
The

SMITH HILL REPORT



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Rule of 90

On Thursday, April 23, Representative Deborah Fellela's bill to enact a "Rule of 90" was heard in the House Finance Committee. Under current law, a teacher, state worker or municipal worker may retire before their normal social security retirement age if their age and years of service equals at least ninety-five, provided that they are at least age 62. [H 7343](#) would change the Rule of 95 to a Rule of 90, allowing a person to retire if age plus years of service equals at least ninety provided the employee is at least age 60.

RIFTHP lobbyist James Parisi testified at the hearing and provided a [letter](#) of support for the legislation. He noted the importance of improving pension benefits for public employees to address the workforce shortages caused by inadequate pay and pension benefits for public sector workers. People may begin drawing on 401K programs at age 59 ½, so the minimum age of sixty would, for those eligible, be comparable to private sector benefits. Parisi stressed the importance of improving pension benefits for public sector workers this session.

Teacher Social Security Benefits

Representative Patricia Serpa introduced a bill to require that all new teachers hired in Rhode Island participate in Social Security. Currently, about half of the state's teachers do not participate in Social Security, including AFT-represented teachers in Coventry, Cranston, Johnston, Lincoln, and Central Falls. Representative Serpa heard several individuals, including RIFTHP President Frank Flynn, speak to this issue at the RI Pension Advisory Working Group hearings last year, which was the impetus for filing the bill.

RIFTHP lobbyist James Parisi testified at the April 25 meeting of the House Finance Committee on the bill, [H 7026](#). He informed the Committee that since the bill was filed, the RIFTHP has been working with the NEA/RI to investigate the procedural elements of requiring new hires to be in social security. There are complications that prevent the bill in its current form to move forward, but there are other means to get all teachers in the social security program in the future. Parisi testified that we will continue to explore the legalities involved in moving teachers into Social Security.

Additional Pension Testimony

The RIFTHP offered testimony of six different pension bills at the April 25 hearing of the House Finance Committee. In addition to the two bills mentioned above, the RIFTHP supported:

- **Teacher Post Retirement Employment Extension** – [H 7592](#) by Representative O'Brien which would extend the current exemption of teacher post-retirement employment for an additional two years. Last school year and this school year, retirees may work a full school year without loss of pension benefits.
- **Higher Education Post Retirement Employment** - \$25,000 – [H 7029](#) by Representative McEntee would increase the amount of money a retiree can earn per year working in higher education from \$18,000 to \$25,000. The RIFTHP provided a [letter](#) of support for this bill.
- **Teacher and State Employee Retiree – 3% Stipend** – [H 7342](#) by Representative Serpa would provide a one-time 3% pension increase to retirees paid out of General Revenue of the state, not ERSRI funds.
- **2% Public Employee Retiree Pension Increase, Tax Deduction** – [H 7993](#) by Representative McEntee would provide a 2% pension increase this year in addition to the fractional cola. The bill also increases the tax deduction of pensions. RIAFT/R President Roger Boudreau provided testimony in support of this bill on behalf of RIAFT/R and the RI Public Employees Retiree Coalition.

State Employee Longevity Restoration

On Thursday, April 25, a bill to reinstate state worker longevity was considered amidst a hearing of numerous pension bills. The RIFTHP testified and provided a [letter](#) of support for [H 7249](#) by Representative Arthur Corvese. The bill would reinstate a longevity pay program eliminated by the General Assembly in 2008.

In testifying for the bill, RIFTHP lobbyist James Parisi reminded the Committee that eliminating longevity meant a permanent 20% reduction in compensation for long-term state workers since that was the top longevity increment earned after 25 years. The high number of state worker vacancies is due, in part, to the low compensation of state jobs. Also testifying for the bills were representatives of AFSCME Council 94. The House Finance Committee voted to hold the bill for further study.

Maintenance of Effort Reduction

Legislation was filed on behalf of Providence Mayor Brett Smiley to change the education funding law for schools under state control. [H 7401](#) would reduce a local community's obligation to maintain the same level of local education funding from one year to the next if under state control.

