




Employees' Retirement System

Employees' Retirement System of Rhode Island -- Retirement Board Meeting

Schedule	Wednesday, September 16, 2020 9:00 AM — 11:30 AM EDT
Venue	Video Conference using Zoom - https://treasury-ri-gov.zoom.us/j/93632769563
Description	Join Zoom Meeting https://treasury-ri-gov.zoom.us/j/93632769563 Meeting ID: 936 3276 9563 Dial-in: +1 929 205 6099 US (New York) Meeting ID: 936 3276 9563
Notes for Participants	If you are unable to attend the September meeting, please contact Frank at 462-7610 or Roxanne at 462-7608. The meeting will have 1 presentation on the Consideration and Approval of the FY2022 Budget. *Also relative to the Damon Borrelli v. ERSRI matter, Board members may seek to convene in Executive Session pursuant to Rhode Island General Laws §42-46-5 (a) (2) to discuss pending and potential litigation.
Organizer	Frank J. Karpinski

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* Board members may seek to convene in Executive Session pursuant to Rhode Island General Laws §42-46-5 (a) (2) to discuss pending and potential litigation
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(RESTRICTED)



(RESTRICTED)

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Employees' Retirement System of Rhode Island



Posted Agenda



EMPLOYEES' RETIREMENT SYSTEM OF RHODE ISLAND

RETIREMENT BOARD MEETING

Wednesday, September 16, 2020

9:00 a.m.

Teleconference Meeting

Dial-in: +1 929 205 6099 (US) / Access Code: 936 3276 9563

Link: <https://treasury-ri-gov.zoom.us/j/93632769563>

- I. Chairperson Call to Order
- II. Approval of the Draft Meeting Minutes and the Draft Executive Session Minutes of the July 8, 2020 Retirement Board Meeting
- III. Administrative Decisions
 - *Mary Beth Bennett vs. ERSRI*
- IV. Chairperson's Report
 - Fiscal Year Update on the Investment Portfolio and Defined Contribution Plan as of June 30, 2020, by CIO Andrew Junkin, CFA, CAIA
- V. Executive Director's Report
 - Consideration and Approval of the FY 2022 Administrative and Investment Budget
 - Administration, Audit, Risk & Compliance Subcommittee Recommendation on FY 2022 Budget
- VI. Approval of the July and August Pensions as Presented by ERSRI
- VII. Committee Reports
 - Disability Subcommittee – (See Attachments I and II)*
- VIII. Legal Counsel Report
 - * Discussion and Consideration of litigation regarding *Damon Borrelli v. Employees' Retirement System of Rhode Island C.A. No. PC-2016-2817; PC-2019-4972.*
- IX. Adjournment

* Board members may seek to convene in Executive Session pursuant to Rhode Island General Laws §42-46-5 (a) (2) to discuss pending and potential litigation.

Attachment I

Disability Applications and Hearings on August 21, 2020

*	Pamela Connors
*	David Bruno
*	Helen Reardon
*	Amy Perlmutter
*	Lynn Dutra
*	Oyedele Eniayedun
*	Herminia Collado
*	Lori Leonard
*	Joyce Melo
*	David Hunt
**	Joseph DeCurtis
**	Joseph Palombo

*Votes by the full Board on these applications will be limited to approvals made by the Disability Subcommittee at their August 21, 2020 meeting.

**Recommendations on these denied applications or decisions reversing prior denials were approved by the Disability Subcommittee at their August 21, 2020 meeting.

Attachment II

Disability Applications and Hearings on September 4, 2020

- * John Bitzko
- * Joseph Conway, Jr.
- * Milagros Day
- * Susana Brooks
- * Keith McElroy
- * Gary Wickersheim
- * Michael Ferrante
- * Timothy Gaskin
- * Linda Taivalantti
- * Margaret Woods
- * David Jarvais
- * Maria Mejia
- * Ursula Conley
- * Keith Printer
- * Robert Hargis
- ** Pamela Connors
- ** Helen Reardon

*Votes by the full Board on these applications will be limited to approvals made by the Disability Subcommittee at their September 4, 2020 meeting.

**Recommendations on these denied applications or decisions reversing prior denials were approved by the Disability Subcommittee at their September 4, 2020 meeting.

Employees' Retirement System of Rhode Island



1. Chairperson Call to Order

Call to Order

Presented by Treasurer Seth Magaziner

Employees' Retirement System of Rhode Island



Roll Call

Roll Call of Members

Presented by Frank J. Karpinski

Employees' Retirement System of Rhode Island



2. Approval of the Draft Meeting Minutes and the Draft Executive Session Minutes of the July 8 2020 Retirement Board Meeting

For Vote

Presented by Treasurer Seth Magaziner



**Employees' Retirement Board of Rhode Island
Meeting Minutes**

Wednesday, July 8, 2020 – 9:00 a.m.

Teleconference Meeting

United States (Toll Free): 1-877-309-2073

Access Code: 489-190-573

or

Link: <https://global.gotomeeting.com/join/489190573>

The Meeting of the Retirement Board was called to order at 9:03 a.m., on Wednesday, July 8, 2020, via teleconference accessibility using Goto® Meeting.

I. Roll Call of Members

Treasurer Magaziner said this Open Meeting of the Employees' Retirement System of Rhode Island Board was being conducted remotely consistent with Governor Raimondo's Executive Order 20-25 of April 15, 2020, and as thereafter extended by Executive Order 20-46 on June 12, 2020, due to the current State of Emergency in the State of Rhode Island due to the outbreak of the "COVID-19 Virus."

Treasurer Magaziner said for this meeting, the Employees' Retirement System of Rhode Island is convening by telephone conference via Goto Meeting as posted on the Secretary of State's Website identifying how the public may join using the link on the agenda to view the presentation.

For those members of the public calling in by phone who would like to follow along on the presentations by Segal Benz Consulting and ERSRI on the Member Survey and Focus Groups, a copy may be obtained at www.ersri.org/july2020.

Additionally, Treasurer Magaziner said for matters in which the Board may enter into executive session, members of the public will automatically be logged out of the meeting and will be advised by the Chair of the time when open session will resume and the public may log back in.

Lastly, the Treasurer reminded the Board that each vote taken in this meeting will be conducted by roll call vote.

Treasurer Magaziner then asked the Director to call the roll, and the following members were present: General Treasurer Seth Magaziner; Roger P. Boudreau; Mark A. Carruolo; Paul L. Dion, Ph.D.; Thomas M. Lambert; John P. Maguire; Thomas A. Mullaney; Raymond J. Pouliot; Jean Rondeau; Dr. Laura Shawhughes; Brett Smiley and Michael J. Twohey.

Also in attendance: Frank J. Karpinski, ERSRI Executive Director; Heidi Halbur, Deputy Director; Attorney Michael P. Robinson, Board Counsel; Attorney Amy L. Crane, General Counsel for the Treasurer; Andrew Kaplan, Vice President, Senior Communications Consultant and Sarah Frick, Senior Associate both of Segal Benz.

Members absent were Claire M. Newell and Brian M. Daniels. Lisa A. Whiting joined the meeting at 9:10 a.m.

Recognizing a quorum, Treasurer Magaziner called the meeting to order.

II. Approval of Minutes

On a motion duly made by Mark A. Carruolo and seconded by Roger P. Boudreau to approve the May 22, 2020 Retirement Board Draft Regular Session Meeting Minutes and the Draft Executive Session Meeting Minutes, and after a roll call vote, it was unanimously

VOTED: To approve the draft regular session and executive session minutes from the May 22, 2020 Board meeting.

III. Chairperson's Report

Treasurer Magaziner introduced Treasury's new Chief Investment Officer, Mr. Andrew Junkin CFA, CAIA. Mr. Junkin was previously President of Wilshire Consulting and is from Denver, Colorado. He said he comes with an in-depth experience in public pensions and looks forward to working with him with the State Investment Commission along with the staff.

Update on Retirement System Covid-19 response

Treasurer Magaziner then updated the Board on the Retirement System Covid-19 response. He noted that most of the staff is still working remotely and office productivity has remained strong given the circumstances. The Treasurer said ERSRI has been scheduling one-on-one retirement counseling sessions both over video conference and phone to members who are within one year of their eligibility date.

He then discussed preliminary fiscal year investment returns and noted that system outperformed 95% of U.S. pension plans in the first quarter of 2020 amid the COVID-19 market crisis. He said the outperformance was largely due to the implementation of a Crisis Protection Class which earned 15.1% in the first quarter of 2020. Treasurer Magaziner said the fund recovered from the market challenges experienced in the first quarter of 2020, returning about 8.3% over the months of April, May and June.

IV. Executive Director's Report

Executive Director Karpinski apprised the Board that there is an update on the *Cranston vs. IBPO Local 301* and Daniel Nuey matter which will be discussed during the Legal Counsel Report and that it may deem necessary to enter into Executive Session at the end of the meeting.

Executive Director Karpinski then apprised the Board that a memo has been sent to all employers and members regarding the Workshare program. He said the communication includes information about reinstating salary and contributions for Workshare days and important Q and A's.

- Presentations by Segal Benz Consulting and ERSRI on the Member Survey and Focus Groups and *Member Services Subcommittee* Recommendations for Discussion and Consideration

Director Karpinski introduced Mr. Andrew Kaplan, Vice President, Senior Communications Consultant and Ms. Sarah Frick, Senior Associate both of Segal Benz to provide the Board the results of the Member Survey and Focus Groups conducted.

Mr. Kaplan began the presentation noting that ERSRI engaged Segal Benz to solicit feedback from ERSRI members about service and communication. To gather feedback, a survey was conducted online between July 29 and August 16, 2019. Segal sent the survey

via email link to 59,400 actives and retirees and received 4,000 completed survey responses. Six in-person focus groups were held in November and December 2019.

Mr. Kaplan and Ms. Frick summarized categories of the responses and selected recommendations to the Board. The Board asked questions of Mr. Kaplan and Ms. Frick regarding the survey and their recommendations.

After the Segal Benz presentation, the Retirement Board then received a presentation by Assistant Executive Director Ms. Heidi Halbur regarding ERSRI's administrative review of the Segal Benz survey results and recommendations. Ms. Halbur told the Board that many primary member priorities as expressed in the Survey and Focus Groups are items included in the 2019 ERSRI Strategic Plan developed by the Board and are currently being addressed. Her presentation provided a reconciliation of specific strategic plan objectives and their current status to recommendations from the survey.

After Ms. Halbur's presentation, the Retirement Board received a report from the Member Services Subcommittee, and on a motion duly made by Roger P. Boudreau and seconded by Lisa A. Whiting, after a roll call vote, it was unanimously

VOTED: To approve the report of the Member Services Subcommittee.

V. Approval of the June Pensions as Presented by ERSRI

On a motion duly made by Roger P. Boudreau and seconded by John P. Maguire, after a roll call vote, it was unanimously

VOTED: To approve the June 2020 Pensions as Presented by ERSRI.

VI. Legal Counsel Report

Attorney Robinson addressed the recent Rhode Island Supreme Court decision in the matter of *Cranston vs. IBPO Local 301* and Daniel Nuey.

Attorney Crane, General Counsel to the Treasurer, addressed a recent lawsuit related to pension reform legislation, in the matter of *Binyamin I. Efreom, et al. v. Gina Raimondo, et al*, C.A. No. 1:20-cv-00122-WES-PAS.

VII. Committee Reports

Disability Subcommittee

The Disability Subcommittee recommended the following actions on disability applications as a result of its June 12, 2020 meeting for approval by the full Board:

Name	Membership Group	Type	Action
1. Susan Roberts	Teacher	Ordinary	Approved
2. Jodi Carboni	Municipal	Accidental	Approved
3. Robert Manzolillo	State	Accidental	Approved at 50%
4. Sean Lafferty	Municipal	Ordinary	Approved

Name	Membership Group	Type	Action
5. Maureen Murphy	Teacher	Ordinary	Approved
6. Therese Rodrigues	Municipal	Ordinary	Approved
7. Judy Burns	Teacher	Ordinary	Approved
8. Jorge Heyaime	Teacher	Accidental	The Board's previous decision on 9-18-19 to approve Mr. Heyaime's Application for Accidental Disability retirement at 50% was overturned and approved for 66 2/3%
9. Terez Daley	Teacher	Accidental	Deny

On a motion duly made by Dr. Laura Shawhughes, and seconded by Roger P. Boudreau, and following a roll call vote, it was unanimously

VOTED: To approve the Disability Subcommittee's recommendation from its meeting of June 12, 2020 on items 1, 2, 3, 4 and 6.

On a motion duly made by Dr. Laura Shawhughes, and seconded by Roger P. Boudreau, and following a roll call vote, it was unanimously

VOTED: To approve the Disability Subcommittee's recommendation from its meeting of June 12, 2020 on items 5, 7, 8 and 9.

John P. Maguire recused on items 5, 7, 8 and 9.

The Disability Subcommittee recommended the following actions on disability applications as a result of its July 2, 2020 meeting for approval by the full Board:

Name	Membership Group	Type	Action
1. Joseph Simas	State	Accidental	Approved at 66 2/3%
2. Joseph Palombo	State	Ordinary	Approved
3. William Charello	Municipal	Accidental	Approved
4. John Bitzko	State	Accidental	Approved at 50%
5. Jennifer Kennedy	State	Accidental	Approved at 50%
6. Holly Mather	Teacher	Ordinary	Approved

Name	Membership Group	Type	Action
7. Gerard Downing III	Municipal	Ordinary	Approved
8. Jeannine Kakela	State	Ordinary	Approved
9. Tracy Dugan	State	Accidental	Subcommittee voted to overturn its prior decision and allow Ms. Dugan's application to be processed as an accidental
10. Susan Roberts	Teacher	Accidental	Deny

On a motion duly made by Dr. Laura Shawhughes and seconded by Roger P. Boudreau, and following a roll call vote, it was unanimously

VOTED: To approve the Disability Subcommittee's recommendation from its meeting of July 2, 2020 on item 6.

Raymond J. Pouliot and Michael J. Twohey recused on item 6.

On a motion duly made by Dr. Laura Shawhughes and seconded by Roger P. Boudreau, and following a roll call vote, it was unanimously

VOTED: To approve the Disability Subcommittee's recommendation from its meeting of July 2, 2020 on item 10.

John P. Maguire recused on item 10.

On a motion duly made by Dr. Laura Shawhughes and seconded by Thomas A. Lambert, and following a roll call vote, it was unanimously

VOTED: To approve the Disability Subcommittee's recommendation from its meeting of July 2, 2020 on items 1, 2, 3, 4, 5, 7, 8 and 9.

Administration, Audit, Risk & Compliance Subcommittee

Treasurer Magaziner apprised the Board that the presentation by Mr. Philip Young of Bulletproof Solutions on the ERSRI Security Assessment Report and the Administration, Audit, Risk & Compliance Subcommittee recommendation would be appropriate for executive session pursuant to RIGL §42-46-5(a)(3), as the matters to be discussed relate to security, including but not limited to, the deployment of security personnel or devices. The Treasurer also advised the public that if the Board convenes into executive session, members of the public will be logged out of the call, and will be allowed to log back in at approximately 11:40 a.m.

On a motion by Jean Rondeau and seconded by John P. Maguire, and following a roll call vote, it was unanimously

VOTED: To enter into Executive Session pursuant to RIGL §42-46-5(a)(3) to receive and discuss the presentation by Bulletproof Solutions on the ERSRI Security Assessment and the Administration, Audit, Risk & Compliance

Subcommittee recommendation, as the matters to be discussed relate to security, including but not limited to, the deployment of security personnel or devices.

[Executive Session]

The Board thereafter convened in executive session at 10:55 a.m.

Members of the Board and Counsel returned to Public Session at 11:30 a.m.

Brett Smiley left the meeting at 11:30 a.m.

At 11:40 a.m. upon entering public session, Attorney Robinson announced that there had been 3 unanimous votes taken while the Board was in Executive Session. The first vote was to accept the recommendation of the Administration, Audit, Risk & Compliance Subcommittee to adopt and approve the assessment and action plan recommended by Bulletproof Solutions in its ERSRI Security Assessment Report. The second vote was to seal the Executive Session minutes pursuant to RIGL §42-46-4 and §42-46-5(a)(3) as the discussion and report of the Subcommittee and Bulletproof Solutions involved ongoing sensitive matters of security including the deployment of security personnel and devices. The third vote was to exit Executive Session and return to open session.

VIII. Adjournment

There being no other business to come before the Board, on a motion by Jean Rondeau, and seconded by Lisa A. Whiting, a roll call vote was taken, and it was unanimously voted to adjourn the meeting at 11:42 a.m.

Respectfully submitted,

Frank J. Karpinski
Executive Director



Employees' Retirement Board of Rhode Island
Executive Session Meeting Minutes
Wednesday July 8, 2020 – 10:58 a.m.
Teleconference Meeting
United States (Toll Free): 1-877-309-2073
Access Code: 489-190-593

The Retirement Board convened into executive session at 10:55 a.m. Wednesday, July 8, 2020, via teleconference accessibility using Goto® Meeting.

The following members were present: General Treasurer Seth Magaziner; Roger P. Boudreau; Mark A. Carruolo; Paul L. Dion, Ph.D.; Thomas M. Lambert; John P. Maguire; Thomas A. Mullaney; Raymond J. Pouliot; Jean Rondeau; Dr. Laura Shawhughes; Brett Smiley; Michael J. Twohey and Lisa A. Whiting.

Also in attendance: Frank J. Karpinski, ERSRI Executive Director; Heidi Halbur, Deputy Director; Attorney Michael P. Robinson, Board Counsel; Attorney Amy L. Crane, General Counsel to the Treasurer and Philip Young from Bulletproof Solutions. Members absent were Claire M. Newell and Brian M. Daniels.

Mr. Young from Bulletproof Solutions presented his report on the ERSRI Security Assessment it had conducted. The Board discussed the report and asked questions. The Retirement Board then received a report and a recommendation from the Administration, Audit, Risk and Compliance Subcommittee recommending that the Board adopt and approve the assessment and action plan recommended by Bulletproof Solutions in its ERSRI Security Assessment Report.

On a motion by Thomas A. Mullaney and seconded by Paul L. Dion, Ph.D., and following a roll call vote, it was unanimously

VOTED: To accept the recommendation of the Administration, Audit, Risk & Compliance Subcommittee to adopt and approve the assessment and action plan recommended by Bulletproof Solutions in its ERSRI Security Assessment Report.

On a motion by Mark A. Carruolo and seconded by Jean Rondeau, and following a roll call vote, it was unanimously

VOTED: To seal the Executive Minutes pursuant to R.I.G.L. §42-46-4 and §42-46-5(a)(3) due to the highly confidential nature of the discussion and the recommended action plan from the consultant as the matter involves ongoing issues of security, including but not limited to the deployment of security personnel and devices.

On a motion by Roger P. Boudreau and seconded by John P. Maguire, and following a roll call vote, it was unanimously

VOTED: To exit Executive Session and reconvene in Open Session.

The Retirement Board returned to Public Session at 11:30 a.m.

Respectfully submitted,

Frank J. Karpinski
Executive Director

Employees' Retirement System of Rhode Island



3. Administrative Decisions

For Vote

Presented by Michael P. Robinson

MARY BETH BENNETT

VS.

ERSRI



Employees' Retirement System of Rhode Island

ERSRI Board: September 4, 2020

Seth Magaziner
General Treasurer
Chair John E. DeCubellis, Jr., Esquire
General Counsel

John P. Maguire
Vice Chair NEARI
99 Bald Hill Road
Cranston, RI 02920

Roger P. Boudreau

Mark A. Carruolo Attorney DeCubellis:

Brian M. Daniels Please be advised that the Hearing Officer has issued an opinion in agreement with the decision of
Paul L. Dion the Employees' Retirement System of Rhode Island (ERSRI) denying Mary Beth Bennett's claim
Thomas M. Lambert that she was entitled to 9 months of creditable service for each of the 15 years she worked for the
Narragansett School Department as a half time (.5) preschool teacher.

Thomas A. Mullaney In accordance with Regulation 1.4 of the *Rules of Practice and Procedure of the Employees' Retirement System*
Claire M. Newell for *Hearings on Contested Cases*, this matter will be presented to the full Retirement Board for approval
Raymond J. Pouliot or denial at the September 16, 2020 Retirement Board Meeting provided via teleconference. You
Jean Rondeau have the right to present before the Retirement Board to make oral argument in support of or in
opposition to the Hearing Officer's decision.

Laura Shawhughes The September meeting of the Retirement Board is scheduled for 9:00 a.m. Your hearing is
scheduled as follows:

Brett Smiley	DATE:	Wednesday, September 16, 2020
Michael J. Twohey	TIME:	9:15 a.m.
Lisa A. Whiting	LOCATION:	Via Teleconference (Accessibility to be provided)

Frank J. Karpinski A party wishing to file a brief or make exceptions to the decision must submit documentation to the
Executive Director Retirement System, Attention: Roxanne Donoyan, no later than 10 days prior to the date of the
Retirement Board meeting.

If you are unable to attend this meeting, please notify me at 462-7608 as soon as possible. Should
the meeting be rescheduled, we will notify you of the new date and time of the meeting.

Sincerely,

Roxanne Donoyan
Administrative Assistant

Ccs: Mary Beth Bennett
Michael P. Robinson, Esq.

Enclosure: Regulation 1.4

Roxanne Donoyan

From: Michael P. Robinson <mrobinson@shslawfirm.com>
Sent: Wednesday, September 02, 2020 12:59 PM
To: John Decubellis
Cc: Roxanne Donoyan
Subject: [EXTERNAL]RE: Request for a Hearing- Mary Beth Bennett vs ERSRI

Hi John—nice speaking. This will confirm that the system can put the matter on for a hearing before the Board on September 16. If for some reason that's an issue, please let Roxanne know. Thanks,

Mike

Michael P. Robinson
Partner



1080 Main Street
Pawtucket, RI 02860
(P) 401-272-1400
(F) 401-272-1403
Email: mrobinson@shslawfirm.com
Website: www.shslawfirm.com

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**STATE OF RHODE ISLAND
PROVIDENCE, SC**

**EMPLOYEES RETIREMENT
SYSTEM OF RHODE ISLAND**

Appeal of:

**Mary Beth Bennett
(Pension Eligibility)
Appellant-Petitioner**

vs.

**Employees Retirement System of Rhode Island,
Appellee – Respondent – ERSRI**

DECISION

Appearances

For Petitioner:

**John DeCubellis, Jr. Esq
General Counsel
NEARI
99 Bald Hill Road
Cranston, RI 02920**

For Respondent:

**Michael Robinson, Esq.
Shechtman, Halperin, Savage LLP
1080 Main Street
Pawtucket, RI 02860**

Hearing Officer:

**Charles M. Koutsogiane, Esq
One Grove Avenue
East Providence, RI 02914**

TRAVEL OF THE CASE
AND
STATEMENT OF FACTS

This matter was brought pursuant to and in accordance with the statutory requirements set forth in R.I.G.L. §36-8-3 as well as Regulation Four, Rules of Practice and Procedure for Hearings. Petitioner's appeal was perfected in accordance with the said Rules of Practice.

No hearing was conducted on the merits as the parties jointly submitted a Stipulated Statement of Facts dated June 26, 2019 (Exhibit A), which document included other exhibits that were made a part of the record.

Mary Beth Bennett ("Petitioner") is appealing the August 17, 2018 (Exhibit D) letter from the Employees Retirement System of Rhode Island ("Respondent" and/or "ERSRI") which denied the assertions made in her counsel's letter dated April 18, 2018 (Exhibit C) wherein it was claimed that she was entitled to nine (9) months of creditable service for each of the fifteen (15) years she worked for the Narragansett School Department as a half-time (.5) preschool teacher.

The pertinent facts of this case are not in dispute. Petitioner began working as a part-time (.5) preschool teacher in the Narragansett School Department beginning January 2, 1985. She worked in that capacity through the 1999-2000 school year. During this time (with the exception of the partial 1984-85, 1989-1990, 1993-94 school years) Petitioner worked 180 half-school/instructional days, plus two (2) additional full days for student orientation and professional development. In other words, Petitioner worked 90 full school days, plus two (2) full days of non-classroom instructional time.

Petitioner submitted an Affidavit under oath, dated June 26, 2019, (Exhibit B) attesting to the fact that she accepted the part-time preschool teacher position because there were no full-time teaching jobs available. In her Affidavit she stated that she continued to pursue a full-time position all during her tenure, but that she had no success. Petitioner's part-time engagement did not involve a job-share or leave of absence.

She worked the equivalent of ninety (90) full classroom days, plus two (2) full days of non-classroom or instructional time. The latter two (2) days consisted of student orientation and professional development and were required as a condition of her employment with the Narragansett School Department. In sum, Petitioner maintained that she worked the equivalent of ninety-two (92) days and therefore she was entitled to nine (9) months of service credit for the years in question, not six (6) months.

Respondent denied Petitioner's request for additional creditable service time, stating that both ERSRI regulation and pertinent statutes limited her to six (6) months of service credit for each year in question because she had only worked the equivalent of ninety (90) full days in a classroom or instructional setting. Respondent maintained that the other two (2) days, though required by Petitioner's contract with the Narragansett School Department, were non-classroom days and therefore they were excluded from the required calculation formula.

The August 17, 2018 denial letter from Respondent explained that RIGL 16-16-5 (c) provides credit to a teacher who "serves the number of days that public schools are required to be in session." Respondent's position was that days worked for professional development, student

orientation or parent teacher conferences are excluded unless they were part of the required 180 instructional or classroom days.

