**Title 45
Towns and Cities**

**Chapter 21.2
Optional Retirement for Members of Police Force and Firefighters**

**R.I. Gen. Laws § 45-21.2-5**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(1)** Any member may retire pursuant to this subdivision upon written application to the board stating at what time the member desires to retire; provided, that the member at the specified time for retirement attained the age of at least fifty-five (55) years and has completed at least twenty-five (25) years of total service, and notwithstanding that the member may have separated from service; or

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

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

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

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

|  |  | **Cumulative** |
| --- | --- | --- |
| **Year Preceding** | **Cumulative Annual** | **Monthly** |
| **Retirement** | **Reduction** | **Reduction** |
| For Year 1 | 9% | .75% |
| For Year 2 | 8% | .667% |
| For Year 3 | 7% | .583% |
| For Year 4 | 7% | .583% |
| For Year 5 | 7% | .583% |

**(6)** Notwithstanding any other provisions of this section, a member on June 30, 2012, may elect to retire at his or her eligible retirement date as determined under the rules in effect on June 30, 2012, provided that a member making an election under this paragraph shall receive the member’s retirement benefit determined and calculated based on the member’s service and final compensation as of June 30, 2012. This provision shall be interpreted and administered in a manner to protect a member’s accrued benefit on June 30, 2012.

History of Section.
P.L. 1968, ch. 230, § 1; P.L. 1975, ch. 153, § 1; P.L. 1983, ch. 330, § 1; P.L. 1984, ch. 13, § 1; P.L. 1986, ch. 40, § 1; P.L. 1987, ch. 402, § 1; P.L. 1996, ch. 374, § 1; P.L. 2000, ch. 110, § 1; P.L. 2000, ch. 416, § 1; P.L. 2007, ch. 482, § 2; P.L. 2011, ch. 408, § 12; P.L. 2011, ch. 409, § 12; P.L. 2012, ch. 15, § 1; P.L. 2012, ch. 16, § 1; P.L. 2015, ch. 141, art. 21, § 25.



*\*\*The Rhode Island Police Chiefs Association (RIPCA) requests that the up to 38% penalty enumerated in current law be eliminated for police and fire personnel who work and provide twenty (20) years of dedicated service. We are not asking that their pensions be enriched and for that matter for the current law to be changed. We are asking for the penalty to be* ***waived/eliminated*** *if a police officer and/or fire fighter serves for 20 years and provides dedicated service that they simply wait until their 25th anniversary to collect their 20-year pension or preferably the penalty be waived at the 20-year service mark like the municipally managed programs. Out of the ten (10) open municipally managed public safety pension systems for police and fire there is no penalty like the provision highlighted or depicted in the current MERS police and fire system statute…*

***Example****: A average pension baseline for a police officer is $70,000 in current markets and after serving for 20 years (dedicated service) an officer would typically earn 40% of his defined benefit portion on his/her pension (2% for each of service – 2% X 20 years = 40%). 70K x 40% = 28k – apply the 38% penalty to the 28K and a police officer or firefighters’ annual pension would be $10,640.00 after 20 years of quality service…*

***Note:*** *Most police officers and firefighters’ municipalities don’t pay into social security and their MERS pension is all they will retire with…*

*Lastly, this penalty and tenet of the law of the law is very problematic for recruitment and retention purposes, especially in the police service.*