RIFTHP President Frank Flynn authored a [letter](#) opposing the effort. He let the Committee know that Providence currently does not meet its core minimum per pupil spending amount and that it would be imprudent to change the law to reduce Providence's obligation at a time when they need to allocate additional funding.

Among the lengthy list of opponents offering testimony against the bill was the Governor, RIDE, PLEE, and ARISE, a student advocacy group.

Teacher Certification

The RIFTHP signaled support for two bills heard in the Senate Education Committee on Wednesday April 24. Both bills are related to teacher certification.

Emergency Teacher Certificate – [S 2846](#) by Senator Bissaillon would allow that individuals can maintain an emergency teaching certificate for a total of five years instead of the current three years. The RIFTHP provided a [letter](#) from Frank Flynn asking for the same amendments to maintain annual emergency certificates instead of two-year certificates and to add the requirement to adherence to existing regulations be included in the bill.

Waiver of Teacher Certification Fees – [S 2743](#) by Senator Acosta to waive teacher certification fees and Praxis examination fees for three years.

Bill Introductions

Education Funding Formula Revision

([S 2569](#), Zurier, Senate Finance)

This bill would change the formula to determine the state's share of educational cost by adding new variables to the formula.

Student Success Factor - English Language Learner

([S 2594](#), Cano, Senate Finance)

This bill would add to the determination of the need to support high-need students a separate and independent qualifying factor of whether the student is an English language learner as defined by the Department of Education's regulations.

\$738,088 Appropriation - Rhode Island College

([S 2599](#), Cano, Senate Finance)

This resolution would authorize the appropriation of the sum of \$738,088 to Rhode Island College to fund Rhode Island College HSI status and students' support.

School Hazing Penalty

([S 2678](#), McKenney, Senate Judiciary)

This bill would add definitions to the prohibition of hazing, make coaches and others responsible for knowingly failing to take reasonable measures to prevent hazing and would punish serious bodily injury by up to ten (10) years in imprisonment. This bill would also increase the civil and criminal penalties for hazing and permitting hazing.

Threats Against School Employees - Felony

([S 2683](#), Tikoian, Senate Judiciary)

([H 7303](#), Noret, House Judiciary)

These bills would add school superintendents, central office officials, school principals, and all other school employees to the definition of a “public official” for purposes of the criminal prohibition against making threats to public officials.

ABLE Account Program Information

([S 2741](#), Murray, Senate Education)

([H 7612](#), Cortvriend, Senate Education)

These bills would require school districts to provide the parent or guardian of a student with an individualized education program (IEP) with information concerning the achieving a better life experience (ABLE) account program benefits and the program application process.

Strikers Benefits

([S 2783](#), Bissaillon, Senate Labor)

This bill would allow unemployment benefits for workers who are on strike or are locked out of their workplaces by their employer due to a labor dispute.

Municipal Employees Binding Arbitration

([S 2784](#), Ciccone, Senate Labor)

([H 7200](#), Bennett, House Labor)

These bills would recognize that municipal employees have the opportunity to utilize interest arbitration and would establish new factors for the arbitrators to consider. These factors would include comparisons of wages and hourly conditions of employment in similarly skilled jobs. These bills would also grant the arbitrators power to render an award over all negotiated matters, including the expenditure of money.

Captive Audience Meetings

([S 2785](#), LaMountain, Senate Labor)

([H 7106](#), Craven, House Labor)

These bills would protect the rights of employees in the workplace relating to free speech, assembly, and religion, as well as attendance at employer-sponsored meetings regarding political or religious matters. Employees so aggrieved by discipline or discharge by the employer would have the right to bring a civil action against the employer seeking equitable relief and/or compensatory damages including attorneys' fees and costs.

WEP/GPO Resolution

([S 2794](#), Lawson, Senate Finance)

This bill is a Senate resolution respectfully requesting the United States Congress to repeal the Government Pension offset and the windfall elimination provision from the Social Security Act and for President Joe Biden to sign that Legislation into law.

Questions

RIFTHP members with questions about the Smith Hill Report or our legislative agenda may reach out to RIFTHP Lobbyist James Parisi at (401) 273-9800 or at jparisi@rifthp.org.

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