Respondent's denial letter also stated that, pursuant to Retirement Board Regulation 1.10, a teacher earns service credit for work performed during the "school year" as that term is defined in RIGL 16-2-2, which latter statute states that schools must be in "session" for 180 days. Respondent has interpreted the 180 days to mean the number of days that students and teachers must be in a classroom setting or session. According to ERSRI, any teacher who works fewer than the 180 days in the classroom will be awarded service credit in accordance with the formula or display table set forth in Regulation 1.10. (D).

FINDINGS OF FACT

1. Petitioner worked as a part-time (.5) preschool teacher in the Narragansett School Department during the pertinent years in question, beginning January 2, 1985 through the 1999-2000 school year, with the exception of the 1984-85, 1989-1990 and the 1993-1994 school years.
2. Petitioner sought a full-time position during the pertinent years in question but none became available.
3. Petitioner's part-time employment was not her first choice, and it was not part of a job-share and nor was it a voluntary leave of absence position.
4. Petitioner worked the equivalent of ninety (90) full school days in a classroom setting (180 half-days as a part-time teacher), plus two (2) additional full days of non-classroom instructional time that were devoted to professional development and student orientation, all of which were a condition of her employment.

CONCLUSION AND ORDER

On appeal Petitioner argued that Respondent's interpretation and enforcement of the statutes was incorrect and that it resulted in a shortfall of forty-five (45) months - (3 months X 15 years) or 3.75 years towards her pension eligibility.

In support of this assertion Petitioner partly relied on ERSRI regulation 1.10, entitled "Rules Regarding the Operation and Administration of Rhode Island General Laws 16-16-1 (12) and 16-16-5" and which regulation provides, in part, as follows:

"every teacher as defined in RIGL 16-16-1 (a) (12) who is an active member of the Employees Retirement System of Rhode Island shall be eligible for one year of service credit for each school year served as a teacher... and the following schedule shall apply 91 days = 9 months service credit.

Petitioner further maintained that the most relevant and significant portion of regulation 1.10 is Section D 1.a, which provides, in part, as follows:

"in those years in which a teacher works less than the total number of days in a school year the Employees Retirement System will award service credit according to the following schedule: 45 days = 3 months service credit, 67 days = 6 months service credit, 91 days = 9 months service credit, 135 days = 1 year service credit."

Petitioner emphasized that the regulation states that it applies to "every teacher who is an active member of the Retirement system." (emphasis supplied)

In that same context Petitioner argued that various subsections of RIGL 16-16-5 are also applicable. Subsection (c) provides, in part, as follows:

"Any teacher who serves or who has served during a school year the number of days that the public schools are required by law to be in session during the year shall be given credit for a year of service for that year..."

Petitioner pointed to subsection (d) of the same statute which provides, in part ,
as follows:

“ Any teacher employed in at least a half (1/2) program including a job share, or working at least half the number of days that the public schools are required to be in session, shall remain a contributing member and shall receive credit for that part-time service on a proportional basis ...”

Petitioner maintained that RIGL 16-16-5 does not differentiate between in-session and out-of-session work days such that teachers would not accrue service credit for non-instructional days worked. Moreover, there is nothing in either the regulation or the statutes that differentiates a full-time teacher from a part-time teacher earning service credits so long as they both work at least the equivalent of ninety-one (91) days.

RIGL 16-16-2 was also pertinent. Petitioner argued that the language and the intent of this enactment, taken together with RIGL 16-16-5, simply meant that the time frame was “the minimum number of days required to accrue service credit upon the total minimum number of days in a school year...” (Brief p. 9) She argued that to place restrictions and differences between instructional days of work and non-instructional days of work would be contrary to the legislative intent expressed in the pertinent statutes.

Petitioner stated that there is precedence for the proposition that non-instructional work days have been included in the calculation of service credit. In the case of Nancy Hammond v. Retirement Board of the Employees Retirement System of Rhode Island, C.A. No 99-5791, 2000 R.I. Super Lexis 57 (Super. Ct. July 24, 2000) Petitioner emphasized that the facts of that case are nearly identical because there the teacher also taught a half-day kindergarten class based on a 182 day school year (180 days of which were classroom instructional time). She stated that

there ERSRI did not dispute the fact that the teacher was credited with nine (9) months service credit.

Petitioner further stressed that even if one assumed that the reference to 182 days in the Hammond case was a mistake "it would be unfair and a travesty of justice not to award Bennett the same credit of nine (9) months for the equivalent of ninety-two (92) full school days that she worked during each of the years in question. " (Brief p.12)

Respondent's brief pointed to the same statutes and regulation as relied upon by Petitioner, but the agency reached a different conclusion as to their meaning and intent: (i) RIGL 16-2-2 establishes 180 days as the school year; (ii) RIGL 16-6-5 provides that for purposes of service credit a school year is the number of days required by law to be in session-180 days - and that part-time teachers who work the number of days that public school schools are required to be in session receive credit for that part-time service on a proportional basis; (iii) Regulation 1.10 points back to RIGL 16-2-2 and defines a school year as the number of days that school is in session, and further provides a schedule or formula showing Petitioner was entitled to six (6) months service credit because she worked the equivalent of ninety (90) days of instructional or class room teaching while school was in session.

The present case clearly turns on the interpretation and application of Rhode Island statutes and regulation. The Rhode Island Supreme Court has held that the General Assembly has conferred upon Respondent - Employees Retirement System of Rhode Island - with the authority, pursuant to RIGL 36-8-3, to operate and administer the state retirement system. To that end, it must effect a uniform and consistent approach for regulating pension administration.

Perrotti v. Solomon, 657 A.2d 1045, 1048 (RI 1995).

It is also well-settled that an administrative agency will be accorded great deference in interpreting a statute whose administration and enforcement have been entrusted to the agency. State v. David Cluley, 808 A.2d 1098, 1103 (R.I. 2002), In Re Lallo, 768 A.2d 921, 926 (R.I. 2001); In Re Advisory Opinion to the Governor, 504 A.2d 456, 459 (R.I. 1986). This is true even when the agency's interpretation is not the only permissible interpretation that could be applied." Defenders of Animals Inc. v. Department of Environmental Management, 553 A.2d 541, 543 (RI 1989); Martone v. Johnston School Committee, 824 A.2d 426 (RI 2004).

An agency decision will be reversed only when it is clearly erroneous. Diprete v. Morsilli, 635 A.2d 1115 (RI 1994). Giving deference to an agency's interpretation requires one to presume the validity and reasonableness of that construction until and unless the party challenging its interpretation proves otherwise. State v. Cluley, 808 A.2d 1098, 1104 (R.I. 2002). It has been said that the "true measure of the deference due depends on the persuasive power of the interpretation, given the totality of the attendant circumstances." Citizens Bank v. Bell, 605 F. Supp 1033, 1044 (D. R. I. 1985)

It is also well settled that in construing a statute the aim is to determine and effectuate the legislature's intent and to attribute to the enactment the meaning most consistent with its policies or obvious purposes. Local 400 v. Rhode Island Labor Relations, 747 A.2d 1002 (RI 2000). Legislative intent is to be found solely in words of the statute if they are unambiguous and express a sensible and clear meaning. Badoni v. State, 715 A.2d 280 (RI 1998). Legislative

intent must be determined in the context of the entire statutory scheme. Providence Worcester RR v. Pine, 729 A.2d 202 (RI 1999).

Words should be given their plain and ordinary meaning. In Re Falstaff Brewing Corp., 637 A.2d 1047, 1049 (R.I.1994). When a statute has a plain, clear and unambiguous meaning the legislative intent is gleaned from the plain and literal language contained therein. Parkway Associates v. Godfrey 688 A.2d 1289, 1294 (R.I. 1997).

In the case of Wayne Distributing Co. v Rhode Island Comm'n for Human Rights, 673 A.2d 457, 460 (R.I. 1996), our Supreme Court summed it up by stating that "when the language of the statute is unambiguous and expresses a clear and sensible meaning there is no room for statutory construction or extension and a hearing officer must employ the standard of giving the words their ordinary meaning. Such meaning is presumed to be the one intended by the Legislature and the statute must be applied literally."

Given the above, the standard of review available to this Hearing Officer is a determination whether Respondent gave proper meaning to words of the applicable statutes and regulation in such a way that it would not circumvent the legislative intent, or that would not result in absurdity or which would not defeat the underlying purpose of the statute. Mallette v. Children's Friend and Service, 661 A.2d 74 (RI 1995). Armacost v. Amica Mutual Insurance, 821 F. Supp 75 (DRI 1993).

Petitioner argues that the statutes and regulation are clear and unambiguous and "consequently the ERSRI lacks any authority to interpret these statutes and regulation in a manner that is entirely inconsistent with the literal and plain language contained therein, and/or

impose conditions or restrictions beyond those indicated in the specific language. Instead, those statutes and regulation must be interpreted literally, giving the words their plain and ordinary meaning.” (Brief p. 8)

It is noteworthy, however, that if a mechanical application of a statutory definition produces an absurd result or defeats the legislative intent the courts have looked beyond mere semantics to give effect to the act. In Re Falstaff Brewing Corp., 637 A. 2d 1047 (R.R. 1994) Statutes are written in such a fashion so as to explain the nature, scope or meaning of operative words in the totality of the statute. They are meant to explain or identify the essential qualities of key words which give effect to the statutes and regulation.

Respondent’s letter dated August 17, 2018 succinctly outlined how the agency’s interpretation regarding the specific statutes gave rise to its decision. Respondent indicated that RIGL 16-16-5 (c) required service credit to be calculated based only on the number of days that public schools are required to be in “session”, that is, when students are actually sitting in the classroom and being taught.

The agency noted that RIGL 16-16-5(d) further provides that a teacher employed in at least a half-year program “or working at least half the number of days that public schools are required to be in session” ... shall receive credit for that part time service on a proportional basis.”

Respondent also pointed out that, per RIGL 16-2-2, the number of days for classroom instruction is 180 days for the school year. Consistent with Respondent’s decision is that regulation 1.10 provides that the display table as to how service credits accrue specifically for Petitioner shows that she is entitled to six (6) months. Moreover, Respondent found that

regulation 1.10 points back to the definition of "school year" as the number of days that RIGL 16-2-2 indicates that public schools shall be in "session."

Respondent's brief acknowledged that in Hammond the agency apparently did "credit the petitioner with 91 days based on a 182 school year, but that assessment appears to have been done in error, as subsequent evidence showed that students in that case never attended more than 180 school days during the time in question." (Brief p. 4)

Here, the Hammond case is not relevant to Petitioner's prayer for relief because there the length of the school year was not the issue. While the 182 day school year might have been a tangential fact in the case, the seminal issue turned on whether the teacher was entitled to a full year of service credit when she worked less than full time. Ms. Hammond did not prevail at the administrative hearing and on appeal the trial judge upheld that ruling. He stated that even though the statutes did not expressly talk about hours it must be assumed that service credit is earned on a proportional basis when working less than the hours required of the position for the requisite number of days. The trial court never had to address the issue of the 182 days, it was never explained, and nor was it a central point at the administrative hearing.

Moreover, if an administrative mistake was made in Hammond, this Hearing Officer believes there can be no reasonable expectation that it should be repeated here on the grounds of precedence.

In her brief Petitioner did not fully explain the import of the operative term "session" as set forth in the statutes and regulation. Rather she emphasizes that the statutes and regulation allow a teacher to earn credits so long as the teacher has "worked" on a particular day, that is,

without regard to whether it was an instructional day or a non-instructional day. The statutes and regulation require a more expansive reading of the important terms and phrases.

Rhode Island courts have some times looked to other sources to help the process of achieving a commonsense meaning of the operative words. Bonnet Shores Beach Club v. Rhode Island Coastal Resources Management Council, (2003 WL 22790826- R.I. Super, citing Random House Unabridged Dictionary, 2064, 2nd ed. 1987). The Supreme Court has frequently relied upon this practice as part of the statutory review process and has said that when a statute does not define a pivotal phrase “courts will often apply a common meaning as provided by a recognized dictionary.” Planned Management Corp v. Robert, 966 A. 2d 117, 123 (R.I. 2009)

The term “session” comes from Middle English and from Anglo- French to mean the “act of sitting.” (The Merriam Webster Dictionary)

The Merriam Webster Dictionary has also defined a school “session” to mean the “hours of a day during which a public school conducts instruction for which student attendance is counted towards calculating average daily membership.”

The Collins Dictionary defines the term as “a day where school is open for classes.” The Freed Dictionary defines it as “the part of a year or of a day during which school holds classes.” Dictionary.com defines it as a “single continuous course or period of lessons, study, etc., in the work of a day at school.” Similarly, the American College Dictionary defines “session” to mean a “period of time to do a particular activity, a period of time during the year in which a school, college or university has classes.”

Lastly, Lexico states that “session” is “the period during which a school holds classes.”

It has defined an "academic session" as the "portion of the day or year into which instruction is organized at a school."

These are basic, plain, definitions, using ordinary words. They reinforce Respondent's finding that after giving effect to all of the pertinent and operative terms and phrases in the statutes and regulation a teacher must be in a classroom with instruction, that is to say in "session," in order to qualify for the service credits.

Respondent is the agency entrusted with the administration of the state pension system. In that role it is not devoid of the necessary tools to give effect to its responsibilities. Respondent's interpretation of the statutes and regulation might not be the only possible interpretation, but it is not clearly erroneous under the applicable standards of review.

Based upon the Stipulated Facts, Petitioner worked the requisite number of hours for the days that school was in session to earn service credits; however, she did not work the requisite number of days in the classroom to qualify for the nine (9) months that she sought. The two (2) days she worked as non-instructional time do not qualify for earning service credits.

This Hearing Officer is of the opinion that under the applicable standard of review for administrative agencies Respondent's interpretation of the statutes and regulation is valid and enforceable in its own right. Respondent's reading of the aforesaid statutes and regulation has a consistent theme when viewed in the totality of those enactments. It is not unreasonable and it does not lead to an absurd result. The commonsense application of the 180 day public school requirement, the interpretation of the term "session" as meaning classroom teaching, on its face, and in its substantive application, does not appear to be clearly erroneous.

Accordingly, after careful review of the evidence, and the applicable standard of review available to this Hearing Officer, Respondent's determination denying Petitioner's claim is hereby affirmed. It is so ordered

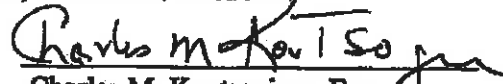
Date: June 24, 2020


By: /S/ Charles M. Koutsogiane

Charles M. Koutsogiane, Esq.
Hearing Officer
Employee's Retirement System
of Rhode Island
50 Service Drive
Warwick, RI 02886

CERTIFICATION OF SERVICE

I hereby certify that on the 24th day of June, 2020 a true copy of the within Decision was mailed to the following individuals: Frank Karpinski, Executive Director, Employees Retirement System of Rhode Island, 50 Service Drive, Warwick,, RI 02886; John E. DeCubellis, Jr., General Counsel, NEARI, 99 Bald Hill Road Cranston, RI 02920; and Michael Robinson, Esq., c/o Shechtman Halperin, Savage LLP, 1080 Main Street, Pawtucket, RI 02860.


Charles M. Koutsogiane, Esq.

EMPLOYEES RETIREMENT SYSTEM OF RHODE ISLAND

RE: MARYBETH BENNETT

Accrued Years of Creditable Service
School Years: September 1985 – June 2000

EXHIBIT A
STIPULATED STATEMENT OF FACTS

Marybeth Bennett ("Bennett") and the Employees Retirement System of Rhode Island ("ERSRI") hereby agree and stipulate as follows:

1. Beginning January 2, 1985, Bennett was hired as a part-time, .5, preschool teacher in the Narragansett School Department and worked in that capacity through the 1999-2000 school year.
2. Bennett continued to work in the part-time preschool position with the Narragansett School Department from January 2, 1985 through the 1999-2000 school year.
3. With the exception of the partial 1984-1985 school year, the 1989-1990 school year and the 1993-1994 school years, during each of the other school years between the 1985-1986 through the 1999-2000 school years, Bennett worked 180 half school days, plus two (2) additional full days of non-classroom instructional time (student orientation and professional development days).
4. In other words, with the exception of the 1984-1985, 1989-1990, and the 1993-1994 school years, Bennett worked the equivalent of 90 full school days in each of the remaining school years between the 1985-1986 through the 1999-2000 school years, plus two (2) additional full days of non-classroom instructional time.

5. In each of the years in question, Narragansett students attended school for 180 days.

6. In each of the years in question, Bennett was a teacher and contributing member of the ERSRI.

7. The ERSRI credited Bennett with three (3) months of service credit in the 1984-1985 school year, three (3) months of service credit in the 1989-1990 school year, and with zero (0) service credit in the 1993-1994 school year.

8. The ERSRI credited Bennett with six (6) months of service credit for each of the remaining thirteen (13) school years between the 1985-1986 through the 1999-2000 school years.

9. Bennett appealed the ERSRI's decision because she believes that she should have been credited with 9 months of service credit for each of the thirteen (13) ~~fifteen (15)~~ years between the 1985-1986 through the 1999-2000 school years.

10. The parties further agree to the admission of the following documents which are attached hereto:

a. Affidavit of Bennett;

b. Affidavit of Helena J. McCullough;

c. April 18, 2018 correspondence of John E. Decubellis, Jr. Esq. to the ERSRI; and

d. August 17, 2018 correspondence from Frank J. Karpinski to John E. Decubellis, Jr. Esq.

Provided, however, the ERSRI reserves its right to argue the relevance and/or lack of import of the Affidavits.

Respondent,
Employees Retirement System of
Rhode Island,
By its Attorney,

/s/ Michael P. Robinson
Michael P. Robinson, Esquire (#)
Schechtman Halperin Savage LLP
1080 Main Street
Pawtucket, RI 02860
Phone: (401) 272-1400
Fax: (401) 272-1403
mrobinson@shslawfirm.com

Appellant,
Marybeth Bennett
By her Attorney,

/s/ John E. DeCubellis, Jr.
John E. DeCubellis, Jr., Esquire (#3327)
National Education Association RI
99 Bald Hill Road
Cranston, RI 02920
Phone: (401) 463-9630
Fax: (401) 463-8625
jdecubellis@neari.org

EMPLOYEES RETIREMENT SYSTEM OF RHODE ISLAND

RE: MARYBETH BENNETT

**Accrued Years of Creditable Service
School Years: September 1985 – June 2000**

AFFIDAVIT OF MARY BETH BENNETT

I, Mary Beth Bennett, hereby state under oath that the statements made herein are true and correct to the best of my knowledge, information and belief:

1. Although I was initially hired as a part-time preschool teacher in the Narragansett School Department, I had initially sought a full-time teaching position but, because no full-time jobs were available, I accepted the part-time preschool position.

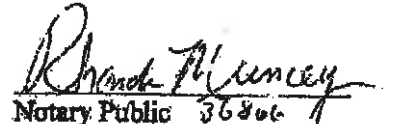
2. Even though I worked part-time as a preschool teacher with the Narragansett School Department from January 2, 1985 through the 1999-2000 school year, I continued to pursue a full-time preschool teaching position but, none were available.

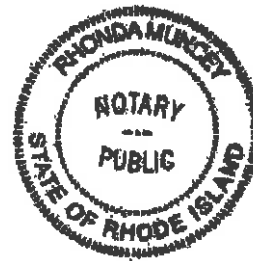
3. Throughout this time, it was not my choice to teach part-time, and my part-time position was not part of a job-share program or a voluntary leave of absence.

4. With the exception of the 1984-1985, 1989-1990, and the 1993-1994 school years, between the 1985-1986 through the 1999-2000 school years, I worked the equivalent of ninety (90) full school days, plus two (2) additional full days of non-classroom instructional time, which were for professional development and student orientation days that I was required to work as a condition of my employment.


Mary Beth Bennett

Subscribed and sworn to before me in Cranston, Rhode Island on this
26th day of June, 2019.


Notary Public 36806
Commission Expires: 2/12/22



EMPLOYEES RETIREMENT SYSTEM OF RHODE ISLAND

RE: MARYBETH BENNETT

Accrued Years of Creditable Service
School Years: September 1985 – June 2000

AFFIDAVIT OF HELENA J. MCCULLOUGH

I, Helena J. McCullough, hereby state under oath that the statements made herein are true and correct to the best of my knowledge, information and belief.

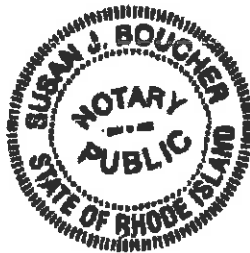
1. From 1995 to 2019, I was an employee of the Foster School Department. When I retired in 2019, I was the Clerk of the Foster School Committee and the Confidential Administrative Secretary.

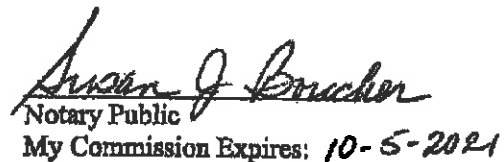
2. During the period from 1985 to 1995, my children attended the Captain Isaac Paine School, the only school operated by the Foster School Department.

3. Based on my personal knowledge, students attending the Captain Isaac Paine School, the only school operated by the Foster School Department, never attended more than one hundred eighty (180) school days during the fifteen (15) school years from 1985-1986 to 1999-2000.


Helena J. McCullough

Subscribed and sworn to before me in FOSTER, Rhode Island, on this 17 day of June, 2019.




Notary Public
My Commission Expires: 10-5-2021



April 18, 2018

Frank J. Karpinski
Executive Director
Employees' Retirement System of Rhode Island
50 Service Avenue
Warwick, RI 02886

Re: Marybeth Bennett

Dear Mr. Karpinski:

I am General Counsel to NEARI and in that capacity, represent Marybeth Bennett, a teacher with the Narragansett School Department. I believe that she contacted both John Midgley and you regarding certain questions about her accrued years of creditable service as a public-school teacher.

This issue involves Ms. Bennett's service credit for the period when she was employed as a .5 teacher with Narragansett from January 2, 1985 through the 1999-2000 school year. Except for her first year (1984-1985), which commenced in January 1985, Ms. Bennett was required to work 2 full days (professional development and student orientation days), plus 180 half days. In other words, Ms. Bennett worked the equivalent of 92 full school days in each of the fifteen (15) years in question. This is confirmed by the February 28, 2018 correspondence from Narragansett's Superintendent of Schools, Peter J. Cummings, a copy which has previously been provided to ERSRI.

As you are aware, ERSRI credited Ms. Bennett with 6 months of service in each of those years. Ms. Bennett disputes ERSRI's calculations and believes that she is entitled to 9 months of creditable service for each of the fifteen (15) years in question. This creates a discrepancy of 45 months (3 mos. x 15 yrs.) or 3.75 years.

In support of her position that she is entitled to 9 months of creditable service for each of the years that she worked the equivalent of 92 full school days, Ms. Bennett relies upon ERSRI Regulation §1.10 "Rules Regarding the Operation and Administration of Rhode Island General Laws 16-16-1 (12) and 16-16-5 regarding the creditable service as a teacher member of the Employees Retirement System of Rhode Island". Regulation §1.10 A.1. provides that "[t]his regulation governs the determination of creditable service for teacher members of the Employees' Retirement System of Rhode Island (ERSRI)". Pursuant to Regulation §1.10 C.1, "[e]very teacher as defined in R.I.G.L. 16-16-1 (a) (12) who is an active member of the Employees Retirement

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System of Rhode Island shall be eligible for one year of service credit for each school year served as a teacher". Finally, Regulation §1.10 D.1a, in pertinent part, further provides that "[f]or service credits accrued prior to November 17, 2011, the following schedule shall apply: ... 91 days = 9 months service credit." In each of the disputed years, Ms. Bennett was a teacher and contributing member of the Retirement System who worked more than 91 days.

It is my understanding that ERSRI has taken the position that Regulation §1.10 is only applicable to full-time teachers; however, nothing in the ERSRI Regulations or any statute supports this determination. In fact, Regulation §1.10 C.1 specifically references "every teacher", who is an active member of the Retirement system. It is my further understanding that ERSRI relies upon §16-16-3, and particularly section (d) of that statute, as well as the case law interpreting that statute, for the proposition that Ms. Bennett is only entitled to 6 months creditable service for the years in question. Nevertheless, I respectfully disagree with ERSRI's reliance upon said statute and case law as it pertains to Ms. Bennett's years of employment in this case.

More particularly, §16-16-3 (d) essentially involves situations where teachers are attempting to purchase service credit for times when they did not actually work. Here, Ms. Bennett is not attempting to purchase credit for any times that she did not work. On the contrary, she is merely seeking to be credited with the time that she actually taught. Once again, Ms. Bennett worked 2 full days and 180 half days, which is the equivalent of 92 full days, in each of the years in question. This is no different than a full-time teacher working only 92 days in any given year. In accordance with Regulation §1.10 D.1a and ERSRI's interpretation thereof, the full-time teacher would receive 9 months service credit. There is nothing within the Regulations, statutes and/or case law that support the determination that Ms. Bennett should be treated differently under these circumstances. In both scenarios, regardless of whether a teacher was full-time or part-time, they both worked the equivalent of 91 days or more and paid a similar amount into the Retirement System, entitling them to 9 months service credit.

