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# SMITH HILL REPORT



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## Public Employee Free Choice Act

On Tuesday, March 4, the House Labor Committee heard testimony on [H7337](#) (Blazejewski) – the Public Employee Free Choice Act.

This legislation provides for certification of a union if the Rhode Island State Labor Relations Board finds that a majority of employees in an appropriate unit has signed authorizations designating the union as their bargaining representative.

Currently, if 30% of employees desire to form a union, the RI State Labor Relations Board holds a hearing to determine if the workers are eligible for collective bargaining and if the bargaining unit is appropriate. The Board can then order a secret ballot election, and if a majority of the employees who vote in the election support unionization, then a union is designated as the exclusive representative to negotiate a contract.

H7337 would allow the labor board to certify and recognize union representation of public employees if at least 70% of eligible employees sign authorization cards. If this super majority of employees submit cards, no election would be necessary.

The RIFTHP Director of Political Activities, Maureen Martin, testified in support of this bill. Joining Martin in support of H7337 was the RI AFL-CIO, AFSCME Council 94's Jim Cenerini and Johnathan Jacobs of the Employment Security Alliance, Local 401, SEIU.

Proponents of the legislation testified that this bill would assure that the democratic sign up procedure would be the most effective way to determine the wishes of the majority of employees while avoiding the anti-union employer coercion that is often evident with the old election process. Testimony was given about the delay tactics management often uses under the current rules with the union election process. Because of the long delays and procedural roadblocks at hearings, management has unlimited and mandatory access to talk to employees at work while union organizers must meet with employees off work hours. They said 21 other states allow some type of democratic majority sign-up recognition.

Speaking against the bill was a representative of the Tea Party and Steve Nardelli, Executive Director of the RI League of Charter Schools who said this legislation would be used to freely organize Rhode Island's charter schools. He said as far as he was concerned it was fine to organize school employees, in fact three of the charter schools are unionized and the teachers are members of the AFT, but he prefers the current system of elections. Also speaking in opposition to the legislation was the Executive Director of the League of Cities and Towns, Dan Beardley.

The bill was held for further study.

**March 10, 2014**

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## Pension Funding Revisited

Last year, the RIFTHP, AFSCME Council 94, and the AARP worked to oppose an effort to eliminate state law requiring surplus state revenue to be placed into the pension fund to make the fund healthier. That proposal failed on a dramatic 39-36 vote on the House floor. Governor Chafee repeated his request to eliminate the law this year. The three organizations repeated our opposition to the measure on Tuesday, March 4, in the House Finance Committee.

[Article 17](#), Section 1 is the proposal to eliminate future supplemental pension funding out of surplus state revenue. Article 17, Section 7 is a related proposal to delete state law that requires the State to make a pension contribution based on 5.5% of state privatization contracts.

RIFTHP lobbyist James Parisi reminded the Committee that teacher and state retiree COLAs are dependent on a healthy pension fund, and that every penny of available funding needs to be put into the pension fund instead of being diverted for other uses. To view the Providence Journal article on the hearing, [click here](#).

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## Social Security Benefit Protection Urges

At a hearing before the House Finance Committee on Tuesday, March 4, James Parisi testified in support of protecting Social Security benefits for certain state workers. Last year, the Assembly created an alternative retirement plan for part time and seasonal workers that also took those workers out of Social Security coverage. The law has been implemented without impacting adjunct faculty, but there could be future government officials who could use the existing law to threaten Social Security coverage to adjunct faculty. [Article 9](#) is a technical correction to the alternative retirement plan called FARP (which stands for the FICA Alternative Retirement Plan). The RIFTHP used the need for a technical correction as an opportunity to repeat its advocacy on behalf of adjunct faculty. A copy of the letter Parisi presented at the hearing can be viewed [here](#).

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## Bill Introductions

If you would like to read the full text of a bill, just click on the bill number.

### **Locally-Administered Pensions - ARC Requirement**

[\(H7122 Shekarchi, House Finance\)](#)

The RIFTHP supports this bill which would authorize the General Treasurer to withhold money due to the municipality (other than education aid) that does not fully fund their annual required contribution (ARC) to a locally administered pension plan.

### **Resolution – Standardized Test Moratorium**

[\(H7327 Naughton, House Health, Education and Welfare\)](#)

The RIFTHP supports this bill which would request the Board of Education to delay the state assessment portion of RI's graduation requirements to allow students to be immersed in the Common Core Curriculum.

### **Charter School Construction Funding**

[\(H7433 Silva, House Finance\)](#)

The RIFTHP opposes this bill which would provide that the percentage of a



Legislative Issues  
hosted by James Parisi  
with Mike Sabitoni and  
Scott Duhamel

Building Futures Open  
House -Senator Jack  
Reed and  
Representative David  
Cicilline

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LaborVision is seen on Cox  
Ch. 14 and FioS Ch. 33

Tuesdays @ 7PM

Thursday @ 8PM

Saturday @ 5PM

charter public school's housing costs reimbursed with state aid would be equal to the percentage of school housing costs reimbursed with state aid for the municipality where a charter public school is located. This would apply only to school housing projects completed after June 30, 2014.

### **Higher Education – Tuition Equity**

([H7437](#) *Diaz, House Finance*)

The RIFTHP supports this bill which would identify those students who are exempt from paying nonresident tuition at public universities, colleges or community colleges.

### **Mayoral Charter School Approval**

([H7444](#) *Palumbo, House Health, Education and Welfare*)

The RIFTHP supports this bill which would provide that a Mayoral Academy Charter School's application would not be approved by the Board of Education unless the school committee and the city or town council of each included municipality also approved the application.

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## Coming Up

On Tuesday, March 11, at the rise, the House Labor Committee will hear testimony on [H7465](#) (Teacher and Municipal Worker Contract Continuation, *Carnevale*) and [H7466](#) (Fair Employment Practices Enforcement, *Ferri*). On Wednesday, March 12, at the rise, the House Health, Education and Welfare Committee will hear testimony on [H7067](#) (School Construction - Former Mining Sites, *McLaughlin*) and [H7443](#) (For-Profit Higher Education, *Morgan*). On Thursday, March 13, at 1:00PM the House Finance Committee will hear testimony on the Behavioral Healthcare, Developmental Disabilities and Hospitals budget and at the rise, the House Municipal Government Committee will hear testimony on [H7633](#) (Teacher/Municipal Bargaining - Pensions in Critical Status - 5 year contracts, *Serpa*).

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