

2002 Legislative Changes

No major benefit changes were enacted by the General Assembly. However, several significant pieces of legislation were enacted by the Rhode Island General Assembly. Here is a summary of the relevant legislation:

Public Law 20-387 - An Act Relating to State Affairs and Government — Administrative Procedures

Administrative Procedures Act

This act removed the exemption of the Employees' Retirement System of Rhode Island (ERSRI) from the Administrative Procedures Act. The Administrative Procedures act is the section of legislation used for administrative hearings on decisions made by the Board.

Public Law 02-383 - An Act Relating to Education — Teachers Retirement

Definitions and Teaching after Retirement

This act eliminated the term "substitute" from the definition of the word "teacher." Additionally, this act allows retired athletic coaches to be employed after retirement in the same manner as retired teachers.

Public Law 02-202 - An Act Relating to Retirement System — Contributions and Benefits

Post-Retirement Employment

This act would include mayors, town administrators and members of part-time municipal boards or commissions to those elected officials exempted from suspension of retirement benefits during time of employment or re-employment. Further, any member who has retired under the provisions of Titles 16, 36, or 45 may be employed or re-employed by any municipality within the state which has not accepted the provisions of Chapter 21 of Title 45 and which does not participate in the Municipal Employees' Retirement System. A mayor or town administrator may not receive a pension from such employment and also work as a mayor or town administrator unless the pension is suspended.

Public Law 02-315 — An Act Relating to Employees Retirement System

Military Service Credits

This act allows pension exemptions from a military retirement system to count as credit in the state system. This bill is the result of litigation against the Employees' Retirement System of Rhode Island. In the case AUGUST ALMEIDA, et al. VS RETIREMENT BOARD OF THE EMPLOYEES RETIREMENT SYSTEM, et al (C.A. NO. 98-383-L), Judge Lagueux found that Rhode Island General

Laws 36-10-9(5) was preempted by the Uniform Services Employment and Re-employment Rights Act. Therefore, this legislation was required in order to make Rhode Island laws comply with federal law.

Public Law 02-299 — An Act Relating to Towns and Cities - Burrillville - Optional Retirement for Police and Firefighter's

Burrillville Police

This act provided for a modified optional 20-year retirement on service allowance for members of the Burrillville Police Department.