There is precedent for this conclusion, which is supported by ERSRI and the Superior Court's prior decisions. In the case of *Nancy Hammond v. Retirement Board of the Employees Retirement System of Rhode Island*, 2000 WL 1273911 (Super. Ct. 2000), the facts are essentially identical to this case. In *Hammond*, the teacher taught a half-day kindergarten class for the entire 182-day school year from 1983 through 1987. In that case, even ERSRI did not dispute the fact that the teacher was entitled to 9 months of service credit even though she worked part-time. In fact, in *Hammond*, the Superior Court pointed out that "an administrative decision was rendered by Joann Flaminio, Executive Director of the Retirement Board, determining that the Petitioner was entitled to nine months worth of benefits for each of the four years she served as a morning kindergarten teacher". However, the Petitioner in that case sought to obtain a full year of service credit for the 180 part-time school days that she worked and appealed Director Flaminio's determination to the Superior Court.

Although the Court rejected the Petitioner's bid for a full year of service credit, it recognized that the "nine-month determination was arrived at by taking the 180-day school year and dividing it into four, 45-day quarters". Both the Retirement Board and Court reasoned that "under this scheme, if one is determined to have worked between 91 and 134 days, they are entitled to nine months worth of retirement benefits". The Court went on to rationalize that the "petitioner was determined to be a half time employee due to the fact that she worked fewer hours and was paid half that of a full-time teacher. Accordingly, the Petitioner was credited with 91 full days worth of employment, inscribing her into the nine-month category for retirement benefits". Both the Retirement Board and the Superior Court made these determinations notwithstanding the fact that the Petitioner was a part-time teacher. In this case, there is no basis to depart from the Retirement Board's precedent. For your convenience, I have attached a highlighted copy of the Hammond case.

Once again, Ms. Benetti is not requesting to purchase credit for leave and/or any time that she did not work. Instead, she merely seeks to obtain the appropriate service credit for the 92 days that she actually worked each of the years in question. Under the facts and circumstances of this case, and consistent with the RRSRI and the Superior Court's prior decisions in *Hammond*, I respectfully request on behalf of Ms. Benetti that you reconsider your determination and credit her with 9 months of service for each of the 15 years, beginning with the 1984-1985 school year through the 1999-2000 school year.

After you have had an opportunity to review this information and Ms. Benetti's request to recalculate her years of creditable service, I would appreciate it if you would please contact me. My office number is (401) 463-9630, x323.

Thank you for your time and consideration in this matter.

Very truly yours,


John E. Decubellis, Jr.



Employees' Retirement System of Rhode Island

ERSRI Board:

August 17, 2018

Seth Magaziner
*General Treasurer
Chair*

William B. Finaliti
Vice Chair

John E. Decubellis, Jr., Esq.
National Education Association of Rhode Island
99 Bald Hill Road
Cranston, RI 02920

Roger P. Boudreau

Mark A. Caruolo

Grian M. Daniels

Michael DiBisce

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Thomas M. Lambert

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Thomas A. Mulhany

Claire M. Nowell

Marcia B. Rebeck

Jean Rondeau

Laura Shawhughes

Lisa A. Whiting

Frank J. Karpinski
Executive Director

RE: Marybeth Bennett – Accrued Years of Creditable Service
School Years: September 1985 - June 2000

Dear Attorney Decubellis:

We write in response to your letter of April 18, 2018 regarding the above matter. Ms. Bennett believes she is entitled to 9 months of creditable service for each of the 15 school years she worked for the Narragansett School Department as a half time teacher.

We have reviewed your position, Ms. Bennett's employment information, and our calculations and have determined that the Employees' Retirement System of Rhode Island (ERSRI) has correctly calculated her retirement service credit at 6 months per year of service.

Rhode Island General Laws (RIGL) §16-16-5 (c) provides credit to a teacher who serves the number of days that public schools are required by law to be in session. Excluded are days for professional development, student orientation and parent teacher conferences unless they are part of the required 180 days.

In addition, the Retirement Board promulgated Regulation 1.10 (formerly Regulation 10) which requires that in order to receive service credit a teacher must work a "school year" as defined by Rhode Island General Laws (RIGL) §16-2-2. Pursuant to RIGL §16-2-2, schools are required to be in session for 180 days. ERSRI has interpreted the 180-day requirement as the number of days the students and teachers are in the classroom.

Any teacher who works less than the required 180 days will be awarded service credit based on the days worked in accordance with Regulation 1.10(D).

You have indicated that Ms. Bennett was required to work 2 full days (professional development and student orientations days), plus 180 half days during the school years, thereby working 92 full school days in each year. However, the professional development and student orientation days, although required by contract, are

50 Service Avenue 2nd Floor, Warwick, RI 02886-1021 (401) 462-7600 Fax: (401) 462-7601

E-Mail: ersri@ersri.org Web Site: www.ersri.org

excluded from the days that the school is required to be in session and therefore excluded in the calculation of service credit.

This letter constitutes official notification of an administrative denial of your request that MERS/ERSRI reverse the administrative actions referenced above. Pursuant to the Rules and Regulations of the Employers' Retirement System of Rhode Island, Regulation No. 1.4 entitled Rules of Practice and Procedure for Hearings in Contested Cases, Section C., any member aggrieved by an administrative action may request a hearing before the Retirement Board. Upon such request, the matter will be deemed a contested case. Such request shall be in writing and shall be sent to the Retirement Board, 50 Service Avenue, 2nd Floor, Warwick, RI 02886, Attention: Frank J. Karpinski, Executive Director, within 60 days of date of the letter from the Executive Director or Assistant Executive Director constituting a formal administrative denial. A request for hearing shall be signed by each affected member and shall contain the name of the member; date and nature of decision to be contested; a clear statement of the objection to the decision which must include the reasons the member feels he or she is entitled to relief; and a concise statement of the relief sought. Failure to strictly comply with the procedures outlined above shall be grounds to deny a request for a hearing.

Sincerely,



Frank J. Karpinski
Executive Director

Cc: Marybeth Bennett

MEMORANDUM OF LAW OF ERSRI WITH EXHIBITS

STATE OF RHODE ISLAND
EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF RHODE ISLAND

In re:	:	
	:	
MARY BETH BENNETT	:	Before Hearing Officer
	:	
(PENSION ELIGIBILITY)	:	Charles M. Koutsogiane, Esq.
	:	
	:	

MEMORANDUM OF LAW OF
THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF RHODE ISLAND

Introduction

Mary Beth Bennett ("Bennett") is a member of the Employee's Retirement System of Rhode Island ("ERSRI"), having worked part-time as a preschool teacher for the Narragansett School Department between 1985 and 2000. See, Exhibit A, Stipulated Statement of Facts (hereafter referred to as "SSF"), ¶¶ 1, 2. With the exception of the partial 1984-1985, 1989-1990, and 1993-1994 school years, Bennett worked 180 half school days plus two (2) additional full days of non-classroom instructional time (student orientation and professional development days) in each school year. SSF, ¶ 3.

On or about April 18, 2018, through counsel, Bennett contacted ERSRI regarding the amount of her creditable service. See, Exhibit A, ¶ 10(c), Letter from John E. Decubellis, Jr., Esq. to Executive Director Frank J. Karpinski. In the letter, Bennett claimed that she was entitled to nine months' credit for each year in which she worked the equivalent of 92 school days, comprised of 180 half days and 2 full days for professional development and student orientation. *Id.* Thereafter, Executive Director Karpinski wrote to Bennett's counsel indicating that per R.I.G.L. §

16-16-5(c) service credit is calculated based only on the number of days that public schools are required by law to be in session, when students are actually in the classroom being taught, which per R.I.G.L. §16-2-2 is 180 days. Exhibit A, ¶ 10(d), Letter from Frank J. Karpinski, Executive Director to John E. Decubellis, Jr., Esq. This does not include professional development or student orientation days. Rather than have a hearing, the parties have agreed to submit this matter to the Hearing Officer on the agreed facts of the SSF.

Applicable Statutes and Regulations and Standard of Review

The calculation of service credit for retirement purposes for teachers is governed by R.I.G.L. §§ 16-2-2 and 16-16-5 and by 120 RICR 000-00-1 1.10.¹ Section 16-2-2 establishes 180 days as the school year. Section 16-16-5(c) provides that, for purposes of credit, a school year is the number of days required by law for school to be in session, that is, 180 days per

§ 16-2-2. Section 16-16-5(d) provides:

Any teacher employed in at least a half (1/2) program including a job share program, or working at least half the number of days that the public schools are required to be in session, shall remain a contributing member and shall receive credit for that part-time service on a proportional basis.

(emphasis added). Regulation 1.10 provides the schedule for service credits accrued prior to November 17, 2011, which applies to all of Bennett's service:

45 days = 3 months service credit

67 days = 6 months service credit

91 days = 9 months service credit

135 days = 1 year service credit

¹ Copies of R.I.G.L. §§ 16-2-2 and 16-16-5 and 120 RICR 000-00-1 1.10 are attached as Exhibit B.

Regulation 1.10 further defines a “school year” as “the number of days required by R.I. Gen. Laws §16-2-2 that school be in session.” The Retirement System’s interpretation of the statutes that it is entrusted with administering is entitled to substantial deference, even if the agency’s interpretation is not the only permissible interpretation that could be applied. *Lyman v. Employees’ Retirement Sys.*, 693 A.2d 1030, 1031 (R.I. 1997). The Rhode Island Supreme Court has consistently held that an administrative agency will be accorded great deference in interpreting a statute whose administration and enforcement have been entrusted to the agency. *Town of Richmond v. R.I. Dep’t of Envtl. Mgmt.*, 941 A.2d 151, 157 (R.I. 2008).

Argument

1. ERSRI’s Service Credit Calculations are correct.

a. Bennett’s calculations are flawed because they use more than 180 days in a school year.

Bennett’s calculations employ a school year of 182 days. While there may have been additional “in service” days in those years, the statutes relevant to the calculation of service credit mandate the use of a school year of 180 days. R.I.G.L. § 16-2-2 and 16-16-5(d). It is only through the use of days in excess of 180 in her calculations that Ms. Bennett is able to claim 91 days or more of service in the school years from 1985-1986 through 1999-2000. While the Superior Court in *Hammond* acknowledged the use of a 182-day school year in calculations made in that matter, the length of the school year was not an issue in that case, but rather the question of whether Ms. Hammond was entitled to a full year of service credit when she worked less than full time. *HAMMOND v. Ret. Bd. OF THE EMPLES. Ret. Sys. OF R.I. & EMPLES. Ret. Sys. OF R.I.*, C.A. No. 99-5791, 2000 R.I. Super. LEXIS 57 (Super. Ct. July 24, 2000); see also, *Langlois v. Caprio*, No. PC-2010-0909, 2019 R.I. Super. LEXIS 37, at *12-13 (Super. Ct. May 17,

2019)(“Specifically, the testimony of Mr. Karpinski makes abundantly clear that employees earn service credit on a proportional basis when working less than the hours required of their position.”). The Superior Court held that: “It would be illogical and contrary to § 16-16-5(d) to suggest that working any amount of time, regardless of how minimal, for the requisite number of days would entitle a teacher to full retirement benefits.” *Hammond*, 2000 R.I. Super. LEXIS 57, at *8.

The Retirement System assesses credit based upon the number of days schools are required to be in session—180 days. Excluded are days for professional development, student orientation and parent teacher conferences unless they are part of the required 180 days. Any teacher who works less than the required 180 days will be awarded service credit based on the days worked in accordance with Regulation 1.10(D). In *Hammond*, the Retirement System did credit the petitioner with 91 days based on a 182 day school year, but that assessment appears to have been done in error, based on the affidavit of Helena McCullough, indicating that students never attended more than 180 school days during the 15 school years from 1985-1986 to 1999-2000. *Id.* Moreover, the specific issue of the length of the school year was not before the Court. See *Hammond*, at FN 2. As schools are *required* by R.I.G.L. § 16-2-2 to be in session 180 days, and R.I.G.L. § 16-16-5(d) refers to the number of days the schools are *required* to be in session. Ms. Bennett is not entitled to base her claims for service credit on days in excess of that figure.

2. ERSRI’s calculation of service credit is justified by the applicable statutory provisions.

The parties do not disagree as to the service credit attributable to the partial 1984-1985, 1989-1990, and 1993-1994 school years as totaling 6 months. SSF, ¶ 7. Where the parties diverge is in the thirteen school years for which Ms. Bennett claims 9 months of service per year. Those claims of 9 months per school year would give her a total, when adding the 6 months for the school

years 1984-1985, 1989-1990 and 1993-1994, of 10 years and 3 months. However, Ms. Bennett's calculations are based upon an erroneous formula that uses days in excess of the 180 statutorily mandated for the calculation of service credit in R.I.G.L. § 16-16-5(d)² and § 16-2-2(a)(1).³

Conclusion

For all of the reasons stated above, the Hearing Officer should issue a Recommendation to the Retirement Board that the decision of the Executive Director be UPHOLD and AFFIRMED in all respects and that Ms. Bennett's claim of service credit based upon service rendered predicates on a school year greater than statutorily required, and encompassing non-instructional professional development and student orientation time between 1985 and 2000, be DENIED.

Dated: February 7, 2020

Respectfully Submitted,

EMPLOYEES' RETIREMENT
SYSTEM OF THE STATE
OF RHODE ISLAND,
By its attorneys,

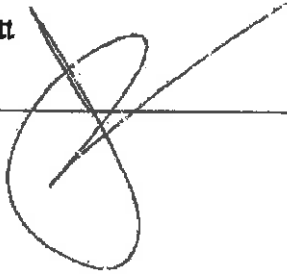
Michael P. Robinson by J. H. McLean w/permission #2247
Michael P. Robinson, Esq. (#6306)
Shechtman Halperin Savage, LLP
1080 Main St.
Pawtucket, RI 02860
(401) 272-1400
mrobinson@shslawfirm.com

² R.I.G.L. § 16-16-5(d) Any teacher employed in at least a half (1/2) program including a job share program, or working at least half *the number of days that the public schools are required to be in session*, shall remain a contributing member and shall receive credit for that part-time service on a proportional basis. (emphasis added).

³ R.I.G.L. § 16-2-2(a)(1) provides, in pertinent part: "Except as specifically provided in this section, every city or town shall establish and maintain for at least one hundred eighty (180) days annually or the equivalent thereof,"

CERTIFICATION

I hereby certify that on this 7th day of February 2020, I mailed a true and accurate copy of the within post-hearing memorandum to Hearing Officer Charles M. Koutsogianc, Esquire and to John E. Decubellis, Jr., Esq., counsel for Ms. Bennett



A handwritten signature, possibly reading "J. Decubellis", is written over a horizontal line.

EMPLOYEES RETIREMENT SYSTEM OF RHODE ISLAND**RE: MARYBETH BENNETT****Accrued Years of Creditable Service
School Years: September 1985 – June 2000****EXHIBIT A
STIPULATED STATEMENT OF FACTS**

Marybeth Bennett ("Bennett") and the Employees Retirement System of Rhode Island ("ERSRI") hereby agree and stipulate as follows:

1. Beginning January 2, 1985, Bennett was hired as a part-time, .5, preschool teacher in the Narragansett School Department and worked in that capacity through the 1999-2000 school year.
2. Bennett continued to work in the part-time preschool position with the Narragansett School Department from January 2, 1985 through the 1999-2000 school year.
3. With the exception of the partial 1984-1985 school year, the 1989-1990 school year and the 1993-1994 school years, during each of the other school years between the 1985-1986 through the 1999-2000 school years, Bennett worked 180 half school days, plus two (2) additional full days of non-classroom instructional time (student orientation and professional development days).
4. In other words, with the exception of the 1984-1985, 1989-1990, and the 1993-1994 school years, Bennett worked the equivalent of 90 full school days in each of the remaining school years between the 1985-1986 through the 1999-2000 school years, plus two (2) additional full days of non-classroom instructional time.

5. In each of the years in question, Narragansett students attended school for 180 days.

6. In each of the years in question, Bennett was a teacher and contributing member of the ERSRI.

7. The ERSRI credited Bennett with three (3) months of service credit in the 1984-1985 school year, three (3) months of service credit in the 1989-1990 school year, and with zero (0) service credit in the 1993-1994 school year.

8. The ERSRI credited Bennett with six (6) months of service credit for each of the remaining thirteen (13) school years between the 1985-1986 through the 1999-2000 school years.

9. Bennett appealed the ERSRI's decision because she believes that she should have been credited with 9 months of service credit for each of the thirteen (13) ~~fifteen (15)~~ years between the 1985-1986 through the 1999-2000 school years.

10. The parties further agree to the admission of the following documents which are attached hereto:

a. Affidavit of Bennett;

b. Affidavit of Helena J. McCullough;

c. April 18, 2018 correspondence of John E. Decubellis, Jr. Esq. to the ERSRI; and

d. August 17, 2018 correspondence from Frank J. Karpinski to John E. Decubellis, Jr. Esq.

Provided, however, the ERSRI reserves its right to argue the relevance and/or lack of import of the Affidavits.

Respondent,
Employees Retirement System of
Rhode Island,
By its Attorney,

/s/ Michael P. Robinson
Michael P. Robinson, Esquire (#____)
Schechtman Halperin Savage LLP
1080 Main Street
Pawtucket, RI 02860
Phone: (401) 272-1400
Fax: (401) 272-1403
mrobinson@shslawfirm.com

Appellant,
Marybeth Bennett
By her Attorney,

/s/ John E. DeCubellis, Jr.
John E. DeCubellis, Jr., Esquire (#3327)
National Education Association RI
99 Bald Hill Road
Cranston, RI 02920
Phone: (401) 463-9630
Fax: (401) 463-8625
jdecubellis@neari.org

EMPLOYEES RETIREMENT SYSTEM OF RHODE ISLAND

RE: MARYBETH BENNETT

**Accrued Years of Creditable Service
School Years: September 1985 – June 2000**

AFFIDAVIT OF MARY BETH BENNETT

I, Mary Beth Bennett, hereby state under oath that the statements made herein are true and correct to the best of my knowledge, information and belief:

1. Although I was initially hired as a part-time preschool teacher in the Narragansett School Department, I had initially sought a full-time teaching position but, because no full-time jobs were available, I accepted the part-time preschool position.

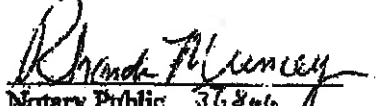
2. Even though I worked part-time as a preschool teacher with the Narragansett School Department from January 2, 1985 through the 1999-2000 school year, I continued to pursue a full-time preschool teaching position but, none were available.

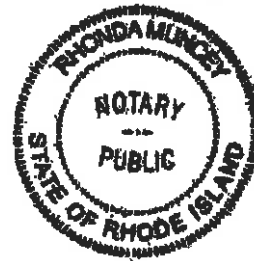
3. Throughout this time, it was not my choice to teach part-time, and my part-time position was not part of a job-share program or a voluntary leave of absence.

4. With the exception of the 1984-1985, 1989-1990, and the 1993-1994 school years, between the 1985-1986 through the 1999-2000 school years, I worked the equivalent of ninety (90) full school days, plus two (2) additional full days of non-classroom instructional time, which were for professional development and student orientation days that I was required to work as a condition of my employment.


Mary Beth Bennett

Subscribed and sworn to before me in Cranston, Rhode Island on this
26th day of June, 2019.


Notary Public 36806
Commission Expires: 2/12/22



EMPLOYEES RETIREMENT SYSTEM OF RHODE ISLAND

RE: MARYBETH BENNETT

**Accrued Years of Creditable Service
School Years: September 1985 – June 2000**

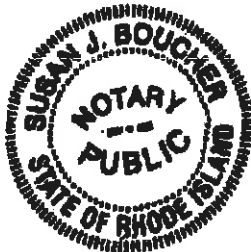
AFFIDAVIT OF HELENA J. MCCULLOUGH

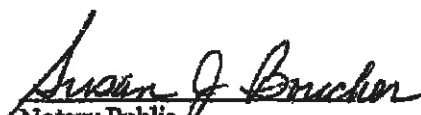
I, Helena J. McCullough, hereby state under oath that the statements made herein are true and correct to the best of my knowledge, information and belief:

1. From 1995 to 2019, I was an employee of the Foster School Department. When I retired in 2019, I was the Clerk of the Foster School Committee and the Confidential Administrative Secretary.
2. During the period from 1985 to 1995, my children attended the Captain Isaac Paine School, the only school operated by the Foster School Department.
3. Based on my personal knowledge, students attending the Captain Isaac Paine School, the only school operated by the Foster School Department, never attended more than one hundred eighty (180) school days during the fifteen (15) school years from 1985-1986 to 1999-2000.


Helena J. McCullough

Subscribed and sworn to before me in FOSTER, Rhode Island, on this
17 day of June, 2019.




Notary Public
My Commission Expires: 10-5-2021



April 18, 2018

Frank J. Karpinski
Executive Director
Employees' Retirement System of Rhode Island
50 Service Avenue
Warwick, RI 02886

RE: Marybeth Bennett

Dear Mr. Karpinski:

I am General Counsel to NEARI and in that capacity, represent Marybeth Bennett, a teacher with the Narragansett School Department. I believe that she contacted both John Midgley and you regarding certain questions about her accrued years of creditable service as a public-school teacher.

This issue involves Ms. Bennett's service credit for the period when she was employed as a .5 teacher with Narragansett from January 2, 1985 through the 1999-2000 school year. Except for her first year (1984-1985), which commenced in January 1985, Ms. Bennett was required to work 2 full days (professional development and student orientation days), plus 180 half days. In other words, Ms. Bennett worked the equivalent of 92 full school days in each of the fifteen (15) years in question. This is confirmed by the February 28, 2018 correspondence from Narragansett's Superintendent of Schools, Peter J. Cummings, a copy which has previously been provided to ERSRI.

As you are aware, ERSRI credited Ms. Bennett with 6 months of service in each of those years. Ms. Bennett disputes ERSRI's calculations and believes that she is entitled to 9 months of creditable service for each of the fifteen (15) years in question. This creates a discrepancy of 45 months (3 mos. x 15 yrs.) or 3.75 years.

In support of her position that she is entitled to 9 months of creditable service for each of the years that she worked the equivalent of 92 full school days, Ms. Bennett relies upon ERSRI Regulation 81.10 "Rules Regarding the Operation and Administration of Rhode Island General Laws 16-16-1 (12) and 16-16-5 regarding the creditable service as a teacher member of the Employees Retirement System of Rhode Island". Regulation 81.10 A.1. provides that "[t]his regulation governs the determination of creditable service for teacher members of the Employees' Retirement System of Rhode Island (ERSRI)". Pursuant to Regulation 81.10 C.1, "[e]very teacher as defined in R.I.G.L. 16-16-1 (a) (12) who is an active member of the Employees Retirement

System of Rhode Island shall be eligible for one year of service credit for each school year served as a teacher". Finally, Regulation §1.10 D.1a, in pertinent part, further provides that "[f]or service credits accrued prior to November 17, 2011, the following schedule shall apply: ... 91 days = 9 months service credit." In each of the disputed years, Ms. Bennett was a teacher and contributing member of the Retirement System who worked more than 91 days.

It is my understanding that ERSRI has taken the position that Regulation §1.10 is only applicable to full-time teachers; however, nothing in the ERSRI Regulations or any statute supports this determination. In fact, Regulation §1.10 C.1 specifically references "every teacher", who is an active member of the Retirement system. It is my further understanding that ERSRI relies upon §16-16-5, and particularly section (d) of that statute, as well as the case law interpreting that statute, for the proposition that Ms. Bennett is only entitled to 6 months creditable service for the years in question. Nevertheless, I respectfully disagree with ERSRI's reliance upon said statute and case law as it pertains to Ms. Bennett's years of employment in this case.

More particularly, §16-16-5 (d) essentially involves situations where teachers are attempting to purchase service credit for times when they did not actually work. Here, Ms. Bennett is not attempting to purchase credit for any times that she did not work. On the contrary, she is merely seeking to be credited with the time that she actually taught. Once again, Ms. Bennett worked 2 full days and 180 half days, which is the equivalent of 92 full days, in each of the years in question. This is no different than a full-time teacher working only 92 days in any given year. In accordance with Regulation §1.10 D.1a and ERSRI's interpretation thereof, the full-time teacher would receive 9 months service credit. There is nothing within the Regulations, statutes and/or case law that support the determination that Ms. Bennett should be treated differently under these circumstances. In both scenarios, regardless of whether a teacher was full-time or part-time, they both worked the equivalent of 91 days or more and paid a similar amount into the Retirement System, entitling them to 9 months service credit.

There is precedent for this conclusion, which is supported by ERSRI and the Superior Court's prior decisions. In the case of *Nancy Hammond v. Retirement Board of the Employees Retirement System of Rhode Island*, 2000 WL 1273911 (Super. Ct. 2000), the facts are essentially identical to this case. In *Hammond*, the teacher taught a half-day kindergarten class for the entire 182-day school year from 1983 through 1987. In that case, even ERSRI did not dispute the fact that the teacher was entitled to 9 months of service credit even though she worked part-time. In fact, in *Hammond*, the Superior Court pointed out that "an administrative decision was rendered by Joann Flaminio, Executive Director of the Retirement Board, determining that the Petitioner was entitled to nine months worth of benefits for each of the four years she served as a morning kindergarten teacher". However, the Petitioner in that case sought to obtain a full year of service credit for the 180 part-time school days that she worked and appealed Director Flaminio's determination to the Superior Court.

