year. Any retired nurse who  
10 provides such care and/or services shall do so without forfeiture or reduction of any retirement  
11 benefit or allowance the retired nurse is receiving as a retired nurse; provided, however, that no  
12 additional service credits shall be granted for any service under this subsection.

13 (5) (a) [Effective until March 2, 2009.]Any retired member who retired from service  
14 with the department of labor and training, is proficient in the processing of unemployment  
15 insurance claims, as established by the department, and has extensive experience working in the  
16 administration of the unemployment insurance program may be employed or reemployed by the  
17 department for the purpose processing unemployment insurance claims between January 27, 2009  
18 and March 1, 2009 without any forfeiture of or reduction of any retirement benefits and  
19 allowances that he or she is receiving or may receive. Compensation shall be provided at a level  
20 not to exceed the salary provided to others employed under the collective bargaining agreement.  
21 Pension payments shall be suspended whenever this period is exceeded. No additional  
22 contributions shall be taken and no additional service credits shall be granted for this service.  
23 Notice of this employment or re-employment shall be sent monthly to the retirement board by the  
24 employer and by the retired member.

25 (b) The provisions of subsection 36-10-36(d)(5)(a) shall expire on March 2, 2009.

26 (c) [Effective until April 4, 2009.]Any retired member who retired from service with the  
27 department of labor and training, is proficient in the processing of unemployment insurance  
28 claims, as established by the department, and has extensive experience working in the  
29 administration of the unemployment insurance program may be employed or reemployed by the  
30 department for the purpose processing unemployment insurance claims between March 3, 2009  
31 and April 3, 2009 without any forfeiture of or reduction of any retirement benefits and allowances  
32 that he or she is receiving or may receive. Compensation shall be provided at a level not to  
33 exceed the salary provided to others employed under the collective bargaining agreement.  
34 Pension payments shall be suspended whenever this period is exceeded. No additional

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

4 (d) The provisions of subsection 36-10-36(d)(5)(c) shall expire on April 4, 2009.

5 SECTION 2. 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 - RETIREMENT SYSTEM

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- 1           This act would increase to ninety-nine working days or one hundred ninety-eight half
- 2   days a retiree may be employed by a municipality without reduction of retirement benefits.
- 3           This act would take effect upon passage.

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