

2007 -- S 0578

LC01475

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO EDUCATION -- PUBLIC OFFICERS AND EMPLOYEES

Introduced By: Senators Sosnowski, Moura, and Perry

Date Introduced: February 15, 2007

Referred To: Senate Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-17.1 of the General Laws entitled "Alternate Provisions for
2 Retirement of Teachers in State Colleges" is hereby amended by adding thereto the following
3 section:

4 **16-17.1-7. Adjunct faculty.** -- [An adjunct faculty member employed by any institution of](#)
5 [the board shall be eligible to participate in the retirement program after being employed for three](#)
6 [\(3\) semesters. The benefits provided to adjunct faculty shall be calculated on the same basis as](#)
7 [those currently in place for other employees of the state colleges.](#)

8 SECTION 2. Sections 36-12-1 and 36-12-2 of the General Laws in Chapter 36-12
9 entitled "Insurance Benefits" are hereby amended to read as follows:

10 **36-12-1. Definitions.** -- The following words, as used in sections 36-12-1 -- 36-12-14,
11 shall have the following meanings:

12 (1) "Employer", means the state of Rhode Island.

13 (2) "Employee", means all persons who are classified employees as the term "classified
14 employee" is defined under section 36-3-3, and all persons in the unclassified and non-classified
15 service of the state; provided, however, that the following shall not be included as "employees"
16 under sections 36-12-1 -- 36-12-14:

17 (i) Part-time personnel whose work week is less than twenty (20) hours a week and
18 limited period and seasonal personnel;

19 (ii) Members of the general assembly, its clerks, doorkeepers, and pages.

1 (3) "Dependents" means an employee's spouse, domestic partner and unmarried children
2 under nineteen (19) years of age. Domestic partners shall certify by affidavit to the benefits
3 director of the division of personnel that the (i) partners are at least eighteen (18) years of age and
4 are mentally competent to contract, (ii) partners are not married to anyone, (iii) partners are not
5 related by blood to a degree which would prohibit marriage in the state of Rhode Island, (iv)
6 partners reside together and have resided together for at least one year, (v) partners are financially
7 interdependent as evidenced by at least two (2) of the following: (A) domestic partnership
8 agreement or relationship contract; (B) joint mortgage or joint ownership of primary residence,
9 (C) two (2) of: (I) joint ownership of motor vehicle; (II) joint checking account; (III) joint credit
10 account; (IV) joint lease; and/or (D) the domestic partner has been designated as a beneficiary for
11 the employee's will, retirement contract or life insurance. Misrepresentation of information in the
12 affidavit will result in an obligation to repay the benefits received, and a civil fine not to exceed
13 one thousand dollars (\$1000) enforceable by the attorney general and payable to the general fund.
14 The employee will notify the benefits director of the division of personnel by completion of a
15 form prescribed by the benefits director when the domestic partnership ends.

16 (4) "Retired employee", means all persons retired from the active service of the state,
17 who, immediately prior to retirement, were employees of the state as determined by the
18 retirement board under section 36-8-1, and also all retired teachers who have elected to come
19 under the employees' retirement system of the state of Rhode Island.

20 (5) "Long-term health care insurance", means any insurance policy or rider advertised,
21 marketed, offered, or designed to provide coverage for not less than twelve (12) consecutive
22 months for each covered person on an expense incurred, indemnity, prepaid, or other basis for
23 one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative,
24 maintenance, or personal care services, provided in a setting other than an acute care unit of a
25 hospital. The term includes: group and individual policies or riders whether issued by insurers,
26 fraternal benefit societies, nonprofit health, hospital, and medical service corporations; prepaid
27 health plans, health maintenance organizations; or any similar organization. Long-term health
28 care insurance shall not include: any insurance policy which is offered primarily to provide basic
29 medicare supplement coverage; basic hospital expense coverage; basic medical-surgical expense
30 coverage; hospital confinement indemnity coverage; major medical expense coverage; disability
31 income protection coverage; accident only coverage; specified disease or specified accident
32 coverage; or limited benefit health coverage. This list of excluded coverages is illustrative and is
33 not intended to be all inclusive.

34 (6) "Retiree health care insurance", means the health benefit employees who retire from

1 active service of the state (subsequent to July 1, 1989), who immediately prior to retirement were
2 employees of the state as determined by the retirement board pursuant to section 36-8-1, shall be
3 entitled to receive, which shall be equal to semi-private hospital care, surgical/medical care and
4 major medical with a one hundred seventy-five dollar (\$175) calendar year deductible.
5 Employees who retire prior to age sixty-five (65) shall, upon the attainment of medicare
6 eligibility, receive hospital care, surgical/medical services, rights and benefits which, when taken
7 together with their federal medicare program benefits (public law 89-97), 42 U.S.C. section 1305
8 et seq., shall be comparable to those provided for retirees prior to that age. The aforementioned
9 program will be provided on a shared basis in accordance with section 36-12-4.

10 (7) "Adjunct faculty", means an employee of any state college providing instruction to
11 students who is employed on a semester basis and who is not otherwise considered a regular full-
12 time or part-time faculty member.

13 **36-12-2. Hospital care and surgical-medical service benefits.** -- (a) Employees of the
14 state of Rhode Island shall receive, in addition to wages, salaries, and any other remuneration or
15 benefits, hospital care and surgical-medical services, rights, and benefits purchased by the
16 director of administration pursuant to section 36-12-6, with the specific condition that the benefits
17 and services provided by the carrier(s) will be substantially equivalent to those set forth in any
18 collective bargaining agreement(s) executed between the state of Rhode Island and authorized
19 representatives of the unions representing state employees or the health care coverage presently
20 being provided.

21 (b) The state will work diligently with leadership of organized labor in order to ensure
22 competitive, cost effective health care services for all employees of the state who may be eligible
23 for those benefits.

24 (c) Any new plan must accept pre-existing conditions for those individuals who will be
25 covered by the new policy.

26 (d) Part-time employees whose work week is less than twenty (20) hours a week may
27 purchase the benefits set forth above. The employees shall pay the same rate for the benefits as
28 the group rate paid by the state for the benefits. Payments for the benefits may be deducted in
29 accordance with the provisions of section 36-12-3.

30 (e) Adjunct faculty employed by the state colleges shall receive hospital care and
31 surgical-medical services, rights, and benefits purchased by the director of administration
32 pursuant to section 36-12-6, with the specific condition that the benefits and services provided by
33 the carrier(s) will be substantially equivalent to those set forth in any collective bargaining
34 agreement(s) executed between the state of Rhode Island and authorized representatives of the

1 unions representing state employees or the health care coverage presently being provided. In
2 order to be eligible for this benefit, qualified adjunct faculty must have taught one or more
3 courses (or the equivalent) for two (2) consecutive semesters and who are then teaching two (2)
4 or more courses (or the equivalent) in the semester in which he/she seeks medical benefits.

5 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- PUBLIC OFFICERS AND EMPLOYEES

1 This act would provide medical and retirement benefits for qualified adjunct faculty
2 employed by the state colleges.

3 This act would take effect upon passage.

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