Although the Court rejected the Petitioner's bid for a full year of service credit, it recognized that the "nine-month determination was arrived at by taking the 180-day school year and dividing it into four, 45-day quarters". Both the Retirement Board and Court reasoned that "under this scheme, if one is determined to have worked between 91 and 134 days, they are entitled to nine months worth of retirement benefits". The Court went on to rationalize that the petitioner was determined to be a half-time employee due to the fact that she worked fewer hours and was paid half that of a full-time teacher. Accordingly, the Petitioner was credited with 91 full days worth of employment, insuring her into the nine-month category for retirement benefits. Both the Retirement Board and the Superior Court made these determinations notwithstanding the fact that the Petitioner was a part-time teacher. In this case, there is no basis to depart from the Retirement Board's precedent. For your convenience, I have attached a highlighted copy of the Hammond case.

Once again, Ms. Bennett is not requesting to purchase credit for leave and/or any time that she did not work. Instead, she merely seeks to obtain the appropriate service credit for the 92 days that she actually worked each of the years in question. Under the facts and circumstances of this case, and consistent with the ERSRI and the Superior Court's prior decisions in Hammond, I respectfully request on behalf of Ms. Bennett that you reconsider your determination and credit her with 9 months of service for each of the 15 years, beginning with the 1985-1986 school year through the 1999-2000 school year.

After you have had an opportunity to review this information and Ms. Bennett's request to recalculate her years of creditable service, I would appreciate it if you would please contact me. My office number is (401) 463-9630, x323.

Thank you for your time and consideration in this matter.

Very truly yours,

John E. Decubellis, Jr.
John E. Decubellis, Jr.



Employees' Retirement System of Rhode Island

ERSRI Board:

August 17, 2018

Seth Magaziner
*General Treasurer
Chair*

William B. Finelli
Vice Chair

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Mark A. Carriolo

Brian M. Daniels

Michael DiBiase

Paul L. Dion

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Clark M. Nowell

Marcia B. Reback

Jean Rondeau

Laura Shawhughes

Lisa A. Whiting

Frank J. Karpinski
Executive Director

John E. Decubellis, Jr., Esq.
National Education Association of Rhode Island
99 Bald Hill Road
Cranston, RI 02920

RE: Marybeth Bennett – Accrued Years of Creditable Service
School Years: September 1985 - June 2000

Dear Attorney Decubellis:

We write in response to your letter of April 18, 2018 regarding the above matter. Ms. Bennett believes she is entitled to 9 months of creditable service for each of the 15 school years she worked for the Narragansett School Department as a half time teacher.

We have reviewed your position, Ms. Bennett's employment information, and our calculations and have determined that the Employees' Retirement System of Rhode Island (ERSRI) has correctly calculated her retirement service credit at 6 months per year of service.

Rhode Island General Laws (RIGL) §16-16-5 (c) provides credit to a teacher who serves the number of days that public schools are required by law to be in session. Excluded are days for professional development, student orientation and parent teacher conferences unless they are part of the required 180 days.

In addition, the Retirement Board promulgated Regulation 1.10 (formerly Regulation 10) which requires that in order to receive service credit a teacher must work a "school year" as defined by Rhode Island General Laws (RIGL) §16-2-2. Pursuant to RIGL §16-2-2, schools are required to be in session for 180 days. ERSRI has interpreted the 180-day requirement as the number of days the students and teachers are in the classroom.

Any teacher who works less than the required 180 days will be awarded service credit based on the days worked in accordance with Regulation 1.10(D).

You have indicated that Ms. Bennett was required to work 2 full days (professional development and student orientations days), plus 180 half days during the school years, thereby working 92 full school days in each year. However, the professional development and student orientation days, although required by contract, are

excluded from the days that the school is required to be in session and therefore excluded in the calculation of service credit.

This letter constitutes official notification of an administrative denial of your request that MERS/ERSRI reverse the administrative actions referenced above. Pursuant to the Rules and Regulations of the Employees' Retirement System of Rhode Island, Regulation No. 1.4 entitled Rules of Practice and Procedure for Hearings in Contested Cases, Section C, any member aggrieved by an administrative action may request a hearing before the Retirement Board. Upon such request, the matter will be deemed a contested case. Such request shall be in writing and shall be sent to the Retirement Board, 50 Service Avenue, 2nd Floor, Warwick, RI 02886, Attention: Frank J. Karpinski, Executive Director, within 60 days of date of the letter from the Executive Director or Assistant Executive Director constituting a formal administrative denial. A request for hearing shall be signed by each affected member and shall contain the name of the member; date and nature of decision to be contested; a clear statement of the objection to the decision which must include the reasons the member feels he or she is entitled to relief; and a concise statement of the relief sought. Failure to strictly comply with the procedures outlined above shall be grounds to deny a request for a hearing.

Sincerely,



Frank J. Karpinski
Executive Director

Cc: Marybeth Bennett

R.I. Gen. Laws Section 16-2-2

Current through all acts of the 2019 Session, including corrections by the Director of Law Revision.

RI - General Laws of Rhode Island > TITLE 16. EDUCATION > CHAPTER 2. SCHOOL COMMITTEES AND SUPERINTENDENTS [SEE TITLE 16 CHAPTER 97 – THE RHODE ISLAND BOARD OF EDUCATION ACT]

**Section 16-2-2. City and town schools required – School year – Location –
Kindergartens**

(a)

(1) Except as specifically provided in this section, every city or town shall establish and maintain for at least one hundred eighty (180) days annually or the equivalent thereof, exclusive of holidays, a sufficient number of schools in convenient places under the control and management of the school committee and under the supervision of the Rhode Island Board of Education. In lieu of a convenient location, the school committee may provide transportation for pupils to and from school in accordance with the provisions of chapter 21 of this title. Provided, that a school district may establish a school year that is the equivalent of one hundred eighty (180) days through the use of longer school days in terms of hours or pursuant to subsection (c) of this section, and that may total less than one hundred eighty (180) separate days, so long as through the use of the longer school day, the school district annually provides a minimum of one thousand eighty (1,080) school hours in a single school year. This figure is based on a minimum of six (6) hours per school day. For purposes of clarification, the intent herein is to permit school districts to amend their school year to provide for longer school days while reducing the actual number of days in which the school facilities must be fully staffed and maintained, but to insure that in doing so, school districts shall still provide the minimum amount of instruction time contemplated by this section. Nothing herein shall be deemed to limit a school district from exceeding the minimum amounts of days and hours set forth herein.

(2) School districts intending to make use of the option provided herein to lengthen school days and shorten the school year shall submit a detailed school day plan and a proposed school calendar to the commissioner of elementary and secondary education for approval. The commissioner shall review the submitted school day plan and the submitted calendar to determine whether the plan and calendar are academically sound and fiscally efficient. The commissioner may grant or deny approval of the plan and/or the calendar.

(b) School facilities shall include a sufficient number of kindergartens.

(c) On or before December 1, 2017, the department of elementary and secondary education shall establish a policy that allows a school district to submit a detailed plan, at any time, to the commissioner of elementary and secondary education that would allow the schools to conduct

R.I. Gen. Laws Section 16-2-2

instruction through virtual education when the schools have been closed due to inclement weather or other emergency. The plan for virtual education would be subject to, and require approval by, the council on elementary and secondary education in order to count as a school day.

History

G.L. 1896, ch. 54, Section 1; G.L. 1909, ch. 66, Section 1; P.L. 1914, ch. 1097, Section 1; G.L. 1923, ch. 69, Section 1; P.L. 1927, ch. 970, Section 1; G.L. 1938, ch. 179, Section 1; P.L. 1956, ch. 3642, Section 1; G.L. 1956, Section 16-2-2; P.L. 1967, ch. 111, Section 1; P.L. 2001, ch. 86, Section 26; P.L. 2013, ch. 434, Section 1; P.L. 2017, ch. 258, Section 1; P.L. 2017, ch. 264, Section 1.

Annotations

Notes

COMPILER'S NOTES.

P.L. 2017, ch. 258, Section 1, and P.L. 2017, ch. 264, Section 1 enacted identical amendments to this section.

Case Notes

NOTES TO DECISIONS

1. IN GENERAL.

Financial town meeting cannot restrict the power of the school committee by fixing salaries or limiting the amount to be spent for particular purposes. Bailey v. Duffv. 45 R.I. 304, 121 A. 129 (1923).

Research References & Practice Aids

CROSS REFERENCES.

R.I. Gen. Laws Section 16-2-2

Assumption of control by department of education, Sections 16-1-10, 16-1-11.

Condemnation of property for school purposes, Section 16-9-5 et seq.

COLLATERAL REFERENCES.

Discretion of administrative officers as to consolidation of school districts. 65 A.L.R. 1533; 135 A.L.R. 1096.

General Laws of Rhode Island

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R.I. Gen. Laws Section 16-16-5

Current through all acts of the 2019 Session, including corrections by the Director of Law Revision.

RI - General Laws of Rhode Island > TITLE 16. EDUCATION > CHAPTER 16. TEACHERS' RETIREMENT [SEE TITLE 16 CHAPTER 97 – THE RHODE ISLAND BOARD OF EDUCATION ACT]

Section 16-16-5. Service creditable

(a) In calculating "service", "prior service", or "total service" as defined in Section 16-16-1, every teacher shall be given credit for a year of service for each year in which he or she shall have served as a teacher; provided, that any teacher who through illness or leave of absence without pay does not serve a full school year may receive credit for a full school year of service by paying the full actuarial cost as defined in Section 36-8-1(9). Credit for leaves of absence shall be limited, in the aggregate, during the total service of a teacher to a period of four (4) years; provided, however, every teacher who had been required to resign for maternity reasons may receive credit for maternity reasons by making contribution to the system upon her return to teaching the amount she would have contributed to the retirement system, with regular interest, based upon her expected compensation but for her absence due to maternity reasons.

(b) The retirement board shall fix and determine the time when and the conditions under which the payments shall be made.

(c) Any teacher who serves or who has served during a school year the number of days that the public schools are required by law to be in session during the year shall be given credit for a year of service for that year. In determining the number of days served by a substitute teacher the total number of days served in any public school of any city or town in the state may be combined for any one school year. Any teacher shall be entitled to "prior service" credit for service prior to July 1, 1949, provided the teacher shall have been in service during the school year 1949-1950. The teacher shall be entitled to service credit for any year subsequent to July 1, 1949 in accordance with this chapter, by making contribution to the retirement system of the full actuarial cost for any such service credit.

(d) Any teacher employed in at least a half (1/2) program including a job share program, or working at least half the number of days that the public schools are required to be in session, shall remain a contributing member and shall receive credit for that part-time service on a proportional basis. The purchase of any remaining program or job share time in which the teacher did not work shall not be permitted.

(e) In computing service or in computing compensation, the retirement board shall credit no more than one year of service on account of all service in one calendar year.

(f) Notwithstanding any other section of law, no member of the retirement system shall be permitted to purchase service credit for any portion of a year for which he or she is already receiving service credit in this retirement system.

History

P.L. 1948, ch. 2101, Section 3; P.L. 1951, ch. 2830, Section 6; G.L. 1956, Section 16-16-5; R.P.L. 1957, ch. 70, Section 1; P.L. 1966, ch. 111, Section 1; P.L. 1979, ch. 211, Section 1; P.L. 1980, ch. 174, Section 2; P.L. 1981, ch. 175, Section 1; P.L. 1987, ch. 584, Section 1; P.L. 1994, ch. 139, Section 6; P.L. 1994, ch. 142, Section 7; P.L. 1997, ch. 169, Section 1; P.L. 2001, ch. 86, Section 36; P.L. 2009, ch. 68, art. 7, Section 4; P.L. 2011 ch. 408, Section 10; P.L. 2011, ch. 409, Section 10.

Annotations

Notes

COMPILER'S NOTES.

Section 10 of P.L. 1994, ch. 139 provides: "If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable."

Section 8 of P.L. 1994, ch. 142 provides: "If any provision of this act or any application thereof shall for any reason be judged invalid such a judgment shall not affect, impair or invalidate the remainder of the law, but shall be confined in its effect to the provisions or application directly involved in the controversy giving rise to the judgment."

Research References & Practice Aids

CROSS REFERENCES.

Service credit under state retirement system, Section 36-9-20.

COLLATERAL REFERENCES.

Services included in computing period of service for purpose of teachers' seniority, salary, tenure, or retirement benefits. 56 A.L.R. 5th 493.

General Laws of Rhode Island

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R.I. Gen. Laws Section 16-16-5

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**BRIEF OF
MARY BETH BENNETT
WITH EXHIBITS**

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**RETIREMENT BOARD OF THE EMPLOYEES
RETIREMENT SYSTEM OF RHODE ISLAND**

**MARYBETH BENNETT,
Bennett**

vs.

**EMPLOYEES RETIREMENT SYSTEM
OF RHODE ISLAND,
Respondent**

BRIEF OF MARYBETH BENNETT

This matter involves the Petitioner, MaryBeth Bennett's ("Bennett"), appeal from the Employees' Retirement System of Rhode Island's (the "ERSRI") denial of additional three (3) months of service credit when she worked the equivalent of 92 full school days as a part-time teacher for the Narragansett School Department ("Narragansett") during 13 of the 15 years between the 1985-1986 through 1999-2000 school years.¹ In lieu of an evidentiary hearing in this matter, the parties have agreed to rely upon their Briefs, a Stipulated Statement of Facts², which includes the admission of Affidavits from Bennett and Helena J. McCullough,³ the

¹ During 13 of the 15 years in this period, the ERSRI erroneously credited Bennett with six (6) months of service credit when she should have received nine (9) months of service credit for each of the years in question. The only exceptions occurred in the 1989-1990 and 1993-1994 school years, when Bennett did not work 92 full school days and the ERSRI properly credited Bennett with three (3) months of service credit.

² A true and accurate copy of the "Stipulated Statement of Facts" (the "Stipulated Facts") is attached hereto as Exhibit A.

³ Although the ERSRI does not object to the admission of said Affidavits, it nevertheless, reserves its right to argue their relevance and/or lack of import. See, Exhibit A.

April 18, 2018 correspondence of John E. Decubellis, Jr. Esq. ("DeCubellis") to the ERSRI, and the August 17, 2018 correspondence from Frank J. Karpinski ("Karpinski"), Executive Director of the ERSRI, to DeCubellis.⁴

STATEMENT OF FACTS

Beginning January 2, 1985, Bennett was hired as a .5 (half-time) preschool teacher in the Narragansett School Department and worked in that part-time capacity through the 1999-2000 school year. (Stipulated Facts, ¶¶ 1 & 2). Although Bennett was initially hired by Narragansett as a part-time teacher, she had sought a full-time teaching position. However, because no full-time jobs were available, she accepted the part-time position. (Affidavit of MaryBeth Bennett ("Bennett Affidavit", ¶ 1).⁵ Even though she had accepted the part-time preschool teaching position, she continued to pursue a full-time teaching position with Narragansett but, none were available. (Bennett Affidavit, ¶ 2). Throughout this time, it was not Bennett's choice to teach part-time, and her part-time position did not result from a job-share program or voluntary leave of absence. (Bennett Affidavit, ¶ 3).

With the exception of the partial 1989-1990 and 1993-1994 school years, during each of the other remaining thirteen (13) school years between the 1985-1986 through 1999-2000 school years, Bennett worked 180 half school days, plus two (2) additional full days of non-classroom instructional time (student orientation and professional development days). (Stipulated Facts, ¶ 3). In other words, Bennett was required to work the equivalent of ninety-two (92) full school days, which included ninety (90) instructional days and two (2) non-instructional days.

⁴ Each of these documents will be discussed in greater detail, *infra*.

⁵ A true and accurate copy of the Bennett Affidavit is attached hereto as **Exhibit B**.

(Stipulated Facts, ¶ 4; Bennett Affidavit, ¶ 4). In each of the years in question, Narragansett students attended school for 180 days (Stipulated Facts, ¶ 5) and Bennett was a teacher and contributing member of the ERSRI. (Stipulated Facts, ¶ 6).

When Bennett initially contacted the ERSRI to inquire about her retirement, she was informed that the ERSRI had credited her with three (3) months of service credit in the 1984-1985 and 1989-1990 school years, and with zero (0) service credit in the 1993-1994 school year.

(Stipulated Facts, ¶ 7). Furthermore, the ERSRI had credited Bennett with six (6) months of service credit for each of the thirteen (13) remaining school years between the 1985-1986 through 1999-2000 school years. (Stipulated Facts, ¶ 8).

On April 18, 2018, Bennett, through her legal counsel, contacted the ERSRI and requested that it reconsider its calculation of Bennett's service credit for those years between the 1985-1986 and 1999-2000 school years when she worked the equivalent of ninety-two (92) full school days.⁶ In response to Bennett's request, Karpinski reasoned that "the professional development and student orientation days, although required by contract, are excluded from the days that the school is required to be in session and therefore excluded in the calculation of service credit".⁷ Hence, Karpinski ultimately, determined that Bennett was only entitled to ninety (90) creditable days of service credit thereby, entitling her to only six (6) months of service credit for each of those thirteen (13) years in question.⁸

⁶ See, the April 18, 2018 correspondence of DeCubellis to the ERSRI, attached hereto as Exhibit C.

⁷ See, the August 17, 2018 correspondence from Karpinski to DeCubellis, attached hereto as Exhibit D.

⁸ *Id.*

As a result, Bennett appealed the ERSRI's decision claiming that she should have been credited with 9 months of service credit for each of the thirteen (13) school years during the period between the 1985-1986 and 1999-2000 school years when she worked the equivalent of ninety-two (92) full school days. (Stipulated Facts, ¶ 9).

ISSUE PRESENTED

Whether a part-time teacher is entitled to retirement service credit for non-instructional time (i.e. student orientation and professional development days)?⁹

ARGUMENT

Pursuant to Rhode Island Gen. Laws § 16-16-1 (a) (12), in pertinent part, “ ‘Teacher’ means a person required to hold a certificate of qualification issued by or under the authority of the board of regents for elementary and secondary education and who is engaged in teaching as his or her principal occupation and is regularly employed as a teacher in the public schools of any city or town in the state”. Here, it is undisputed that Bennett was a teacher and contributing member of the ERSRI. (Stipulated Facts, ¶ 6).

Rhode Island General laws § 16-16-5, further provides, in pertinent part,

(c) Any teacher who serves or who has served during a school year the number of days that the public schools are required by law to be in session during the year shall be given credit for a year of service for that year. In determining the number of days served by a substitute teacher the total number of days served in any public school of any city or town in the state may be combined for any one school year. Any teacher shall be entitled to "prior service" credit for service prior to July 1, 1949, provided

⁹ Once again, this issue is predicated upon the ERSRI's determination that Bennett's professional development and student orientation days are excluded in the calculation of service credit. *See, Exhibit D.*

the teacher shall have been in service during the school year 1949-1950. The teacher shall be entitled to service credit for any year subsequent to July 1, 1949 in accordance with this chapter, by making contribution to the retirement system of the full actuarial cost for any such service credit.

(d) Any teacher employed in at least a half (1/2) program including a job share program, or working at least half the number of days that the public schools are required to be in session, shall remain a contributing member and shall receive credit for that part-time service on a proportional basis. The purchase of any remaining program or job share time in which the teacher did not work shall not be permitted.¹⁰

(Emphasis added). In accordance with Rhode Island General laws § 16-2-2, schools in Rhode Island are required to be in session for at least 180 days annually.

Additionally, the ERSRI's promulgated Regulation 1.10 entitled, "Rules Regarding the Operation and Administration of Rhode Island General Laws §§16-16-1 (12) and 16-16-5 regarding the creditable service as a teacher member of the Employees Retirement System of Rhode Island", (formerly Regulation 10) specifically, governs the determination of creditable service for teacher members of the Retirement System.¹¹ ERSRI Regulation §1.10 A.1 provides that "[t]his regulation governs the determination of creditable service for teacher members of the Employees' Retirement System of Rhode Island (ERSRI)".

Pursuant to ERSRI Regulation 1.10 C, "[e]very teacher as defined in R.I.G.L. 16-16-1 (a) (12) who is an active member of the Employees Retirement System of Rhode Island shall be eligible for one year of service credit for each school year served as a teacher. ERSRI

¹⁰ It should be noted that Bennett is not seeking to purchase credit for any time that she did not work. She is merely seeking to be credited for all the days that she actually worked.

¹¹ A true and accurate copy of the ERSRI's promulgated Regulation 1.10 is attached hereto as Exhibit E.

Regulation 1.10 B. 1. defines a “School Year” as “... the number of days required by R.I.G.L. 16-2-2”, which, once again, is a minimum of 180 days annually.¹²

The most relevant and significant portion of ERSRI Regulation 1.10, is Section D 1. a., which provides that “[i]n those years in which a teacher works less than the total number of days in a school year the Employees Retirement System will award service credit according to the following schedules:

- a. For service credits accrued prior to November 17, 2011, the following schedule shall apply:

45 days = 3 months service credit

67 days = 6 months service credit

91 days = 9 months service credit

135 days = 1 year service credit

(Emphasis added.)

As discussed, *supra*, all of the pertinent facts in this matter are undisputed. With the exception of the partial 1989-1990 and 1993-1994 school years, during each of the other remaining thirteen (13) years between the 1985-1986 through 1999-2000 school years, Bennett worked 180 half school days, plus two (2) additional full days of non-classroom instructional time (student orientation and professional development days). (Stipulated Facts, ¶ 3). In other words, Bennett’s employment required her to work and she did actually work the equivalent of ninety-two (92) full school days each of the years in question.

¹² See, R.I.G.L. 16-2-2.

Throughout this entire period, it was not Bennett's choice and/or preference to work part-time.¹³ She continually sought a full-time teaching position with Narragansett but, none were available.¹⁴ Furthermore, once again, it is undisputed that Bennett was required to work and did work the equivalent of ninety (90) full-time instructional days, plus two (2) additional non-instructional days, or a total of ninety-two (92) days, during each of the 13 years in question.¹⁵

Nevertheless, the ERSRI determined that only instructional days count towards service credit for retirement purposes and teachers do not accrue service credit for non-instructional days, such as professional development and student orientation days. The ERSRI credits only those days when school is actually in session and excludes all other work days, even though a teacher may be required to and actually does work those additional days. In support of its decision, the ERSRI relies upon §§ 16-2-2, 16-16-1 (12) and 16-16-5, and ERSRI Regulation 1.10. However, there is nothing contained in any of these statutes and/or this regulation that in any way limits a teacher's service credit to instructional days.

The Rhode Island Supreme Court has long held that "[w]hen a legislative enactment consists of clear and unambiguous language, [it must be interpreted] literally, giving the words contained therein their plain and ordinary meaning." *West v. McDonald*, 18 A.3d 526, 532 (R.I. 2011); *see, Ryan v. City of Providence*, 11 A.3d 68, 71 (R.I.2011); *Berthiaume v. School Committee of Woonsocket*, 121 R.I. 243, 247, 397 A.2d 889, 892 (1979). (Emphasis added). Bennett concedes that, "when the provisions of a statute are unclear or subject to more than one reasonable interpretation,

¹³ *See*, Bennett Affidavit, ¶¶ 1-3.

¹⁴ *See*, Stipulated Facts, ¶ 4; Bennett Affidavit, ¶ 4.

¹⁵ *Id.*

the construction given by the agency, or board, charged with its enforcement is entitled to weight and deference, as long as that construction is not clearly erroneous or unauthorized.” *West*, 18 A.3d at 532 (citing *Pawtucket Transfer Operations v. City of Pawtucket*, 944 A.2d 855, 859-60 (R.I. 2008); *see, Flather v. Norberg*, 119 R.I. 276, 283 n. 3, 377 A.2d 225, 229 n. 3 (1977)). “This is true even when other reasonable constructions of the statute are possible.” *Pawtucket Transfer Operations*, 944 A.2d at 860; *accord In re Lallo*, 768 A.2d 921, 926 (R.I.2001); *Gallison v. Bristol School Committee*, 493 A.2d 164, 166 (R.I.1985). However, this latter statutory language is not applicable to the facts and circumstances of this dispute.

In the instant case, the language of the pertinent statutes and regulation is clear and unambiguous. Consequently, the ERSRI lacks any authority to interpret these statutes and regulation in a manner that is entirely inconsistent with the literal and plain language contained therein, and/or impose conditions or restrictions beyond those indicated in the specific language. Instead, these statutes and regulation must be interpreted literally, giving the words their plain and ordinary meaning. *See, West*, 18 A.3d at 532. Therefore, the ERSRI’s interpretation of §§ 16-2-2, 16-16-1 (12) and 16-16-5, and ERSRI Regulation 1.10; to wit, that a part-time teacher is only entitled to retirement service credit for non-instructional time (i.e. student orientation and professional development days), is “clearly erroneous” and/or “unauthorized”.

As mentioned above, Rhode Island General laws § 16-16-5, provides, in pertinent part, that “[a]ny teacher ... working at least half the number of days that the public schools are required to be in session, shall remain a contributing member and shall receive credit for that part-time service on a proportional basis.” (Emphasis added). Additionally, Rhode Island General laws § 16-2-2, requires schools in Rhode Island to be in session for at least 180 days annually. Therefore, §§ 16-16-5 and 16-2-2 taken together merely establish a minimum number

of days required for part-time teachers to be eligible to accrue service credit towards their pensions. In other words, they must work the equivalent of at least ninety (90) days to “receive credit for that part-time service on a proportional basis”. Section 16-16-5 merely establishes a minimum requirement based upon the “school year” but, in no way distinguishes between “in session” and “out of session” work days and/or that teachers do not accrue service credit for non-instructional days worked. Once again, it simply bases the minimum number of days required to accrue service credit upon the total minimum number of days in a school year as established by Rhode Island General Laws §16-2-2.

