

2010 -- S 2485

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LC01768
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES - POST RETIREMENT
EMPLOYMENT

Introduced By: Senator Michael J. McCaffrey

Date Introduced: February 11, 2010

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 seventy-five (75) working days or one hundred
16 fifty (150) half days with half day pay in any one calendar year without any forfeiture of or
17 reduction of any retirement benefits and allowances the member is receiving or may receive as a
18 retired member. Pension payments shall be suspended whenever this period is exceeded. No

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

4 (c) Any member who has retired under the provisions of title 16, 36, or 45 may be
5 employed or re-employed by any municipality within the state which has not accepted the
6 provisions of chapter 21 of title 45 and which does not participate in the municipal employees'
7 retirement system.

8 (d) Notwithstanding the provisions of this section:

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

18 (2) Any retired member who retired from service at any state college, university, state
19 school, or who retired from service as a teacher under the provisions of title 16, or who retired
20 from service under title 36 or title 45, may be employed or reemployed, on a part-time basis, by
21 any state college, university or state school for the purpose of providing classroom instruction,
22 academic advising of students and/or coaching. Compensation shall be provided at a level not to
23 exceed the salary provided to other faculty members employed under a collective bargaining
24 agreement at the institution. In no event shall "part-time" mean gross pay of more than fifteen
25 thousand dollars (\$15,000) in any one calendar year. Any retired member who provides such
26 instruction or service shall do so without forfeiture or reduction of any retirement benefit or
27 allowance; and provided, however, that no additional service credits shall be granted for any
28 service under this subsection;

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

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

7 (4) Any retired member who retired from service as a registered nurse may be employed
8 or reemployed, on a per diem basis, for the purpose of providing professional nursing care and/or
9 services at a state operated facility in Rhode Island. In no event shall "part-time" mean gross pay
10 of more than twelve thousand dollars (\$12,000) in any one calendar year. Any retired nurse who
11 provides such care and/or services shall do so without forfeiture or reduction of any retirement
12 benefit or allowance the retired nurse is receiving as a retired nurse; provided, however, that no
13 additional service credits shall be granted for any service under this subsection.

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

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

27 (c) [Effective until April 4, 2009.] Any retired member who retired from service with the
28 department of labor and training, is proficient in the processing of unemployment insurance
29 claims, as established by the department, and has extensive experience working in the
30 administration of the unemployment insurance program may be employed or reemployed by the
31 department for the purpose processing unemployment insurance claims between March 3, 2009
32 and April 3, 2009 without any forfeiture of or reduction of any retirement benefits and allowances
33 that he or she is receiving or may receive. Compensation shall be provided at a level not to
34 exceed the salary provided to others employed under the collective bargaining agreement.

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

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

6 (6) Any member who has retired under the provisions of titles 16, 36, or 45 may be
7 employed or re-employed by the board of elections. Compensation shall be provided at a level not
8 to exceed a gross pay of more than fifteen thousand dollars (\$15,000) in any one calendar year.
9 Any retired member so employed shall do so without forfeiture or reduction of any retirement
10 benefit or allowance; and provided, however, that no additional service credits shall be granted
11 for any service under this subsection.

12 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 - POST RETIREMENT
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- 1 This act would allow retirees who are receiving benefits under the state retirement system
- 2 to be employed part-time by the board of elections.
- 3 This act would take effect upon passage.

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