

**Employees' Retirement Board
Of Rhode Island
Rules and Regulations Subcommittee Meeting
Minutes**

Date of Meeting: November 14, 2006

I. Chairperson Call to Order

The Meeting of the Rules and Regulations Subcommittee was called to order at 3:00 p.m., Tuesday, November 14, 2006 in the 8th Floor Conference Room, 40 Fountain Street, Providence, RI

II. Roll Call of Members

The following members were present at roll call: M. Carl Heintzelman; John P. Maguire; John J. Meehan and Kerry Walsh Esq., designee for the General Treasurer.

Also in attendance: Frank J. Karpinski, ERSRI Executive Director.

Recognizing a quorum, Chairman Maguire called the meeting to order.

III. Discussion and recommendation to promulgate the draft Rules regarding Rhode Island General Laws §36-10-14 concerning retirement for accidental disability and the definition of the terms of "aggravation" and "reinjury" policy adopted by the Disability Subcommittee.

Chairman Maguire directed the committee's attention to a draft copy of the proposed regulation 12. He asked Director Karpinski to provide the committee with an overview of the regulation.

Director Karpinski told the committee that the Disability Subcommittee recommended the rule in response to the Supreme Court decision of *Jeanne Rossi vs. ERSRI*. In that decision, the court remanded the matter back to the Board for adjudication. Director Karpinski told the committee that in careful reading of the decision, it suggested a formal definition of aggravation may be warranted

The committee discussed the proposed rule and analyzed examples of how the rule may apply.

The Director told the committee that upon review by legal counsel and recommendation by the Disability Subcommittee the rule is in front of them for review and recommendation.

Director Karpinski apprised the committee that new forms were created in conjunction with the development of the rule. He provided a copy to the committee to review. The form was an update to the existing *ERSRI Independent Medical Examination*. The committee recommended that another form be created for the *ERSRI Independent Medical Examination* with a heading of *Ordinary Disability*. It was agreed that two separate forms would help simplify the process for applicants.

Then on a motion by John J. Meehan and seconded by M. Carl Heintzeman it was unanimously

Voted: To adopt Regulation 12, Rules regarding Rhode Island General Laws §36-10-14 and §16-16-16 concerning retirement for accidental disability and the definition of the terms of “aggravation” and “reinjury”, as presented, to the full board for formal promulgation.

IV. Discussion and recommendation for promulgating the current policy on Retirement Contributions for Teacher Positions.

Chairman Maguire directed the committee’s attention to a draft of the proposed regulation on *Retirement Contributions for Teacher Positions*. Chairman Maguire told the committee that the draft is mostly comprised of the current policy on *Retirement Contributions for Teacher Positions*. The committee first discussed additional language regarding salaries for principals and superintendents. Director Karpinski told the committee that this language was preempted by the Superior Court decision of *Kevin M. Sheehan vs. ERSRI*. The Director reviewed the details of the Sheehan matter for the committee. After some discussion, Chairman Maguire requested an example of how the language would translate into an arithmetical example.

The committee then discussed the additional language regarding “replacement teachers”. The committee was not in favor of the draft language because it was felt the language was too focused and not every school district uses the term replacement teachers. Also, the draft language included a proviso stating that the position must be at least 180 days. The committee felt that was too restrictive since it could be possible that a replacement teacher may be hired to finish a year e.g. 90 days.

Two additional provisions in the draft language regarding replacement teachers was also discussed. One involved a stipulation that the position should be hired / appointed by the school committee thus excluding day-to-day-substitutes. The committee agreed with this language. The other provision included language that the positions be paid in accordance with

the salary scale for that position, as adopted by the local school committee. The committee did not favor the language pointing out that the position could be a newly created one and a scale may not have been adopted yet.

Lastly, the committee discussed definitions of a contributing member. The committee discussed examples of conditions where members should be contributing but may not be. The committee then discussed the prospect of developing a simplified rule on a contributing member similar to a State employee e.g. 20 hour per week minimum.

Chairman Maguire recommended tabling the proposed regulation to obtain more information from the interested parties. He said he would contact members from both labor organizations namely, the NEARI and RIFT, to jointly analyze the issue and present the committee with their finding and recommendations. The committee unanimously agreed.

V. New Business

None

VI. Adjournment

There being no other business to come before the committee, on a motion by Kerry Walsh and seconded by John J. Meehan, the meeting adjourned at 4:45 pm

Respectfully submitted,

Frank J. Karpinski

Executive Director