It is important to note again that Bennett is not requesting to purchase credit for leave and/or any time that she did not work. Instead, she merely seeks to obtain the appropriate service credit for the ninety-two (92) days that she actually worked each of the years in question. ERSRI Regulation 1.10 very clearly and unambiguously states that “[f]or service credits accrued prior to November 17, 2011, ... *91 days = 9 months service credit*”. (Emphasis added). *It undoubtedly does not state that 91 days of instruction days and/or days worked exclusively while school is in session equals nine (9) months service credit.* Similar to those statutes discussed, *supra*, neither ERSRI Regulation 1.10 nor any of the other ERSRI Regulations distinguish between instructional and non-instructional days of work. To conclude otherwise, reads specific restrictions and/or limitations into the relevant statutes and ERSRI Regulations that simply do not exist and is therefore, contrary to the legislative and Retirement Board's intent.

It is well-settled that “[w]hen we interpret a statute or ordinance, ‘[w]e presume that the [Legislature] intended to attach significance to every word, sentence and provision of a statute.’ *West*, 18 A.3d at 538 (citing *Retirement Board of the Employees’ Retirement System of Rhode Island v. DiPrete*, 845 A.2d 270, 279 (R.I.2004); see, *Champlin’s Realty Associates, L.P. v. Tillson*, 823

A.2d 1162, 1165 (R.I.2003)). Once again. “[w]hen presented with a clear and unambiguous enactment, there is no room for statutory construction, and the statute will be literally applied, attributing the plain and ordinary meaning to its words.” *Id.* (Emphasis added). As previously stated, §§ 16-2-2, 16-16-1 (12) and 16-16-5, and ERSRI Regulation 1.10 are clear and unambiguous and must be applied literally. Under the circumstances, the ERSRI does not have the authority or need to engage in the statutory construction and/or interpretation of these enactments.

There is also precedent for the conclusion that non-instructional days, such as professional development and student orientation days, should be included in the calculation of service credit. In the Superior Court case of *Nancy Hammond v. Retirement Board of the Employees Retirement System of Rhode Island*, 2000 WL 1273911 (Super. Ct. 2000),¹⁶ the facts are essentially identical to this case. In *Hammond*, the teacher taught a half-day kindergarten class for the entire 182-day school year from 1983 through 1987. In that case, even ERSRI did not dispute the fact that the teacher was entitled to 9 months of service credit even though she worked part-time. In fact, in *Hammond*, the Superior Court pointed out that “an administrative decision was rendered by Joann Flaminio, the then Executive Director of the Retirement Board, determining that the Petitioner was entitled to nine (9) months of benefits for each of the four years she served as a morning kindergarten teacher”. The only distinction in that case from the instant case is that in *Hammond*, the Petitioner had sought to obtain a full year of service credit for the part-time school days that she worked, and appealed Director Flaminio’s 9 months determination to the Superior Court.

¹⁶ A true and accurate copy of the *Hammond* case is attached hereto as Exhibit F.

Although the Court rejected the Petitioner's bid for a full year of service credit, it recognized that the "nine-month determination was arrived at by taking the 180-day school year and dividing it into four, 45-day quarters". Both the Retirement Board and Court reasoned that "[u]nder this scheme, if one is determined to have worked between 91 and 134 days, they are entitled to nine months' worth of retirement benefits". (Emphasis added). The Court further reasoned that the "petitioner was determined to be a half time employee due to the fact that she worked fewer hours and was paid half that of a full-time teacher. Accordingly, the Petitioner was credited with 91 full days' worth of employment, inching her into the nine-month category for retirement benefits". Both the Retirement Board and the Superior Court made these determinations notwithstanding the fact that the Petitioner was a part-time teacher. In this case, there is no basis to depart from the Retirement Board's precedent.

It is anticipated that the ERSRI will try to distinguish *Hammond* by claiming that that Petitioner worked the equivalent of 91 "instructional days" while school was actually in session. Although the Superior Court did not specifically discuss the number of days that school was in session, it is undisputed that students in the Foster School Department never attended more than one hundred eighty (180) school days during the years that Hammond taught part-time for those 182 days.¹⁷ In other words, as in this case, Hammond was required to work 182 days even though school was only in session for 180 days. However, unlike Bennett, she received 9 months of retirement service credit for working the equivalent of 91 full-time days. Certainly, it cannot be presumed that

¹⁷ See, the Affidavit of Helena J. McCullough ("McCullough"), who has personal knowledge of the days that the Foster School Department students attended school between the 1985-1986 to 1999-2000 school years. This period encompassed some of the school years when Hammond taught part-time for 182 days, or the equivalent of 91 full-time days, and received 9 months of retirement service credit. *It is a reasonable presumption that the number of school days in Foster remained consistent and totaled 180 days throughout the Hammond's part time years of employment.* A true and accurate copy of the McCullough Affidavit is attached hereto as Exhibit G.

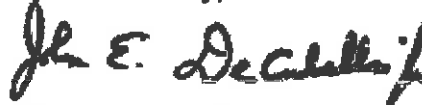
the ERSRI and Superior Court both awarded said 9 months of retirement service credit based upon a misunderstanding and/or misconception of the facts. Even assuming, *arguendo*, that such a mistake occurred, it would be unfair and a travesty of justice not to award Bennett the same service credit of 9 months for the equivalent of 92 full school days that she worked during each of the years in question. *Hammond* clearly evidences the legislative intent that a part-time teacher is entitled to retirement service credit for non-instructional time (i.e. student orientation and professional development days).

CONCLUSION

Under the facts and circumstances of this case, the pertinent statutes and regulation applicable to this dispute are straightforward and unambiguous. Consistent with that specific language and the ERSRI and the Superior Court's prior decisions in *Hammond*, Bennett was entitled to retirement service credit for the 2 full days of non-instructional time (i.e. student orientation and professional development days). Consequently, she should have been credited with 9 months of service for each of the thirteen (13) school years between the 1985-1986 and 1999-2000 school years when she worked the equivalent of ninety-two (92) full school days. In other words, Bennett should be credited with an additional 3 months of service credit for those 13 school years, for an additional 3 years and 3 months retirement service credit.

MARYBETH BENNETT

By Her Attorney,



John E. DeCubellis, Jr. (#3327)

National Education Association Rhode Island

99 Bald Hill Road

Cranston, Rhode Island 02920

(401) 463-9630

(401) 463-8625 (facsimile)

Email: jdecubellis@neari.org

Dated: January 31, 2020

CERTIFICATION

I hereby certify that I emailed a true copy of the within Brief of MaryBeth Bennett to Michael P. Robinson, Esq., Schechtman Halperin Savage, LLP, at mrobinson@shslawfirm.com on this 31st day of January 2020.

EMPLOYEES RETIREMENT SYSTEM OF RHODE ISLAND

RE: MARYBETH BENNETT

Accrued Years of Creditable Service
School Years: September 1985 – June 2000

EXHIBIT A
STIPULATED STATEMENT OF FACTS

Marybeth Bennett ("Bennett") and the Employees Retirement System of Rhode Island ("ERSRI") hereby agree and stipulate as follows:

1. Beginning January 2, 1985, Bennett was hired as a part-time, .5, preschool teacher in the Narragansett School Department and worked in that capacity through the 1999-2000 school year.
2. Bennett continued to work in the part-time preschool position with the Narragansett School Department from January 2, 1985 through the 1999-2000 school year.
3. With the exception of the partial 1984-1985 school year, the 1989-1990 school year and the 1993-1994 school years, during each of the other school years between the 1985-1986 through the 1999-2000 school years, Bennett worked 180 half school days, plus two (2) additional full days of non-classroom instructional time (student orientation and professional development days).
4. In other words, with the exception of the 1984-1985, 1989-1990, and the 1993-1994 school years, Bennett worked the equivalent of 90 full school days in each of the remaining school years between the 1985-1986 through the 1999-2000 school years, plus two (2) additional full days of non-classroom instructional time.

5. In each of the years in question, Narragansett students attended school for 180 days.

6. In each of the years in question, Bennett was a teacher and contributing member of the ERSRI.

7. The ERSRI credited Bennett with three (3) months of service credit in the 1984-1985 school year, three (3) months of service credit in the 1989-1990 school year, and with zero (0) service credit in the 1993-1994 school year.

8. The ERSRI credited Bennett with six (6) months of service credit for each of the remaining thirteen (13) school years between the 1985-1986 through the 1999-2000 school years.

9. Bennett appealed the ERSRI's decision because she believes that she should have been credited with 9 months of service credit for each of the thirteen (13) ~~fifteen (15)~~ years between the 1985-1986 through the 1999-2000 school years.

10. The parties further agree to the admission of the following documents which are attached hereto:

a. Affidavit of Bennett;

b. Affidavit of Helena J. McCullough;

c. April 18, 2018 correspondence of John E. Decubellis, Jr. Esq. to the ERSRI; and

d. August 17, 2018 correspondence from Frank J. Karpinski to John E. Decubellis, Jr. Esq.

Provided, however, the ERSRI reserves its right to argue the relevance and/or lack of import of the Affidavits.

Respondent,
Employees Retirement System of
Rhode Island,
By its Attorney,

/s/ Michael P. Robinson
Michael P. Robinson, Esquire (#)
Schechtman Halperin Savage LLP
1080 Main Street
Pawtucket, RI 02860
Phone: (401) 272-1400
Fax: (401) 272-1403
mrobinson@shslawfirm.com

Appellant,
Marybeth Bennett
By her Attorney,

/s/ John E. DeCubellis, Jr.
John E. DeCubellis, Jr., Esquire (#3327)
National Education Association RI
99 Bald Hill Road
Cranston, RI 02920
Phone: (401) 463-9630
Fax: (401) 463-8625
jdecubellis@neari.org

EMPLOYEES RETIREMENT SYSTEM OF RHODE ISLAND

RE: MARYBETH BENNETT

**Accrued Years of Creditable Service
School Years: September 1985 – June 2000**

AFFIDAVIT OF MARY BETH BENNETT

I, Mary Beth Bennett, hereby state under oath that the statements made herein are true and correct to the best of my knowledge, information and belief.

1. Although I was initially hired as a part-time preschool teacher in the Narragansett School Department, I had initially sought a full-time teaching position but, because no full-time jobs were available, I accepted the part-time preschool position.

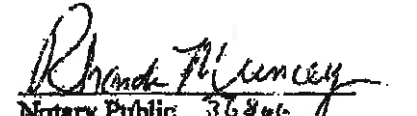
2. Even though I worked part-time as a preschool teacher with the Narragansett School Department from January 2, 1985 through the 1999-2000 school year, I continued to pursue a full-time preschool teaching position but, none were available.

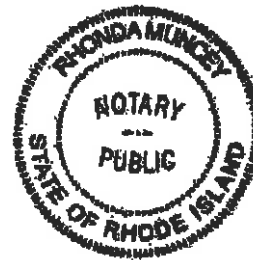
3. Throughout this time, it was not my choice to teach part-time, and my part-time position was not part of a job-share program or a voluntary leave of absence.

4. With the exception of the 1984-1985, 1989-1990, and the 1993-1994 school years, between the 1985-1986 through the 1999-2000 school years, I worked the equivalent of ninety (90) full school days, plus two (2) additional full days of non-classroom instructional time, which were for professional development and student orientation days that I was required to work as a condition of my employment.


Mary Beth Bennett

Subscribed and sworn to before me in Cranston, Rhode Island on this
26th day of June, 2019.


Notary Public 36806
Commission Expires: 2/12/22



EMPLOYEES RETIREMENT SYSTEM OF RHODE ISLAND

RE: MARYBETH BENNETT

Accrued Years of Creditable Service
School Years: September 1985 – June 2000

AFFIDAVIT OF HELENA J. MCCULLOUGH

I, Helena J. McCullough, hereby state under oath that the statements made herein are true and correct to the best of my knowledge, information and belief:

1. From 1995 to 2019, I was an employee of the Foster School Department. When I retired in 2019, I was the Clerk of the Foster School Committee and the Confidential Administrative Secretary.

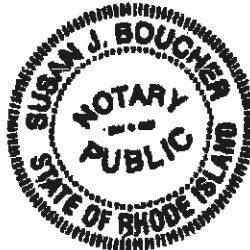
2. During the period from 1985 to 1995, my children attended the Captain Isaac Paine School, the only school operated by the Foster School Department.

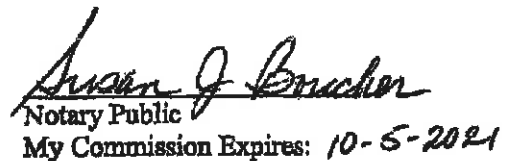
3. Based on my personal knowledge, students attending the Captain Isaac Paine School, the only school operated by the Foster School Department, never attended more than one hundred eighty (180) school days during the fifteen (15) school years from 1985-1986 to 1999-2000.


Helena J. McCullough

Subscribed and sworn to before me in FOSTER, Rhode Island, on this

17 day of June, 2019.




Notary Public
My Commission Expires: 10-5-2021

April 18, 2018

Frank J. Karpinski
Executive Director
Employees' Retirement System of Rhode Island
50 Service Avenue
Warwick, RI 02886

RE: Marybeth Bennett

Dear Mr. Karpinski:

I am General Counsel to NEARI and in that capacity, represent Marybeth Bennett, a teacher with the Narragansett School Department. I believe that she contacted both John Midgley and you regarding certain questions about her accrued years of creditable service as a public-school teacher.

This issue involves Ms. Bennett's service credit for the period when she was employed as a .5 teacher with Narragansett from January 2, 1985 through the 1999-2000 school year. Except for her first year (1984-1985), which commenced in January 1985, Ms. Bennett was required to work 2 full days (professional development and student orientation days), plus 180 half days. In other words, Ms. Bennett worked the equivalent of 92 full school days in each of the fifteen (15) years in question. This is confirmed by the February 28, 2018 correspondence from Narragansett's Superintendent of Schools, Peter J. Cummings, a copy which has previously been provided to ERSRI.

As you are aware, ERSRI credited Ms. Bennett with 6 months of service in each of those years. Ms. Bennett disputes ERSRI's calculations and believes that she is entitled to 9 months of creditable service for each of the fifteen (15) years in question. This creates a discrepancy of 45 months (3 mos. x 15 yrs.) or 3.75 years.

In support of her position that she is entitled to 9 months of creditable service for each of the years that she worked the equivalent of 92 full school days, Ms. Bennett relies upon ERSRI Regulation 61.10 "Rules Regarding the Operation and Administration of Rhode Island General Laws 16-16-1 (12) and 16-16-5 regarding the creditable service as a teacher member of the Employees Retirement System of Rhode Island". Regulation 61.10 A.1. provides that "[t]his regulation governs the determination of creditable service for teacher members of the Employees' Retirement System of Rhode Island (ERSRI)". Pursuant to Regulation 61.10 C.1, "[e]very teacher as defined in R.I.G.L. 16-16-1 (a) (12) who is an active member of the Employees Retirement

GBA

System of Rhode Island shall be eligible for one year of service credit for each school year served as a teacher". Finally, Regulation §1.10 D.1a, in pertinent part, further provides that "[f]or service credits accrued prior to November 17, 2011, the following schedule shall apply: ... 91 days = 9 months service credit." In each of the disputed years, Ms. Bennett was a teacher and contributing member of the Retirement System who worked more than 91 days.

It is my understanding that ERSRI has taken the position that Regulation §1.10 is only applicable to full-time teachers; however, nothing in the ERSRI Regulations or any statute supports this determination. In fact, Regulation §1.10 C.1 specifically references "every teacher", who is an active member of the Retirement system. It is my further understanding that ERSRI relies upon §16-16-5, and particularly section (d) of that statute, as well as the case law interpreting that statute, for the proposition that Ms. Bennett is only entitled to 6 months creditable service for the years in question. Nevertheless, I respectfully disagree with ERSRI's reliance upon said statute and case law as it pertains to Ms. Bennett's years of employment in this case.

More particularly, §16-16-5 (d) essentially involves situations where teachers are attempting to purchase service credit for times when they did not actually work. Here, Ms. Bennett is not attempting to purchase credit for any times that she did not work. On the contrary, she is merely seeking to be credited with the time that she actually taught. Once again, Ms. Bennett worked 2 full days and 180 half days, which is the equivalent of 92 full days, in each of the years in question. This is no different than a full-time teacher working only 92 days in any given year. In accordance with Regulation §1.10 D.1a and ERSRI's interpretation thereof, the full-time teacher would receive 9 months service credit. There is nothing within the Regulations, statutes and/or case law that support the determination that Ms. Bennett should be treated differently under these circumstances. In both scenarios, regardless of whether a teacher was full-time or part-time, they both worked the equivalent of 91 days or more and paid a similar amount into the Retirement System, entitling them to 9 months service credit.

There is precedent for this conclusion, which is supported by ERSRI and the Superior Court's prior decisions. In the case of *Nancy Hammond v. Retirement Board of the Employees Retirement System of Rhode Island*, 2000 WL 1273911 (Super. Ct. 2000), the facts are essentially identical to this case. In *Hammond*, the teacher taught a half-day kindergarten class for the entire 182-day school year from 1983 through 1987. In that case, even ERSRI did not dispute the fact that the teacher was entitled to 9 months of service credit even though she worked part-time. In fact, in *Hammond*, the Superior Court pointed out that "an administrative decision was rendered by Joann Flaminio, Executive Director of the Retirement Board, determining that the Petitioner was entitled to nine months worth of benefits for each of the four years she served as a morning kindergarten teacher". However, the Petitioner in that case sought to obtain a full year of service credit for the 180 part-time school days that she worked and appealed Director Flaminio's determination to the Superior Court.

Although the Court rejected the Petitioner's bid for a full year of service credit, it recognized that the "nine-month determination was arrived at by taking the 180-day school year and dividing it into four, 45-day quarters". Both the Retirement Board and Court reasoned that "under this scheme, if one is determined to have worked between 91 and 134 days, they are entitled to nine months worth of retirement benefits". The Court went on to rationalize that the "petitioner was determined to be a half time employee due to the fact that she worked fewer hours and was paid half that of a full-time teacher. Accordingly, the Petitioner was credited with 91 full days worth of employment, incline her into the nine-month category for retirement benefits". Both the Retirement Board and the Superior Court made these determinations notwithstanding the fact that the Petitioner was a part-time teacher. In this case, there is no basis to depart from the Retirement Board's precedent. For your convenience, I have attached a highlighted copy of the Hammond case.

Once again, Ms. Bennett is not requesting to purchase credit for leave and/or any time that she did not work. Instead, she merely seeks to obtain the appropriate service credit for the 92 days that she actually worked each of the years in question. Under the facts and circumstances of this case, and consistent with the ERSRI and the Superior Court's prior decisions in Hammond, I respectfully request on behalf of Ms. Bennett that you reconsider your determination and credit her with 9 months of service for each of the 15 years, beginning with the 1984-1985 school year through the 1999-2000 school year.

After you have had an opportunity to review this information and Ms. Bennett's request to recalculate her years of creditable service, I would appreciate it if you would please contact me. My office number is (401) 463-9630, x323.

Thank you for your time and consideration in this matter.

Very truly yours,

John E. DeCubellis, Jr.
John E. Decubellis, Jr.



Employees' Retirement System of Rhode Island

ERSRI Board:

August 17, 2018

Seth Magaziner
*General Treasurer
Chair*

John E. Decubellis, Jr., Esq.
National Education Association of Rhode Island
99 Bald Hill Road
Cranston, RI 02920

William B. Finelli
Vice Chair

Roger P. Boudreau

RE: Marybeth Bennett - Accrued Years of Creditable Service
School Years: September 1985 - June 2000

Mark A. Carruolo

Dear Attorney Decubellis:

Brian M. Daniels

Michael DiBisce

We write in response to your letter of April 18, 2018 regarding the above matter. Ms. Bennett believes she is entitled to 9 months of creditable service for each of the 15 school years she worked for the Narragansett School Department as a half time teacher.

Paul L. Dion

Thomas M. Lambert

John P. Maguire

Thomas A. Mulaney

Claire M. Nowell

We have reviewed your position, Ms. Bennett's employment information, and our calculations and have determined that the Employees' Retirement System of Rhode Island (ERSRI) has correctly calculated her retirement service credit at 6 months per year of service.

Marcia B. Rehack

Jean Rondeau

Laura Shawthughes

Lisa A. Whiting

Rhode Island General Laws (RIGL) §16-16-5 (c) provides credit to a teacher who serves the number of days that public schools are required by law to be in session. Excluded are days for professional development, student orientation and parent teacher conferences unless they are part of the required 180 days.

Frank J. Karpinski
Executive Director

In addition, the Retirement Board promulgated Regulation 1.10 (formerly Regulation 10) which requires that in order to receive service credit a teacher must work a "school year" as defined by Rhode Island General Laws (RIGL) §16-2-2. Pursuant to RIGL §16-2-2, schools are required to be in session for 180 days. ERSRI has interpreted the 180-day requirement as the number of days the students and teachers are in the classroom.

Any teacher who works less than the required 180 days will be awarded service credit based on the days worked in accordance with Regulation 1.10(D).

You have indicated that Ms. Bennett was required to work 2 full days (professional development and student orientations days), plus 180 half days during the school years, thereby working 92 full school days in each year. However, the professional development and student orientation days, although required by contract, are

excluded from the days that the school is required to be in session and therefore excluded in the calculation of service credit.

This letter constitutes official notification of an administrative denial of your request that MERS/ERSRI reverse the administrative actions referenced above. Pursuant to the Rules and Regulations of the Employees' Retirement System of Rhode Island, Regulation No. 1.4 entitled Rules of Practice and Procedure for Hearings in Contested Cases, Section C., any member aggrieved by an administrative action may request a hearing before the Retirement Board. Upon such request, the matter will be deemed a contested case. Such request shall be in writing and shall be sent to the Retirement Board, 50 Service Avenue, 2nd Floor, Warwick, RI 02886, Attention: Frank J. Karpinski, Executive Director, within 60 days of date of the letter from the Executive Director or Assistant Executive Director constituting a formal administrative denial. A request for hearing shall be signed by each affected member and shall contain the name of the member; date and nature of decision to be contested; a clear statement of the objection to the decision which must include the reasons the member feels he or she is entitled to relief; and a concise statement of the relief sought. Failure to strictly comply with the procedures outlined above shall be grounds to deny a request for a hearing.

Sincerely,



Frank J. Karpinski
Executive Director

Cc: Marybeth Bennett

1.10 Rules Regarding the Operation and Administration of R.I. Gen. Laws §§ 16-16-1(12) and 16-16-5 regarding creditable service as a teacher member of the Employees Retirement System of Rhode Island

A. Regulation Summary

1. This regulation governs the determination of creditable service for teacher members of the Employees' Retirement System of Rhode Island (ERSRI). This regulation does not apply to state employee members, members of the Municipal Employees' Retirement System (MERS), or members of the Judicial Retirement Plan or State Police Retirement Plan.

B. Definitions

1. School Year: "School year" shall be defined as the number of days required by R.I. Gen. Laws § 16-2-2 that school be in session.

C. Statutory Standard

1. Every teacher as defined in R.I. Gen. Laws § 16-16-1(a)(12) who is an active member of the Employees Retirement System of Rhode Island shall be eligible for one year of service credit for each school year served as a teacher.

D. Service Credit for Classroom Teachers

1. In those years in which a teacher works less than the total number of days in a school year the Employees' Retirement System will award service credit according to the following schedules:

a. For service credits accrued prior to November 17, 2011, the following schedule shall apply:

Display Table

b. For service credits accrued on and after November 17, 2011, service credits are calculated on a proportional basis based on days worked and the following schedule shall apply:

Display Table

c. For example, a Teacher is able to retire as of November 9, 2013. How much credit will be awarded for the 2013-2014 school year?

(1) Step 1. Count the number of days to November 9 from the beginning of the school year i.e., September 1st = 47 days

(2) Step 2. Divide the number of school days by 180 $47/180 = .2611$

(3) Step 3. Multiply $.2611 \times 12$ months $.2611 \times 12 = 3.1332$

(4) The result is 3.1332 months. To get the days, multiply $.1332 \times 30$ days which is 4 days. Therefore, the Teacher will get 3 months and 4 days of credit for the 2013-2014 school year.

E. Effective Date

1. This regulation shall take effect upon promulgation.

STATE OF RHODE ISLAND
PROVIDENCE, SC

EMPLOYEES RETIREMENT
SYSTEM OF RHODE ISLAND

Appeal of Nancy Ellen Shippee Hammond
(Creditable Service)

DECISION

Appearances

For Petitioner:

Matthew T. Oliverio, Esq.
Shakespeare Hall - Penthouse
128 Dorrance Street
Providence, RI 02903

For Respondent:

David D. Barricelli, Esq.
Hinckley, Allen & Snyder
1500 Fleet Center
Providence, RI 02903

Hearing Officer:

Charles M. Koutsogiane, Esq.

