

The

SMITH HILL REPORT



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Contract Continuation and Binding Arbitration

Two bills filed by Representative Camille Vella-Wilkinson were heard in the House Labor Committee on Thursday, March 1, 2018. RIFTHP President Frank Flynn and RIFTHP lobbyist James Parisi testified in support of the bills at the hearing. Rep. Vella-Wilkinson gave impassioned testimony advocating for public employees and the need to respect them by passing this legislation.

The Contract Continuation bill, [H7198](#), is the same bill that overwhelmingly passed the House and Senate last year, only to be vetoed by Governor Raimondo. President Flynn told committee members that the bill is necessary because the Supreme Court ruling from a Warwick Teachers' Union case keeping contractual provisions in place was ignored when East Providence unilaterally imposed contract changes on its teachers in 2009. He was critical of the hyperbole in the Governor's veto message that contained such nonsense as contract continuation would lead to double sessions in schools.

Also testifying in support of the bill was Larry Purtill and Valerie Lawson of the NEA/RI, and George Nee of the RI AFL-CIO. Jim Cenerini of AFSCME Council 94 signed up in support of the bill.

Testifying against the bill were Tim Ryan of the RI Association of School Committees, Brian Daniels of the League of Cities and Towns, Cumberland Mayor Bill Murray, Jim Cunha, Town Manager of Barrington, and Tim Duffy of the RI Association of School Committees.

For the first time in several years, legislation to provide for binding arbitration on all issues related to teacher and municipal worker contract negotiations was introduced. Since the bargaining laws were created in the 1960's, there has been binding arbitration on all issues except those "involving the expenditure of money". School support staff are covered by the municipal employee bargaining law and would be impacted by the binding arbitration bill. Public safety municipal workers have had binding arbitration on all issues for decades.

The teacher and municipal worker Binding Arbitration bill, [H7379](#), was also heard in the House Labor Committee on March 1st. RIFTHP Lobbyist James Parisi testified in support of binding arbitration. He acknowledged that for decades the RIFTHP opposed binding arbitration, but the legal environment changed when the courts ruled against contract continuation in an East Providence case. He said negotiations are clearly preferable to arbitration, but that

a state-wide process is necessary in those rare instances when the parties cannot reach agreement. He also invited committee members to introduce right to strike legislation as another alternative to resolve contract disputes.

Also testifying in support of the binding arbitration bill were Larry Purtill and Valerie Lawson of the NEA/RI. Val Lawson spoke about her experience in East Providence when a contract was unilaterally changed in 2009. RI AFL-CIO President George Nee also testified in support of the bill. Jim Cenerini of AFSCME Council 94 and Tony Capezza of NAGE provided written support for the legislation.

Testifying against the bill were the usual suspects - Tim Ryan of the RI Association of School Committees, Brian Daniels of the League of Cities and Towns and Tim Duffy of the RI Association of School Committees.

Senate Vacancies

The Rhode Island Senate was short one member when Pawtucket Senator Jaime Doyle announced his resignation the first week of the session. The 38-member body is now down a second Senator, when Senator Nicholas Kettle resigned. His resignation came after a bipartisan bill was filed to expel him from the Senate. He is facing criminal charges of extortion of sex with a Senate page and video voyeurism. These charges have yet to be adjudicated. The vacancy created by the latest resignation will not be filled until someone is elected this November during the general election and sworn in at the start of the next legislative session.

Senate District 8 will elect a new Senator in a special election on April 3rd. Rhode Island AFL-CIO endorsed candidate Sandra Cano won a three-way democratic primary on Tuesday February 27th. She will face Republican candidate Nathan Luciano and Independent candidate Pamela Braman for this seat

Bill Introductions

Firearms on School Grounds

[\(H7591\)](#) *Kazarian, House Judiciary*

[\(S2289\)](#) *Metts, Senate Judiciary*

The RIFTHP supports these bills which would provide that only peace officers and persons approved by the school authorities for the purposes of educational instruction may carry firearms or other weapons on school grounds.

Crimes Against Public Trust

[\(S2300\)](#) *Lombardi, Senate Judiciary*

The RIFTHP opposes this bill which would create a new chapter to address crimes against public trust providing felony or misdemeanor charges and restitution for various crimes included therein, and would extend the statute of limitations for certain violations under said chapter as well as § 11-41-27 relative to wrongful conversion by officers or state or municipal employees to ten (10) years, and would amend the "Rhode Island Public Employee Pension Revocation and Reduction Act" to provide for the revocation or reduction of any pension benefits, if applicable.

Access to Public Records – School Employee Evaluation

[\(S2308\)](#) *Picard, Senate Judiciary*

The RIFTHP supports this bill which would exclude evaluations or other personnel records of public school employees from being deemed public records.

Extended School Hours – High School Libraries

[\(S2338\)](#) *Miller, Senate Education*

This bill would direct the Commissioner of Elementary and Secondary Education to issue regulations restricting cell phone use by students in the public schools during the school day unless they are being used in connection with an assignment or curriculum.

Duty to Report – Sexual Abuse

[\(S2353\)](#) *Goodwin, Senate Education*

The RIFTHP supports this bill which would require representatives of educational programs to notify their leadership of all reports of sexual abuse who shall notify the Department of Children, Youth and Families and the school superintendent. It would also require the Commissioner of Elementary and Secondary Education and the Director of the Department of Children, Youth and Families to adopt rules to orderly and completely implement this sexual abuse complaint reporting process.

Tax Credit Scholarship Expansion - \$5 Million

[\(S2378\)](#) *Archambault, Senate Finance*

The RIFTHP opposes this bill would increase the total aggregate amount of tax credits approved for a business entity meeting the requisite criteria to an aggregate amount of all tax credits not exceeding five million dollars (\$5,000,000) in fiscal year 2019. This act would also include a new definition for an "eligible business entity".

Tax Equity

[\(S2389\)](#) *Satchell, Senate Finance*

The RIFTHP supports this bill which would add three (3) new income tax brackets for purposes of Rhode Island state income taxation. The new brackets would be a rate of 7.99% on taxable income over \$275,000 but not over \$500,000, a rate of 8.49% on taxable income over \$500,000 but not over \$1,000,000, and a rate of 8.99% on taxable income over \$1,000,000.

Voter Initiative

[\(H7592\)](#) *Perez, House Judiciary*

The RIFTHP opposes this resolution which would place on the ballot a voter initiative process to create state law.

Carried Interest

[\(H7629\)](#) *Regunberg, House Finance*

The RIFTHP supports this bill which would establish a nineteen percent (19%) carried interest fairness fee for investment management services in order to tax the carried interest income of hedge fund and private equity investors as traditional ordinary earned income.

Donation for Public School Facilities - Tax Credit

[\(H7666\)](#) *Solomon, House Finance*

The RIFTHP supports this bill which would create a tax credit for the amount in excess of ten thousand dollars (\$10,000) contributed to a public school district for the express purpose of making physical improvements to a school.

DSP Minimum Wage Increase

[\(H7680\)](#) *Shanley, House Labor*

The RIFTHP supports this bill which would gradually increase the minimum hourly wage, for employees of covered employers who provide services to five (5) or more persons with developmental disabilities and are reimbursed by the state, from thirteen dollars and eighteen cents (\$13.18) to fifteen dollars (\$15.00) per hour.

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