DECISION

TRAVEL OF THE CASE

The present appeal is made pursuant to R.I.G.L. 36-8-3 and Regulation No. 4 of the Rules of Practice and Procedure For Hearings. Nancy Hammond (Petitioner) is herein seeking relief from the decision of the Executive Director of the Employees Retirement System (Respondent) denying her claim for a full year of service credit for her work as a kindergarten teacher in the Foster Public School Department for each of the school years 1983-84, 1984-85, 1985-86 and 1986-87. (See Petitioner's Exhibit #1 and attachment thereto).

At the hearings conducted at the offices of the Employees Retirement System on October 21, 1998 and January 11, 1999, sworn testimony was offered by Petitioner and the present and former principals and/or superintendents of the Foster Public School Department. James Reilly testified on behalf of the Retirement System. In addition, numerous exhibits were made part of the record and are denominated as Petitioner's Exhibits 1 - 13 and Respondent's Exhibits 1 - 6 and are attached hereto. A non-stenographic transcription was also made of the hearings and both sides submitted post-hearing memoranda.

Petitioner claims that she is entitled to a full year of service credits for each of the years in question, maintaining, *inter alia*, that in teaching the morning (8:30 - 12:30) kindergarten class, she had the same responsibilities as other full-time elementary teachers for the 182 day school years in question. Petitioner acknowledged that the morning kindergarten sessions were the only classes available to her since she had the least seniority of all elementary teachers. She asserts, however, that even though she received a reduced (1/2) salary to reflect that condensed employment she received and was entitled to all other full-time benefits, including the right to

full service credit in the retirement system. In that regard, Petitioner testified that she was also assured by the principal/superintendent of the school (Gerard Tetreault) that when she agreed to teach the morning kindergarten classes she would in fact receive full retirement credits.

Petitioner also points to various statutory enactments under R.I.G.L. 16-16 et.seq. and R.I. G.L. 36-8 et.seq. to support her assertion that she is entitled to the relief that she is herein seeking.

Respondent counters that Petitioner was employed only part-time at 4 hours per school day during the 182 day school year, and therefore she was paid by the Foster Public School Department one-half of the full-time contractual salary pursuant to the collective bargaining agreement then in effect. Respondent maintains that pursuant to ERSRI policy enacted in 1983, this amounted to a work schedule of 91 full-time days worked and therefore Petitioner was only entitled to a pro rata adjustment of nine (9) months of retirement credit for each school year. This calculation is reflected on ERSRI's Substitute Teacher Verification form (see Respondent's #1). Respondent further asserts that the Foster Public School Principal had no authority of any kind to grant Petitioner any guaranty of full retirement credits for part-time work and therefore any such promise was a nullity.

Respondent similarly points to statutory enactments in support of its claim that the administrative decision by ERSRI to grant nine (9) months service credit for each of the years in question is correct and should be affirmed.

FINDINGS OF FACT

1. Petitioner has worked as a teacher for the Foster Public School Department for twenty-eight (28) years, starting in 1969 as a first grade teacher.

2. Petitioner has taught first grade, third grade, fifth grade and kindergarten during her tenure with the school system
3. Petitioner worked at least 135 days as a morning kindergarten teacher in that school system for the years 1983-84, 1984-85, 1985-86, 1986-87.
4. For the years in question, the morning kindergarten class was the only class available to Petitioner because she had the least seniority.
5. The morning kindergarten class was for 182 school days a year, four (4) hours each day (8:30 - 12:30), five (5) days a week for twenty (20) hours each week.
6. Petitioner had other additional duties like full-time teachers such as classroom preparation, bus monitoring, parent visits, etc.
7. During each of the years in question, Petitioner received one-half salary for the hours worked based upon twenty (20) hours per week, but she also received full-time benefits including medical and dental coverage, life insurance and a full step in the salary scale.
8. Respondent determined that pursuant to established ERSRI policy which was derivative of legislative enactments for teacher retirement, Petitioner may only receive nine (9) months service credit for her work as a kindergarten teacher for the four years in question, based upon 91 school days (i.e. 1/2 of 182).

CONCLUSION AND ORDER

Petitioner maintained at the outset, *inter alia*, that she was assured by the Foster Public School Principal, Mr. Tetreault, that the morning kindergarten position would receive full retirement benefits just like all other full-time teachers, and therefore she should be entitled to those same benefits.

This Hearing Officer is of the opinion that any such guaranty was without legal effect. The Foster Public School Principal, while quite sincere in extending this assurance to Petitioner, simply lacked the statutory, contractual or any other authority to do so. He did not serve as an agent or some other kind of representative of either the State Retirement System or the National

Education Association which latter body, as the exclusive bargaining agent for the Foster teachers, had negotiated a collective bargaining agreement on their behalf. He did not possess the power to deviate from legislative enactment or the collective bargaining agreement. Given the fact that the school principal was devoid of any authority on this issue, Petitioner is unable to rely upon such assurances as a matter of law.

Petitioner has also claimed that she was similarly entitled to full credit pursuant to Rhode Island law. A number of Rhode Island statutes are indeed pertinent to and dispositive of the issues in this appeal. The Retirement Board is charged, pursuant to R.I.G.L. 36-8-3, with the general administration and operation of the Retirement System. Its goal and purpose is to establish a fair and uniform system which is equitable to all of its constituent members. It effectuates that responsibility by construing applicable legislation and by enacting policies, rules and regulations. Howard Union of Teachers v. State, 478 A.2d 563 (RI 1984); Perrotti v. Solomon, 657 A.2d 1045 (RI 1995). Those policies, rules and regulations must, of course, be consistent with and not in derogation of the retirement legislation.

R.I.G.L. 16-16-1 et.seq. generally determines teacher retirement eligibility within the retirement system. Subsections (9) and (11) thereof define the terms "service" and "teacher" respectively. R.I.G.L. 16-16-1(11) provides that any teacher who teaches at least three-quarters of the number of days that public schools are required by law to be in session shall receive one year's service credit towards retirement. The term "creditable service" is further defined in R.I.G.L. 16-16-5 and provides that "every teacher shall be given credit for a year of service for each year in which he or she shall have served as a teacher. . . ."

These statutes admittedly do not speak in terms of the number of hours worked each day,

but only as to a minimum number of days (135) for employment. The Hearing Officer, however, believes that the entitlement set forth in these statutes that "every teacher shall be given credit for each year of service for each year he or she shall have served as a teacher. . ." was most logically construed by Respondent to mean a teacher who works at least the minimum number of hours mandated for full-time elementary teachers for each school day.

To that end, the Retirement System has construed these statutes, so as not to lead to absurd or unreasonable results. Full time teachers should get full time credit. Teachers who work less than full-time should get a pro-rata credit. Thus, in an effort to distinguish credit eligibility for full-time teachers from part-time teachers, the Retirement System enacted a regulation on June 8, 1983, to take effect at the beginning of the 1983-84 school year. (See Respondent's Exhibits #3 and #4). It provides that part-time teachers who are not substitute teachers "who work the equivalent of half-time or more, on a regular basis. . .shall be included as active participating members in the Retirement System with all the rights and benefits thereof, except. . . The Retirement Board shall credit each such teacher with retirement service credits prorated, based upon the Board's present formula."

This regulation established a pro rata formula for determining service credits eligibility for teachers, apart from substitutes who did not work a full day. The Retirement Board regulation partially relied upon regulations adopted and promulgated by the Board of Regents for Education which defines a school day based upon the minimum number of hours of five (5) hours for elementary teachers and five and one-half hours (5 1/2) for secondary teachers. Thus,

the following formula was enacted:

<u>Days Worked</u>	<u>Pension Credit Received</u>
1 - 44	0 months
45 - 66	3 months
67 - 90	6 months
91 - 134	9 months
135 plus	1 year

The regulation established by the Retirement Board provides that part-time teachers who work on a regular basis shall be included as active participating members in the Retirement System and shall credit each such teacher with retirement service credits prorated based upon the Board's present formula. That formula, when applied to Petitioner's work schedule of 4 hours per day, for 5 days a week, for 182 school days, equals 91 full-time working days, thereby granting her 9 months of serviceable credit for each of the school years in question. Simply stated, Petitioner was granted a one-half day credit for each of the 182 days that she was required to work the morning kindergarten class. Respondent's determination of Petitioner's status in this regard is consistent with the one-half salary that she received from the Foster Public School System.

The regulation, when viewed within the intent and full scope and context of the applicable retirements statutes, represents a reasonable interpretation and a uniform implementation of granting service credits to part-time teachers. This Hearing Officer is of the opinion that the regulation is consistent with and is a fair and equitable application of the requirements of R.I.G.L. 16-16 et.seq. as well as Respondent's duty to discharge its responsibilities under R.I.G.L. 36-8-3. Despite Petitioner's assertions to the contrary, this Hearing Officer is of the opinion that R.I.G.L. 36-8-1(8) is inapplicable to this appeal. The "twenty (20) business hours

per week" requirement set forth in that statute, and which Petitioner indeed satisfies, thereby supposedly making her eligible for a full year credit, is inapposite in determining serviceable credit in this matter. Furthermore, subsections (8) and (11) of the statute therein define the terms "employee" and "service" respectively in the context of an "employee of the State of Rhode Island. . ." Petitioner was not and never has been so employed.

Given the review of the above pertinent evidence and the applicable law, the Hearing Officer finds that Petitioner worked as a part-time teacher for the years in question and therefore the determination of the Retirement System denying Petitioner's appeal is hereby affirmed.

It is so ordered.

Date: August 3, 1999

By: Charles M. Koutsogian
Charles M. Koutsogiane, Esq.
Hearing Officer
Employee's Retirement System
40 Fountain Street
Providence, RI

CERTIFICATION

I hereby certify that on the 3rd day of August, 1999, a true copy of the within Decision was mailed to: Joann E. Flaminio, Executive Director, Employee's Retirement System, 40 Fountain Street, Providence, RI 02903; David Barricelli, Esq., Hinckley, Allen & Snyder, 1500 Fleet Center, Providence, RI 02903; Matthew T. Oliverio, Esq., Shakespeare Hall-penthouse, 128 Dorrance Street, Providence, RI 02903.

Charles M. Koutsogian
Charles M. Koutsogiane



Employees' Retirement System of Rhode Island

ERSRI Board:

October 24, 2019

Seth Magaziner
General Treasurer
Chair

John P. Maguire
Vice Chair

Roger P. Boudreau

Mark A. Carruolo

Brian M. Daniels

Michael DiBiase

Paul L. Dion

Thomas M. Lambert

Thomas A. Mullaney

Claire M. Newell

Raymond J. Pouliot

Jean Rondeau

Laura Shawhughes

Michael J. Twohey

Lisa A. Whiting

Frank J. Karpinski
Executive Director

John E. DeCubellis, Jr., Esq.
General Counsel
NEARI
99 Bald Hill Road
Cranston, RI 02920

RE: Request for a Hearing – Mary Beth Bennett vs ERSRI

Attorney DeCubellis:

In accordance with Rhode Island General Laws §36-8-3 and the Rules of Practice and Procedures for Hearings, in the event you request to have the matter of Mary Beth Bennett vs ERSRI needing the assistance of a Hearing Officer, then this matter has been re-assigned to:

HEARING OFFICER:

Charles M. Koutsogiane, Esq.

Phone: (401) 434-2800

LOCATION:

Employees' Retirement System of Rhode Island
50 Service Avenue, 2nd Floor
Warwick, RI 02886

You should contact the hearing officer to arrange a mutually convenient time to hold the hearing if needed.

An applicant may represent him/her self at this Hearing or the case may be presented by a lawyer. Consistent with Rhode Island General Law §11-27-2, entitled "*Practice of law*" defined, any person accompanying the applicant who is not a lawyer cannot present the applicant's case to the Hearing Officer.

Should you have any additional questions, please do not hesitate to contact me at (401) 462-7608.

Sincerely,

Roxanne Donoyan
Assistant to the Executive Director

cc: Charles M. Koutsogiane, Esq.
Michael P. Robinson, Esq.

Sent via Email (ersri@ersri.org) and Regular Mail

August 23, 2018

Frank J. Karpinski, Executive Director
Employees' Retirement System of Rhode Island
50 Service Avenue, 2nd Floor
Warwick, RI 02886

Re: **REQUEST FOR HEARING:**
Mary Beth Bennett

Dear Mr. Karpinski:

We are in receipt of your formal administrative denial of additional service credit in the above-referenced matter.

To comply with the Rules and Regulations of the Employees' Retirement System of Rhode Island, Regulation 1.4, I hereby provide the following information:

Member: Mary Beth Bennett

Decision Date: August 17, 2018

Nature of Contested

Decision: Denial of additional service credit for working the equivalent of 92 full school days during each of the 15 years from the 1985-1986 through 1999-2000 school years.

Statement of objection

to the decision: The decision fails to recognize that in each of the 15 years in question, Ms. Bennett worked the equivalent of 92 full school days and in each year should have received 9 months service credit consistent with ERSRI Regulation 81.10 D and the holding in the Superior Court case of *Nancy Hammond v. Retirement Board of the Employees Retirement System of Rhode Island*, 2000 WL 1273911 (Super. Ct. 2000).

**Statement of relief
sought:**

Approval of the requested additional 45 months
service credit (3 months additional credit for each of
the 15 years in question).

Very truly yours,

A handwritten signature in black ink, appearing to read "John E. DeCubellis, Jr.", with a stylized flourish at the end.

John E. DeCubellis, Jr., Esq.
General Counsel

c: Mary Beth Bennett



99 Bald Hill Road
Cranston, Rhode Island • 02920

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Frank J. Karpinski, Executive Director
Employees' Retirement System of Rhode Island
50 Service Avenue, 2nd Floor
Warwick, RI 02886

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April 18, 2018

Frank J. Karpinski
Executive Director
Employees' Retirement System of Rhode Island
50 Service Avenue
Warwick, RI 02886

RE: Marybeth Bennett

Dear Mr. Karpinski:

I am General Counsel to NEARI and in that capacity, represent Marybeth Bennett, a teacher with the Narragansett School Department. I believe that she contacted both John Midgley and you regarding certain questions about her accrued years of creditable service as a public-school teacher.

This issue involves Ms. Bennett's service credit for the period when she was employed as a .5 teacher with Narragansett from January 2, 1985 through the 1999-2000 school year. Except for her first year (1984-1985), which commenced in January 1985, Ms. Bennett was required to work 2 full days (professional development and student orientation days), plus 180 half days. In other words, Ms. Bennett worked the equivalent of 92 full school days in each of the fifteen (15) years in question. This is confirmed by the February 28, 2018 correspondence from Narragansett's Superintendent of Schools, Peter J. Cummings, a copy which has previously been provided to ERSRI.

As you are aware, ERSRI credited Ms. Bennett with 6 months of service in each of those years. Ms. Bennett disputes ERSRI's calculations and believes that she is entitled to 9 months of creditable service for each of the fifteen (15) years in question. This creates a discrepancy of 45 months (3 mos. x 15 yrs.) or 3.75 years.

In support of her position that she is entitled to 9 months of creditable service for each of the years that she worked the equivalent of 92 full school days, Ms. Bennett relies upon ERSRI Regulation §1.10 "Rules Regarding the Operation and Administration of Rhode Island General Laws 16-16-1 (12) and 16-16-5 regarding the creditable service as a teacher member of the Employees Retirement System of Rhode Island". Regulation §1.10 A.1. provides that "[t]his regulation governs the determination of creditable service for teacher members of the Employees' Retirement System of Rhode Island (ERSRI)". Pursuant to Regulation §1.10 C.1, "[e]very teacher as defined in R.I.G.L. 16-16-1 (a) (12) who is an active member of the Employees Retirement

System of Rhode Island shall be eligible for one year of service credit for each school year served as a teacher". Finally, Regulation §1.10 D.1a, in pertinent part, further provides that "[f]or service credits accrued prior to November 17, 2011, the following schedule shall apply: ... **91 days = 9 months service credit.**" In each of the disputed years, Ms. Bennett was a teacher and contributing member of the Retirement System who worked more than 91 days.

It is my understanding that ERSRI has taken the position that Regulation §1.10 is only applicable to full-time teachers; however, nothing in the ERSRI Regulations or any statute supports this determination. In fact, Regulation §1.10 C.1 specifically references "**every teacher**", who is an active member of the Retirement system. It is my further understanding that ERSRI relies upon §16-16-5, and particularly section (d) of that statute, as well as the case law interpreting that statute, for the proposition that Ms. Bennett is only entitled to 6 months creditable service for the years in question. Nevertheless, I respectfully disagree with ERSRI's reliance upon said statute and case law as it pertains to Ms. Bennett's years of employment in this case.

More particularly, §16-16-5 (d) essentially involves situations where teachers are attempting to purchase service credit for times when they did not actually work. Here, Ms. Bennett is not attempting to purchase credit for any times that she did not work. On the contrary, she is merely seeking to be credited with the time that she actually taught. Once again, Ms. Bennett worked 2 full days and 180 half days, which is the equivalent of 92 full days, in each of the years in question. This is no different than a full-time teacher working only 92 days in any given year. In accordance with Regulation §1.10 D.1a and ERSRI's interpretation thereof, the full-time teacher would receive 9 months service credit. There is nothing within the Regulations, statutes and/or case law that support the determination that Ms. Bennett should be treated differently under these circumstances. In both scenarios, regardless of whether a teacher was full-time or part-time, they both worked the equivalent of 91 days or more and paid a similar amount into the Retirement System, entitling them to 9 months service credit.

There is precedent for this conclusion, which is supported by ERSRI and the Superior Court's prior decisions. In the case of *Nancy Hammond v. Retirement Board of the Employees Retirement System of Rhode Island*, 2000 WL 1273911 (Super. Ct. 2000), the facts are essentially identical to this case. In *Hammond*, the teacher taught a half-day kindergarten class for the entire 182-day school year from 1983 through 1987. In that case, even **ERSRI did not dispute the fact that the teacher was entitled to 9 months of service credit even though she worked part-time.** In fact, in *Hammond*, the Superior Court pointed out that "an administrative decision was rendered by Joann Flaminio, Executive Director of the Retirement Board, determining that the Petitioner was entitled to nine months worth of benefits for each of the four years she served as a morning kindergarten teacher". However, the Petitioner in that case sought to obtain a full year of service credit for the 180 part-time school days that she worked and appealed Director Flaminio's determination to the Superior Court.

Although the Court rejected the Petitioner's bid for a full year of service credit, it recognized that the "nine-month determination was arrived at by taking the 180-day school year and dividing it into four, 45-day quarters". Both the Retirement Board and Court reasoned that "[u]nder this scheme, if one is determined to have worked between 91 and 134 days, they are entitled to nine months worth of retirement benefits". The Court went on to rationalize that the "petitioner was determined to be a half time employee due to the fact that she worked fewer hours and was paid half that of a full-time teacher. Accordingly, the Petitioner was credited with 91 full days worth of employment, inching her into the nine-month category for retirement benefits". Both the Retirement Board and the Superior Court made these determinations notwithstanding the fact that the Petitioner was a part-time teacher. In this case, there is no basis to depart from the Retirement Board's precedent. For your convenience, I have attached a highlighted copy of the *Hammond* case.

Once again, Ms. Bennett is not requesting to purchase credit for leave and/or any time that she did not work. Instead, she merely seeks to obtain the appropriate service credit for the 92 days that she actually worked each of the years in question. Under the facts and circumstances of this case, and consistent with the ERSRI and the Superior Court's prior decisions in *Hammond*, I respectfully request on behalf of Ms. Bennett that you reconsider your determination and credit her with 9 months of service for each of the 15 years, beginning with the 1985-1986 school year through the 1999-2000 school year.

After you have had an opportunity to review this information and Ms. Bennett's request to recalculate her years of creditable service, I would appreciate it if you would please contact me. My office number is (401) 463-9630, x323.

Thank you for your time and consideration in this matter.

Very truly yours,

A handwritten signature in black ink that reads "John E. Decubellis, Jr." The signature is written in a cursive, slightly slanted style.

John E. Decubellis, Jr.



Employees' Retirement System of Rhode Island

COPY

ERSRI Board:

August 17, 2018

Seth Magaziner
General Treasurer
Chair

John E. Decubellis, Jr., Esq.
National Education Association of Rhode Island
99 Bald Hill Road
Cranston, RI 02920

William B. Finelli
Vice Chair

Roger P. Boudreau

RE: Marybeth Bennett – Accrued Years of Creditable Service
School Years: September 1985 - June 2000

Mark A. Carruolo

Dear Attorney Decubellis:

Brian M. Daniels

Michael DiBiase

We write in response to your letter of April 18, 2018 regarding the above matter. Ms. Bennett believes she is entitled to 9 months of creditable service for each of the 15 school years she worked for the Narragansett School Department as a half time teacher.

Paul L. Dion

Thomas M. Lambert

John P. Maguire

We have reviewed your position, Ms. Bennett's employment information, and our calculations and have determined that the Employees' Retirement System of Rhode Island (ERSRI) has correctly calculated her retirement service credit at 6 months per year of service.

Thomas A. Mullaney

Claire M. Newell

Marcia B. Reback

Rhode Island General Laws (RIGL) §16-16-5 (c) provides credit to a teacher who serves the number of days that public schools are required by law to be in session. Excluded are days for professional development, student orientation and parent teacher conferences unless they are part of the required 180 days.

Jean Rondeau

Laura Shawhughes

Lisa A. Whiting

In addition, the Retirement Board promulgated Regulation 1.10 (formerly Regulation 10) which requires that in order to receive service credit a teacher must work a "school year" as defined by Rhode Island General Laws (RIGL) §16-2-2. Pursuant to RIGL §16-2-2, schools are required to be in session for 180 days. ERSRI has interpreted the 180-day requirement as the number of days the students and teachers are in the classroom.

Frank J. Karpinski
Executive Director

Any teacher who works less than the required 180 days will be awarded service credit based on the days worked in accordance with Regulation 1.10(D).

You have indicated that Ms. Bennet was required to work 2 full days (professional development and student orientations days), plus 180 half days during the school years, thereby working 92 full school days in each year. However, the professional development and student orientation days, although required by contract, are

excluded from the days that the school is required to be in session and therefore excluded in the calculation of service credit.

This letter constitutes official notification of an administrative denial of your request that MERS/ERSRI reverse the administrative actions referenced above. Pursuant to the Rules and Regulations of the Employees' Retirement System of Rhode Island, Regulation No. 1.4 entitled Rules of Practice and Procedure for Hearings in Contested Cases, Section C., any member aggrieved by an administrative action may request a hearing before the Retirement Board. Upon such request, the matter will be deemed a contested case. Such request shall be in writing and shall be sent to the Retirement Board, 50 Service Avenue, 2nd Floor, Warwick, RI 02886, Attention: Frank J. Karpinski, Executive Director, within 60 days of date of the letter from the Executive Director or Assistant Executive Director constituting a formal administrative denial. A request for hearing shall be signed by each affected member and shall contain the name of the member; date and nature of decision to be contested; a clear statement of the objection to the decision which must include the reasons the member feels he or she is entitled to relief; and a concise statement of the relief sought. Failure to strictly comply with the procedures outlined above shall be grounds to deny a request for a hearing.

Sincerely,



Frank J. Karpinski
Executive Director

Cc: Marybeth Bennett

Employees' Retirement System of Rhode Island



4. Chairperson's Report

For Report

Presented by Treasurer Seth Magaziner

Employees' Retirement System of Rhode Island



Fiscal Year Update on the Investment
Portfolio and Defined Contribution Plan as
of June 30, 2020, by CIO Andrew Junkin,
CFA, CAIA

For Report

Presented by Andrew Junkin

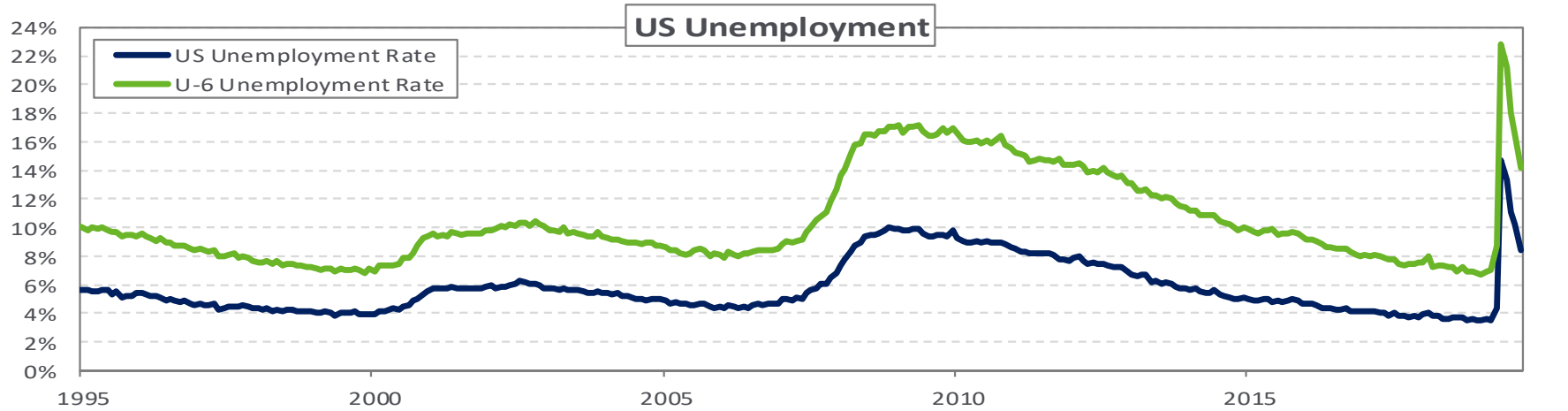


Retirement Board Investment Update

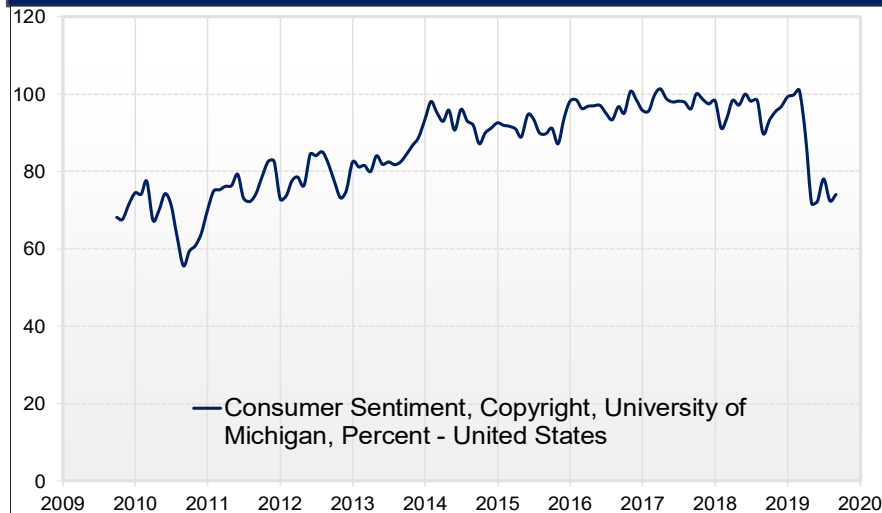
Performance as of June 30, 2020

ECONOMIC ACTIVITY

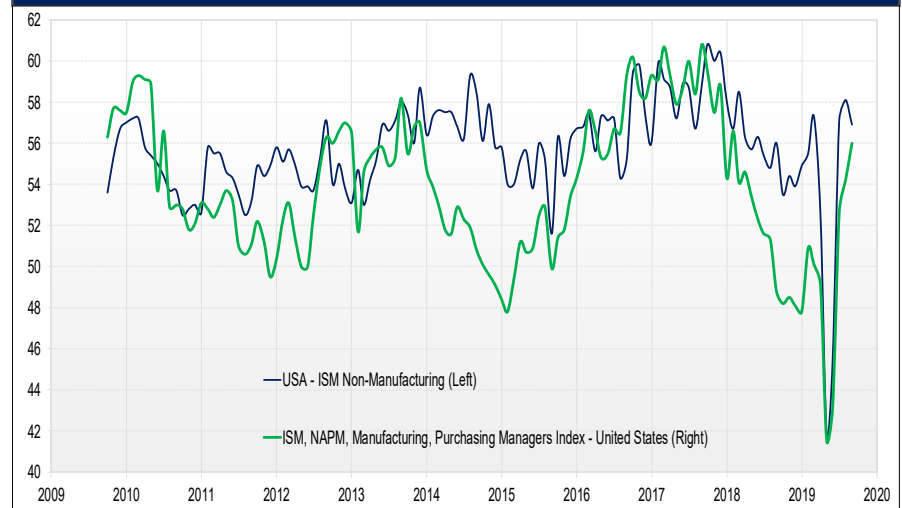
US Unemployment Rate



Consumer Sentiment



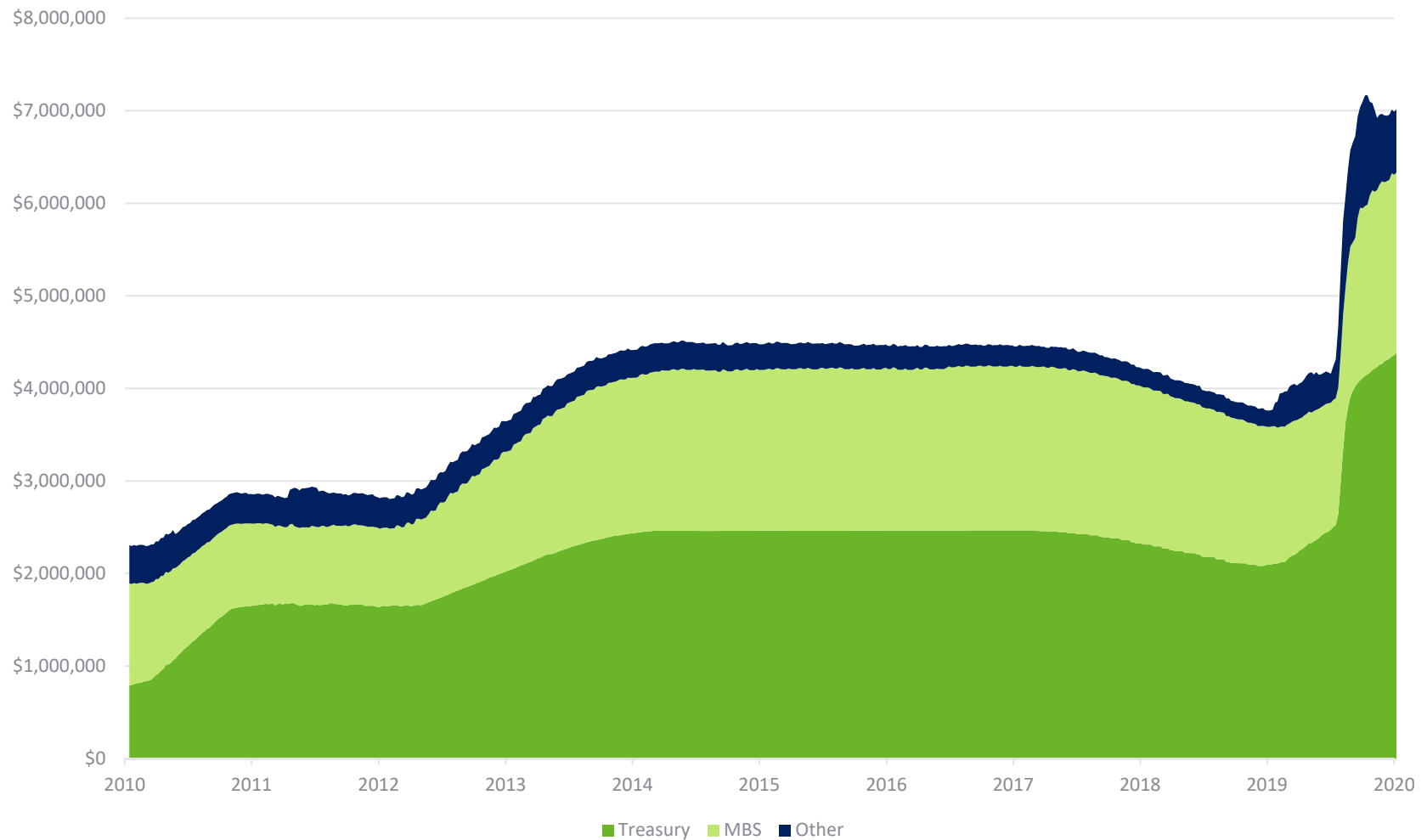
ISM Report of Business



Source: FastSet

August, 2020

FEDERAL RESERVE: BALANCE SHEET



Source: FastSet



August, 2020

TRAILING ANNUAL INDEX PERFORMANCE

Equity (as of 8.31.20)	
	FYTD
MSCI ACWI	11.7%
S&P 500	13.2%
Russell 1000	13.6%
Russell 2000	8.6%
Russell 2500	8.7%
MSCI EAFE	7.6%
MSCI EM	11.3%

Equity (as of 6.30.20)					
Jun-20	YTD	1 YR	3 YR	5 YR	10 YR
3.5%	-6.3%	2.1%	6.1%	6.5%	9.2%
2.0%	-3.1%	7.5%	10.7%	10.7%	14.0%
2.2%	-2.8%	7.5%	10.6%	105.0%	14.0%
3.5%	-13.0%	-6.6%	2.0%	4.3%	10.5%
2.9%	-11.1%	-4.7%	4.1%	5.4%	11.5%
3.4%	-11.3%	-5.1%	0.8%	2.1%	5.7%
7.4%	-9.8%	-3.4%	1.9%	2.9%	3.3%

Credit (as of 8.31.20)	
	FYTD
BC Global Agg	3.0%
BC US Agg	0.7%
BC Credit	1.8%
BC US HY	5.7%
BC Muni	1.2%
BC Muni HY	3.0%
BC TIPS	3.4%
BC Long Treasuries	-0.3%
BC Long Credit	2.5%
BC Govt/Credit 1-3 Yr	0.2%
JPM EMBI Glob Div	4.3%
JPM GBI-EM Glob Div	2.7%

Credit (as of 6.30.20)					
Jun-20	YTD	1 YR	3 YR	5 YR	10 YR
0.9%	3.0%	4.2%	3.8%	3.6%	2.8%
0.6%	6.1%	8.7%	5.3%	4.3%	3.8%
1.8%	4.8%	9.1%	6.1%	5.5%	5.2%
1.0%	-3.8%	0.0%	3.3%	4.8%	6.7%
0.8%	2.1%	4.4%	4.2%	3.9%	4.2%
4.0%	-2.6%	1.0%	5.3%	5.8%	6.1%
1.1%	6.0%	8.3%	5.0%	3.7%	3.5%
0.1%	21.2%	25.4%	12.0%	9.3%	7.7%
2.5%	5.9%	13.2%	8.7%	8.5%	7.8%
0.2%	2.9%	4.2%	2.9%	2.1%	1.6%
3.5%	-2.8%	0.5%	3.6%	5.3%	6.0%
0.5%	-6.9%	-2.8%	1.1%	2.3%	1.6%

Real Assets (as of 8.31.20)	
	FYTD
BBG Commodity	12.5%
Alerian Midstream Index	1.2%
FTSE NAREIT Equity REITs	4.9%

Real Assets (as of 6.30.20)					
Jun-20	YTD	1 YR	3 YR	5 YR	10 YR
2.3%	-19.4%	-17.4%	-6.1%	-7.7%	-5.8%
-4.5%	-32.5%	-34.5%	-18.5%	-13.6%	-
3.1%	-18.7%	-13.0%	0.0%	4.1%	9.1%

*Source: S&P, MSCI, Russell, Barclays, JPM, Alerian, FTSE, FactSet

**FYTD performance is as of August, 2020



ERSRI Asset Allocation Tracking

Functional Bucket	Aggregate Asset Class	Aggregate Allocation Weight	Asset Class	(a) Strategic Benchmark Weight/Target Allocation	(b) Actual exposure as of 06/30/20	(b) - (a)
GROWTH	Global Equity	40.0%	US Equity	23.0%	25.7%	2.6%
			International Developed Equity	12.1%	13.4%	1.3%
			EM Equity	4.9%	5.0%	0.2%
	Private Growth	15.0%	PE	11.25%	7.9%	-3.3%
			Non-core RE	2.25%	1.7%	-0.5%
			Opp Private Credit	1.5%	0.8%	-0.7%
			HY Infra	1.0%	0.9%	-0.1%
INCOME	Income	12.0%	REITs	1.0%	1.0%	0.0%
			Equity Options	2.0%	2.0%	0.0%
			EMD (50/50 Blend)	2.0%	2.0%	0.0%
			Liquid Credit	2.8%	3.5%	0.7%
			Private Credit	3.2%	1.6%	-1.6%
			Treasury Duration	5.0%	5.0%	0.0%
			Systematic Trend	5.0%	5.0%	0.0%
STABILITY	CPC	10.0%	Treasury Duration	5.0%	5.0%	0.0%
			Systematic Trend	5.0%	5.0%	0.0%
	Inflation Protection	8.0%	Core RE	3.6%	4.1%	0.5%
			Private Infra	2.4%	2.5%	0.1%
			TIPs	2.0%	1.8%	-0.2%
	Volatility Protection	15.0%	IG Corp. Credit	3.25%	3.2%	-0.1%
			Securitized Credit	3.25%	3.0%	-0.2%
			Absolute Return	6.5%	6.8%	0.3%
			Strategic Cash	2.0%	2.1%	0.1%
OTHER	Short-term Tactical	-	Short-Term Cash	-	0.4%	0.4%
		-	Russell Overlay	-	0.3%	0.3%
TOTAL	Total	100.0%		100.0%	100.0%	0.0%

Total Performance Summary

TOTAL NET OF FEES

6/30/2020

Account Name Benchmark Name	Market Value	% of Total	Month	YTD	Fiscal YTD	1 Year	Annualized				Inception Date
							3 Years	5 Years	10 Years	ITD	
US Public Equity Russell 3000 Index	1,401,350,207	17	2.26 2.29	-3.41 -3.48	6.61 6.53	6.61 6.53	10.14 10.04	10.13 10.03	13.50 13.72	8.26 8.24	Aug-2007 Aug-2007
Non-US Public Equity Total International Equity BM	1,125,789,462	13	4.88 4.52	-10.62 -11.00	-4.35 -4.80	-4.35 -4.80	1.45 1.13	2.55 2.26	5.19 5.07	6.73 6.07	May-2009 May-2009
QVM Tilt MSCI World Net Dividend Index	1,204,589,525	14	2.75 2.65	-6.92 -5.77	1.10 2.84	1.10 2.84	5.99 6.70			8.86 9.29	Oct-2015 Oct-2015
Total Public Growth MSCI All Country World Net Index	3,731,729,195	44	3.20 3.20	-6.81 -6.25	1.33 2.11	1.33 2.11	5.94 6.14	6.35 6.46	9.70 9.16	4.67	Jul-2000 Jul-2000
Private Equity ILPA All Fds BM 1Q Lag 2	670,975,442	8	-7.19 -7.19	-4.00 -2.43	4.09 1.62	4.09 1.62	11.68 9.44	10.99 9.28	11.31 13.98	9.47	Feb-1989 Feb-1989
Non Core Real Estate	147,299,199	2	-5.56	-7.33	-4.40	-4.40	10.89			10.89	Jul-2017
Opportunistic Private Credit ILPA Distressed BM 1Q Lag	64,604,231	1	-0.78 -0.78	-8.60 -10.05	-5.91 -8.43	-5.91 -8.43	4.87 1.89			4.87 1.89	Jul-2017 Jul-2017
Total Private Growth Private Growth Benchmark	882,878,873	10	-6.47 -5.33	-4.88 -2.29	1.87 1.38	1.87 1.38	11.18			11.18	Jul-2017 Jul-2017
TOTAL GROWTH COMPOSITE Total Growth Composite BM	4,614,608,067	54	1.20 0.87	-6.54 -4.62	1.36 2.55	1.36 2.55	6.70			6.70	Jul-2017 Jul-2017
Harvest Fund Advisor Alerian MLP Index	80,285,147	1	-4.45 -7.87	-31.29 -35.71	-35.34 -41.43	-35.34 -41.43	-12.68 -16.79	-10.73 -12.85		-10.65 -13.61	Jan-2015 Jan-2015
Heitman US Focused MSCI US REIT Index	85,309,355	1	3.25 2.85	-12.01 -18.95	-6.11 -13.93	-6.11 -13.93				-4.16 -12.04	Jun-2019 Jun-2019
NB Index Fund CBOE S&P 500 PutWrite Price BM	165,228,356	2	1.63 1.04							-5.58 -13.70	Feb-2020 Feb-2020
Wellington EMD (50/50 Blend) JP Morgan EMBI Global Div Index JP Morgan GBI-EM Index	171,893,551	2	3.79 3.51 0.47							8.60 9.22 7.10	Apr-2020 Apr-2020 Apr-2020
Liquid Credit Liquid Credit BM (50% BoA US HY/50% CS LL)	293,618,305	3	0.19 1.16	-4.36 -4.76	-1.06 -1.68	-1.06 -1.68	3.02 2.55	3.19 3.35		3.01 3.49	May-2013 May-2013
Private Credit S&P LSTA Lev Loans + 3%	139,461,831	2	0.00 -11.83	-4.93 -9.72	-0.76 -6.16	-0.76 -6.16	1.76 2.22			1.76 2.22	Jul-2017 Jul-2017
TOTAL INCOME COMPOSITE Income Aggregate BM	935,796,546	11	0.91 -2.80	-7.57 -9.50	-5.31 -8.38	-5.31 -8.38	0.54 0.13			0.54 0.13	Jul-2017 Jul-2017

Total Performance Summary

TOTAL NET OF FEES

6/30/2020

Account Name Benchmark Name	Market Value	% of Total	Month	YTD	Fiscal YTD	1 Year	Annualized				Inception Date
							3 Years	5 Years	10 Years	ITD	
CPC Long Duration Barclays US Treasury LT Index	425,794,568	5	0.24 0.13	21.13 21.20	25.38 25.40	25.38 25.40	11.92 12.04			11.15 11.31	Jun-2017 Jun-2017
CPC Trend Following Credit Suisse Liquid Alt Beta	423,297,545	5	-2.92 -4.29	1.98 -10.13	0.55 -16.73	0.55 -16.73	1.16 -7.16			0.05 -7.57	Jun-2017 Jun-2017
Total Crisis Protection 50/50 CPC Custom BM	849,092,112	10	-1.35 -2.08	11.24 4.73	12.41 2.65	12.41 2.65	6.77 2.41			5.81 1.84	Jun-2017 Jun-2017
Priv Listed Infrastructure CPI + 4% 1 Mo Lag	208,213,946	2	-0.07 0.33	3.51 1.67	11.31 4.12	11.31 4.12	12.75 5.56	12.35 5.52		10.27	Mar-2015 Mar-2015
Core Real Estate NFI-ODCE BM 2	351,167,476	4	0.00 0.75	0.63 2.03	3.29 3.93	3.29 3.93	5.34 5.85			5.34 5.85	Jul-2017 Jul-2017
Inflation-Linked Bonds Total Inflation Linked Custom	151,682,797	2	1.09 1.06	3.96 4.08	5.71 5.75	5.71 5.75	3.98 3.94	2.92 2.97	3.61 3.62	3.86 3.86	Nov-2009 Nov-2009
Total Inflation Protection Inflation Protection Custom BM	711,064,218	8	0.23 0.70	2.20 2.45	5.99 4.56	5.99 4.56	6.52 5.05			6.52 5.05	Jul-2017 Jul-2017
Absolute Return HFRI Fund of Funds Composite Index	578,826,259	7	1.84 1.27	3.46 -2.25	6.44 -0.19	6.44 -0.19	6.90 2.02			6.90 2.02	Jul-2017 Jul-2017
Fidelity IG Corporate Bonds Bloomberg Barclays Investment Grade Corporate Index	266,885,229	3	2.67 1.96							2.67 1.96	Jun-2020 Jun-2020
Loomis Securitized Bloomberg Barclays US Securitized Index	255,310,930	3	0.69 0.05							0.69 0.05	Jun-2020 Jun-2020
Strategic Cash ICE BofAML US Treasury Notes 0-1 Year	175,183,224	2	0.29 0.02	1.20 1.03	2.46 2.15	2.46 2.15	2.24 2.01			2.09 1.83	Feb-2017 Feb-2017
Total Volatility Protection Total Volatility Protection BM	1,276,711,509	15	1.56 0.99	4.31 1.11	7.02 3.30	7.02 3.30	5.40			5.40	Jul-2017 Jul-2017
TOTAL STABILITY COMPOSITE Total Stability Composite BM	2,836,867,840	33	0.34 -0.01	5.76 2.65	8.40 4.01	8.40 4.01	5.93			5.93	Jul-2017 Jul-2017
Short-Term Cash	32,605,016	0	0.02	0.37	1.46	1.46	2.56			2.56	Jul-2017
Russell Overlay Fd	21,960,166	0	-0.01	0.47	0.45	0.45	0.21	0.14	0.00	0.01	Sep-2008
TOTAL PLAN Total Plan Benchmark 60/40 Blend	8,469,750,816	100	0.85 0.14 2.17	-1.88 -2.68 -1.01	3.78 1.93 5.29	3.78 1.93 5.29	6.10 5.33 6.16	5.87 5.30 5.87	7.80 7.67 7.27	5.07	Jul-2000 Jul-2000 Jul-2000
Total Plan ex PE,RE & Priv Inf Total Plan BM ex PE RE	6,888,028,691	81	1.95 1.69	-1.61 -3.17	4.07 1.84	4.07 1.84	5.62 4.57	5.29 4.61	7.26 7.07	6.22	Apr-1996 Apr-1996

END NOTES
6/30/2020
TOTAL PLAN

The current composition of the Total Plan Benchmark is as follows:

GROWTH

Total Public Growth

40% MSCI ACWI Net

Total Private Growth

11.25% ILPA All Funds Index, 1Q Lag

2.25% ODCE, 1Q Lag + 2.5%

1.5% ILPA Distressed Index, 1Q Lag

INCOME

1% Alerian MLP Index

1% MSCI US REIT Index

2% CBOE PUT Index

2% EMD 50/50 Blended Benchmark (50% JPM EMBI/50% GBI-EM)

2.8% Liquid Credit Custom (50% BofA US HY/50% CS LL)

3.2% S&P LSTA Lev Loans + 3%

STABILITY

Crisis Protection Class

5% CS Managed Futures 18% Vol Index

5% Barclays Long Duration US Treasury Index

Inflation Protection

3.6% NFI-ODCE Index, 1Q Lag

2.4% CPI + 4%, 1 Month Lag

2% Barclays 1-10 Year TIPS Index

Volatility Protection

3.25% Bloomberg Barclays US Corporate Bond Index

3.25% Bloomberg Barclays Securitized MBS/ABS/CMBS Index

6.5% HFRI FOF Composite

2.0% BofA Merrill Lynch US T-Notes 0-1 Yr

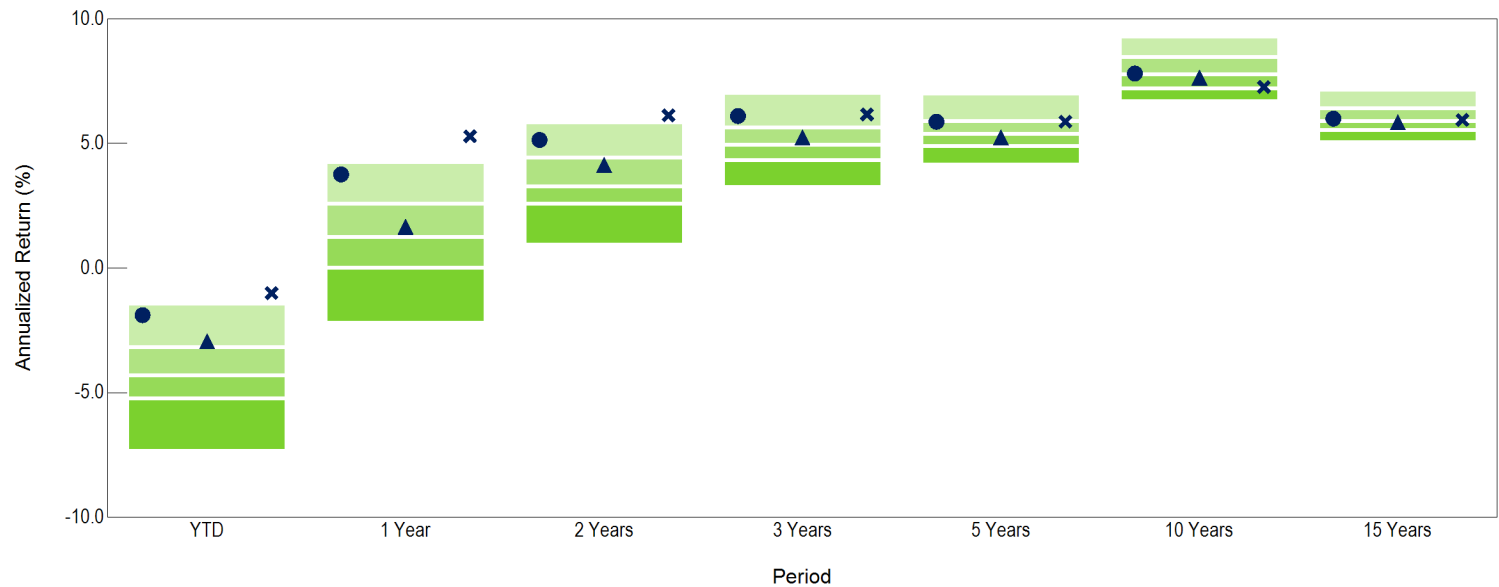
INVMETRICS PUBLIC DB > \$1B NET

NEPC, LLC

State of Rhode Island Pension Plan

TOTAL FUND RETURN SUMMARY VS. PEER UNIVERSE

InvMetrics Public DB > \$1B Net Return Comparison
Ending June 30, 2020



	Return (Rank)													
5th Percentile	-1.5		4.2		5.8		7.0		7.0		9.3	7.1		
25th Percentile	-3.2		2.6		4.4		5.7		5.9		8.5	6.4		
Median	-4.3		1.3		3.3		5.0		5.4		7.8	5.9		
75th Percentile	-5.2		0.0		2.6		4.4		4.9		7.2	5.6		
95th Percentile	-7.3		-2.2		1.0		3.2		4.2		6.7	5.1		
# of Portfolios	71		71		71		71		70		64	59		
● State of Rhode Island Total Plan	-1.9	(10)	3.8	(13)	5.1	(13)	6.1	(19)	5.9	(29)	7.8	(48)	6.0	(42)
▲ Strategic Benchmark Allocation	-2.9	(19)	1.6	(36)	4.1	(29)	5.2	(36)	5.2	(56)	7.6	(63)	5.9	(54)
✕ 60% MSCI ACWI (Net) / 40% BBgBarc Aggreg	-1.0	(1)	5.3	(1)	6.1	(3)	6.2	(16)	5.9	(28)	7.3	(74)	5.9	(49)



State of Rhode Island

401(a) Quarterly Performance Summary

As of 6/30/2020

BUILT TO PERFORM.

CREATED TO SERVE.

State of Rhode Island

401(a) Performance Summary



As of 6/30/2020

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(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(S)	(T)	(U)	(V)	(W)	(X)	(Y)	
Investment Name	Ticker	Morningstar Category	Mgr Tenure	AUM \$M	Gross ER	Net ER	%ile ER	Rev Share	Recent Returns		Annualized Total Returns as of 3/31/2020												Incep Date		
									3 Mo	YTD	1 Yr	Category Rank	%ile	3 Yr	Category Rank	%ile	5 Yr	Category Rank	%ile	10 Yr	Category Rank	%ile		SI	
STABLE VALUE																									
Stable Value/Guaranteed																									
TIAA Stable Value ¹		Crediting Rate as of 6/1/2020 = 2.45						0.00	0.60	1.21	2.43		2.19		2.08							2.00	3/31/2012		
FIXED INCOME																									
Intermediate Core Bond																									
State Street US Bond Index Securities XIV ⁴		US Fund Intermediate Core Bond	25.58	29,830	0.02	0.02		0.00	2.99	6.29	8.88		25	5.38		18	4.33		19	3.83		44	3.83	6/30/2011	
BBgBarc US Agg Bond TR USD									2.90	6.14	8.74			5.32			4.30			3.82					
Intermediate Core Bond Median					0.56				4.14	5.81	8.15			4.87			3.96			3.71					
Intermediate Core Bond Number of Funds													411			394			375			339			
Inflation-Protected Bond																									
PIMCO Real Return Instl		PRRIX	US Fund Inflation-Protected Bond	1.50	9,522	1.50	0.98	73	0.00	5.38	6.20	8.38	32	15	4.94	32	25	3.73	20	18	3.49	6	10	5.81	1/29/1997
BBgBarc US Treasury US TIPS TR USD									4.24	6.01	8.28			5.05			3.75			3.52					
Inflation-Protected Bond Median					0.65				5.04	4.61	6.57			4.01			2.95			2.73					
Inflation-Protected Bond Number of Funds													201			195			189			148			
EQUITY																									
Large Cap Blend																									
State Street S&P 500 Index Securities (Lending Series CI) II ⁵		US Fund Large Blend	24.42	113,883	0.01	0.01		0.00	20.52	(3.10)	7.47		23	10.64		19	10.61		14	13.85		13	17.54	5/31/1996	
S&P 500 TR USD									20.54	(3.08)	7.51			10.73			10.73			13.99					
Vanguard FTSE Social Index Admiral ^{3,4}		VFTAX	US Fund Large Blend	4.58	7,885	0.70	0.14	5	0.00	23.37	(1.24)	11.20	62	6	12.66		3	11.62		3	14.85		1	15.38	2/7/2019
Spliced Social Index ²									23.39	(1.22)	11.29			12.75			11.73			14.99					
FTSE4Good US Select TR USD									23.39	(1.22)	11.29			12.75			11.73			14.99					
Russell 3000 TR USD									22.03	(3.48)	6.53			10.04			10.03			13.72					
Large Blend Median					0.85				20.36	(4.33)	4.89			8.62			8.82			12.55					
Large Blend Number of Funds													1269			1215			1142			995			
Mid-Cap Blend																									
State Street Small Mid Cp Index Securities Series II ⁵		US Fund Mid-Cap Growth	22.92	22,564	0.02	0.02		0.00	30.68	(5.81)	0.87		10	6.40		10	6.78		13	12.26		10	0.87	6/17/2019	
Russell Small Cap Complete TR USD									30.71	(5.73)	0.91			6.47			6.86			12.31					
Mid-Cap Blend Median					1.00				22.46	(12.47)	(6.42)			2.18			3.90			9.99					
Mid-Cap Blend Number of Funds													373			361			320			276			
Foreign Large Blend																									
State Street Global All Cap Equity Ex-U.S. Idx Securities II ^{4,5}		US Fund Foreign Large Blend	10.25	7,317	0.05	0.04		0.00	18.33	(10.77)	(4.19)		42										1.33	5/13/2014	
MSCI ACWI Ex USA IMI NR USD									16.96	(11.24)	(4.74)			0.96			2.30			5.11					
Foreign Large Blend Median					0.94				17.01	(10.73)	(4.34)			0.55			1.72			5.48					
Foreign Large Blend Number of Funds													701			650			584			490			

State of Rhode Island 401(a) Performance Summary



As of 6/30/2020

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Investment Name	Ticker	Morningstar Category	Mgr Tenure	AUM \$M	Gross ER	Net ER	%ile ER	Rev Share	Recent Returns		Annualized Total Returns as of 3/31/2020														Incep Date
									3 Mo	YTD	1 Yr	Category Rank	%ile	3 Yr	Category Rank	%ile	5 Yr	Category Rank	%ile	10 Yr	Category Rank	%ile	SI		

ALLOCATION

Target-Date																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									</
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State of Rhode Island

401(a) Performance Summary



As of 6/30/2020

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									3 Mo	YTD	1 Yr	Category Rank	%ile	3 Yr	Category Rank	%ile	5 Yr	Category Rank	%ile	10 Yr	Category Rank	%ile	SI		
ALLOCATION																									
Target-Date																									
Vanguard Target Retirement 2040 Trust I ⁶		US Fund Target-Date 2040	7.42	41,700	0.07	0.07		0.00	17.31	(4.04)	3.58			21	6.59		16	6.86		13	10.18		15	5.80	6/28/2007
Vanguard Target Retirement 2040 Composite									17.17	(3.69)	4.04				6.88			7.08		10.37					
Target-Date 2040 Median						0.70			17.21	(4.82)	2.52				5.78			6.09		9.15					
Target-Date 2040 Number of Funds														239			218		195		142				
Vanguard Target Retirement 2045 Trust I ⁶		US Fund Target-Date 2045	7.42	37,800	0.07	0.07		0.00	18.63	(4.90)	3.06			33	6.49		20	6.88		15	10.19		11	5.78	6/28/2007
Vanguard Target Retirement 2045 Composite									18.49	(4.58)	3.52				6.79			7.10		10.38					
Target-Date 2045 Median						0.69			18.18	(5.49)	2.11				5.75			6.11		9.30					
Target-Date 2045 Number of Funds														227			206		184		131				
Vanguard Target Retirement 2050 Trust I ⁶		US Fund Target-Date 2050	7.42	29,500	0.07	0.07		0.00	18.68	(4.86)	3.11			31	6.50		18	6.87		15	10.20		17	5.83	6/28/2007
Vanguard Target Retirement 2050 Composite									18.49	(4.58)	3.52				6.79			7.10		10.38					
Target-Date 2050 Median						0.71			18.48	(5.68)	1.70				5.64			6.11		9.38					
Target-Date 2050 Number of Funds														239			218		195		111				
Vanguard Target Retirement 2055 Trust I ⁶		US Fund Target-Date 2055	7.42	17,600	0.07	0.07		0.00	18.65	(4.88)	3.07			27	6.50		19	6.87		16				9.07	10/5/2010
Vanguard Target Retirement 2055 Composite									18.49	(4.58)	3.52				6.79			7.10							
Target-Date 2055 Median						0.70			18.68	(5.89)	1.73				5.71			6.16							
Target-Date 2055 Number of Funds														227			203		180		47				
Vanguard Target Retirement 2060 Trust I ⁶		US Fund Target-Date 2060+	7.42	6,900	0.07	0.07		0.00	18.67	(4.81)	3.13			22	6.53		21	6.88		33				8.73	3/1/2012
Vanguard Target Retirement 2060 Composite									18.49	(4.58)	3.52				6.79			7.10							
Target-Date 2060+ Median						0.68			18.84	(6.13)	1.76				5.80			6.61							
Target-Date 2060+ Number of Funds														256			173		77						
Vanguard Target Retirement 2065 Trust I ⁶		US Fund Target-Date 2060+	3.00	1,100	0.07	0.07		0.00	18.73	(4.81)	3.13			24										7.39	7/21/2017
Vanguard Target Retirement 2065 Composite									18.49	(4.58)	3.52														
Target-Date 2060+ Median						0.68			18.84	(6.13)	1.76														
Target-Date 2060+ Number of Funds														256			173		77						

Source: Morningstar, TIAA & Vanguard

State of Rhode Island

401(a) Performance Summary



As of 6/30/2020

% -ile --> Percentile Ranking in Morningstar Category.

Note: Rankings shown for returns are calculated by Morningstar. Rankings for expense ratio is calculated by TIAA and may differ based on calculation methods.

Morningstar peer rankings include fractional weights for all share classes. Morningstar peer rankings also include ETFs. Depending on the category, this may cause some variances with the category median illustrated in this report since most ETFs are index based options that can include more volatile and less mainstream indices.

SI = Since Inception Annualized Total Return; Incep. Date = Since Inception Date (SI return is calculated from this date).

1. TIAA Stable Value is not an investment for purposes of federal securities laws; it is a guaranteed insurance contract. Therefore, unlike a variable annuity or mutual fund, TIAA Stable Value does not include an identifiable expense ratio. The contract provides a guaranteed minimum rate of interest of between 1% and 3% (before deductions for contract fees). Contract Fees are described in the annuity contract and are collected on a daily basis by way of a reduction to the Declared Rate. Payment obligations and the fulfillment of the guarantees provided for in the contract in the accumulation phase are supported by the assets held in the separate account. If the assets in the separate account are insufficient to meet these obligations, the shortfall is supported by the General Account of TIAA and is therefore subject to TIAA's claims-paying ability. Past interest rates are not indicative of future interest rates. The TIAA Stable Value Inception Date represents the date that the plan's TIAA Stable Value record was initiated on TIAA's recordkeeping system which may be earlier than the date of first deposit to the contract.
2. Calvert Social Index through December 16, 2005; FTSE4Good US Select Index thereafter.
3. Investor share migrated to Admiral share 08/1/2019.
4. Performance shown for periods prior to the inception date reflects the performance of an older share class of the fund/account or underlying fund. Total returns have not been restated to reflect any expense differential between any of the classes. Had the expense differential been reflected, total returns for the fund may have been higher or lower. Category ranks are not available for periods prior to the inception of the fund. Percentile rankings are not shown for State Street Global All Cap Equity Ex-U.S. Index Securities II because Morningstar does not provide a longer history for the product.
5. This Fund is a collective investment trust and is not FDIC insured, nor is it an obligation or deposit of, or guaranteed by State Street Corporation, SSGA or its affiliates.
6. This investment is not a mutual fund. It is a collective trust available only to tax-qualified plans and their eligible participants. This collective trust is managed by Vanguard Fiduciary Trust Company, a wholly owned subsidiary of The Vanguard Group, Inc., and is not a mutual fund. Investment objectives, risks, charges, expenses, and other important information should be considered carefully before investing.

You cannot invest directly in an index.

Accumulations in mutual funds not managed by TIAA-CREF may be subject to administrative charges. These charges are subject to change. Please review current documents related to your plan.

The expense ratio paid by an investor is the net expense ratio as stated in the prospectus. The net expense ratio reflects total annual fund operating expenses excluding interest expense. If interest expense was included, returns would have been lower. For definitions please visit www.tiaa.org/public/assetmanagement.

Vanguard Index Information available at <http://www.vanguard.com>.

Investing in non-investment grade securities presents special risks, including significantly higher interest-rate and credit risk.

Small-cap and mid-cap stocks may have limited marketability and may be subject to more abrupt or erratic market movements than large-cap stocks.

The risks associated with foreign investments are often magnified in emerging markets where there is greater potential for political, currency, and economic volatility.

Funds that invest in fixed-income securities are not guaranteed and are subject to interest-rate, inflation and credit risks.

Funds that invest in foreign securities are subject to special risks, including currency fluctuation and political and economic instability.

Real estate securities are subject to various risks, including fluctuations in property values, higher expenses or lower income than expected, and potential environmental problems and liability.

Any guarantees under annuities issued by TIAA are subject to TIAA's claims-paying ability. TIAA Stable Value is a guaranteed insurance contract and not an investment for Federal Securities Law purposes.

Target Date Funds share the risks associated with the types of securities held by each of the underlying funds in which they invest. In addition to the fees and expenses associated with the Target Date Funds, there is exposure to the fees and expenses associated with the underlying mutual funds as well.

Investment, insurance and annuity products are not FDIC insured, are not bank guaranteed, are not deposits, are not insured by any federal government agency, are not a condition to any banking service or activity, and may lose value.

Morningstar Ranking/Number of Funds in Category displays the Fund's actual rank within its Morningstar Category based on average annual total return and number of funds in that Category. The returns assume reinvestment of dividends and do not reflect any applicable sales charge. Absent expense limitation, total return would be less. Morningstar Percentile Rankings are the Fund's total return rank relative to all funds in the same Morningstar category, where 1 is the highest percentile and 100 is the lowest percentile.

Prospectus Gross Expense Ratio

The percentage of fund assets used to pay for operating expenses and management fees, including 12b-1 fees, administrative fees, and all other asset-based costs incurred by the fund, except brokerage costs. Fund expenses are reflected in the fund's NAV. Sales charges are not included in the expense ratio.

--The expense ratio for fund of funds is the aggregate expense ratio as defined as the sum of the wrap or sponsor fees plus the estimated weighted average of the underlying fund fees.

--Often referred to as the Annual Operating Expense, the Prospectus Gross Expense Ratio is collected annually from a fund's prospectus.

Prospectus Net Expense Ratio

The percentage of fund assets, net of reimbursements, used to pay for operating expenses and management fees, including 12b-1 fees, administrative fees, and all other asset-based costs incurred by the fund, except brokerage costs. Fund expenses are reflected in the fund's NAV. Sales charges are not included in the expense ratio.

--The expense ratio for fund of funds is the aggregate expense ratio as defined as the sum of the wrap or sponsor fees plus the estimated weighted average of the underlying fund fees.

--Net reimbursements, the Prospectus Net Expense Ratio is collected annually from a fund's prospectus.

--TIAA, unless noted, does not charge additional fees for record keeping a fund. 12b-1, revenue share and admin fees are all included in the Prospectus fees. -- Prospectus Net Expense Ratio % - ile rank is the percentile rank for the fund. The better the expense ratio (lower) the lower the ranking out of 100.

By communicating the information contained in this material, TIAA is not providing impartial investment advice or giving advice in a fiduciary capacity regarding any investment by, or other transaction of, the plan(s). TIAA is acting solely in a sales capacity with respect to an arms-length sale, purchase, loan, exchange or other transaction related to the investment of securities or other investment property.

State of Rhode Island - Plan Balance Summary

401(a)/414(h)(2)

State of Rhode Island Defined Contribution Retirement Plan



As of 6/30/2020

<i>Investment Name</i>	<i>Asset Class Description</i>	<i>Balance</i>
State Street S&P 500 Index Securities (Lending Series CI) II	Equities	\$ 37,452,457
State Street Small Mid Cp Index Securities Series II	Equities	\$ 26,705,948
TIAA Stable Value	Guaranteed	\$ 20,054,639
State Street Global All Cap Equity Ex-U.S. Idx Securities II	Equities	\$ 14,408,514
State Street US Bond Index Securities XIV	Fixed Income	\$ 9,874,341
PIMCO Real Return Institutional	Fixed Income	\$ 8,930,472
Vanguard FTSE Social Index Admiral	Equities	\$ 4,649,597
Vanguard Target Retirement Income Trust I	Multi-Asset	\$ 11,595,442
Vanguard Target Retirement 2015 Trust I	Multi-Asset	\$ 42,784,594
Vanguard Target Retirement 2020 Trust I	Multi-Asset	\$ 113,675,355
Vanguard Target Retirement 2025 Trust I	Multi-Asset	\$ 152,043,526
Vanguard Target Retirement 2030 Trust I	Multi-Asset	\$ 166,020,137
Vanguard Target Retirement 2035 Trust I	Multi-Asset	\$ 186,916,182
Vanguard Target Retirement 2040 Trust I	Multi-Asset	\$ 150,999,563
Vanguard Target Retirement 2045 Trust I	Multi-Asset	\$ 115,179,373
Vanguard Target Retirement 2050 Trust I	Multi-Asset	\$ 71,029,354
Vanguard Target Retirement 2055 Trust I	Multi-Asset	\$ 32,386,995
Vanguard Target Retirement 2060 Trust I	Multi-Asset	\$ 7,876,722
Vanguard Target Retirement 2065 Trust I	Multi-Asset	\$ 710,711
Vanguard Target Retirement Trust I Subtotal		\$ 1,051,217,955
Defined Contribution Retirement Plan Total		\$ 1,173,293,922

State of Rhode Island - Plan Balance Summary

401(a)

Rhode Island FICA 406403 Alternative Retirement Income Security Program



As of 6/30/2020

<i>Investment Name</i>	<i>Asset Class Description</i>		<i>Balance</i>
TIAA Stable Value	Guaranteed	\$	2,217
Vanguard Target Retirement Income Trust I	Multi-Asset	\$	13,717
Vanguard Target Retirement 2015 Trust I	Multi-Asset	\$	15,220
Vanguard Target Retirement 2020 Trust I	Multi-Asset	\$	1,459,011
Vanguard Target Retirement 2025 Trust I	Multi-Asset	\$	189,264
Vanguard Target Retirement 2030 Trust I	Multi-Asset	\$	208,237
Vanguard Target Retirement 2035 Trust I	Multi-Asset	\$	126,911
Vanguard Target Retirement 2040 Trust I	Multi-Asset	\$	102,998
Vanguard Target Retirement 2045 Trust I	Multi-Asset	\$	106,405
Vanguard Target Retirement 2050 Trust I	Multi-Asset	\$	136,762
Vanguard Target Retirement 2055 Trust I	Multi-Asset	\$	251,814
Vanguard Target Retirement 2060 Trust I	Multi-Asset	\$	620,399
Vanguard Target Retirement 2065 Trust I	Multi-Asset	\$	208,284
Vanguard Target Retirement Trust I Subtotal		\$	3,439,023
FICA Alternative Retirement Income Security Program Total		\$	3,441,240

Disclosures



TIAA is providing educational services concerning plan menu construction and the plan sponsor's fiduciary duties under its plan. It is not providing investment advice and is not a plan fiduciary with respect to the education and information presented herein. Note also that TIAA cannot and does not provide legal advice and that we recommend that you seek such advice from your own legal advisors.

TIAA reported performance may differ from Morningstar source returns for the same option over the same time period. We would expect an occasional one to two basis point difference. Morningstar Direct calculates returns by one share owned by hypothetical investor over the requested time period. The return for one year is calculated using the same formula as one month. TIAA calculates returns by \$1,000 owned by hypothetical investor for one month then links returns for requested time period. Both set of returns would include dividends and capital gains, if applicable.

Investment products may be subject to market and other risk factors. See the applicable product literature or visit tiaa.org for details. You should consider the investment objectives, risks, charges and expenses carefully before investing. Please call 877-518-9161 or go to www.TIAA.org/prospectuses for current product and fund prospectuses that contain this and other information. Please read the prospectuses carefully before investing.

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BUILT TO PERFORM.

CREATED TO SERVE.

Employees' Retirement System of Rhode Island



5. Executive Director's Report

Presented by Frank J. Karpinski

Employees' Retirement System of Rhode Island



Consideration and Approval of the FY 2022 Administrative and Investment Budget

For Vote

Presented by Stacey Whitton



Fiscal Year 2022

Budget Presentation



Investment Cap Determination

Fiscal Year Budget	Investment Value Years								
	Year 1	Year 2	Year 3	Year 4	Year 5	Average Market Value	Budget Cap Per RIGL	Actual Expenditures	
2016	2014	2013	2012	2011	2010		2016		
	8,205,539,057	7,530,855,629	7,225,025,356	7,440,116,914	6,512,473,974	7,382,802,186	\$ 12,919,904	9,059,263	
2017	2015	2014	2013	2012	2011		2017		
	7,968,194,309	8,205,539,057	7,530,855,629	7,225,025,356	7,440,116,914	7,673,946,253	\$ 13,429,406	10,196,072	
2018	2016	2015	2014	2013	2012		2018		
	7,525,307,707	7,968,194,309	8,205,539,057	7,530,855,629	7,225,025,356	7,690,984,412	\$ 13,459,223	9,219,395	
2019	2017	2016	2015	2014	2013		2019		Enacted FY19 Budget
	8,066,357,568	7,525,307,707	7,968,194,309	8,205,539,057	7,530,855,629	7,859,250,854	\$ 13,753,689	9,548,498	11,243,784
2020	2018	2017	2016	2015	2014		2020		Enacted FY20 Budget
	8,330,458,299	8,066,357,568	7,525,307,707	7,968,194,309	8,205,539,057	8,019,171,388	\$ 14,033,550	10,475,997	11,736,581
2021	2019	2018	2017	2016	2015		2021		Board Approved FY21 Budget
	8,511,351,628	8,330,458,299	8,066,357,568	7,525,307,707	7,968,194,309	8,080,333,902	\$ 14,140,584		12,623,035
2022	2020	2019	2018	2017	2016		2021		FY22 Proposed Budget
FY20 Est.	8,461,974,513	8,511,351,628	8,330,458,299	8,066,357,568	7,525,307,707	8,108,368,801	\$ 14,189,645		13,352,791



Legal Authority

- R.I.G.L. 36-8-3: responsibility for the proper operation of the retirement system vested in a retirement board.
- Regulation 1.1.1 (E)(m) Board Authority and Duties: approve a yearly budget
- Part of overall Treasury budget
- R.I.G.L. 36-8-10.1:
- There is a restricted receipt account, the proceeds are used to pay the expenses of the retirement board.
 - *b) There shall be transferred to this restricted receipt account seventeen and one-half (17.5) basis points (0.175%), where one hundred (100.0) basis points equals one percent (1.0%), of the average total investments before lending activities as reported in the annual report of the auditor general for the next preceding five fiscal years.*



Fiscal Year 2022 Budget Highlights

- ***Salaries and Benefits***
 - **Salaries and Wages Expense - \$4,343,717**
 - Projected salaries and benefit estimates are provided by Treasury. Benefits are based on preliminary rates and will be subject to change before enactment of budget.
 - Overtime wages for counseling, operations and disability.



Fiscal Year 2022 Budget Highlights

- ***Contractual Services***

- **Legal Services: Special Other - \$60,000**

- To provide for legal counsel services for matters such as Tax Counsel or Employee Benefits

- **Legal Services: General Other - \$380,000**

- Board counsel provided by Shechtman, Halperin, Savage, L.L.P. Increased hourly rates for FY2022
 - Hearing officers for potential legal challenges - \$30,000
 - RIGL §45-21.2-9 - Police and Fire legal fee reimbursement for disability appeals that are successfully challenged by members in court, estimated at \$75,000

- **Financial Services - \$435,000**

- Actuary Services - \$370,000
 - Valuation services for all Trusts within ERSRI, 67 & 68 reporting and determination – approximating \$300,000 – GRS contract expires 6-30-21. RFP for contract.
 - RIGL §36-10-39 – provides the general assembly the authority to request studies of the ERSRI's actuaries at the expense of the System - \$70,000



Fiscal Year 2022 Budget Highlights

- ***Contractual Services, continued***
 - Accounting/Auditing - \$65,000
 - Internal Auditing firm for review of internal operations for defined benefit and contribution operations as well as Employer cycle accounting review. RFP for contract.
- **IT System Support/General Services - \$3,353,200**
 - Morneau Shepell – annual fees - \$1,678,200
 - Potential change orders for system enhancements and Web redesign -\$375,000
 - Morneau Shepell – upgrade to Ariel 360® system - Admin Portal upgrade & workflows, Improvements to the Employer Portal and new UI. New UI for administrators improving usability \$1.3 million



Fiscal Year 2022 Budget Highlights

- ***Contractual Services, continued***
 - **Other Contracted Professional Services - \$100,000**
 - IT Cybersecurity Services - \$85,000
 - Modifications required as result of Bulletproof's review of Morneau Shepell's data center and ERSRI
 - Death audit services – PBI - \$15,000
 - **Temporary Services - \$345,000**
 - Continuation of temporary employees to complete Data Validation Project



Fiscal Year 2022 Budget Highlights

- ***Operating Expenditures***
 - **Communications Expense**
 - **Postage - \$327,500**
 - Distribution of ERSRI newsletters
 - Distribution of pension checks, direct deposit remittances, general payments, benefit estimates, forms, applications, etc.
 - Distribution of 1099R forms – approximately 28,000 forms prepared
 - Increase for Strategic Plan Communication Implementation to enhance customer experience
 - **Office & Supply Expenses**
 - **Computer Supplies, Software & Equipment - \$50,500**
 - Reduced from FY2021 – due to work from home and normal replacements, budgeted to replace laptops in FY2021



Fiscal Year 2022 Budget Highlights

- ***Operating Expenditures, continued***
 - **Office & Supply Expenses**
 - **Staff Training - \$33,000**
 - Cyber training/allocation for staffing
 - Professional development courses, classes, and seminars for staff
 - Board training retreat
 - **Miscellaneous - \$50,000**
 - Police and Fire Salary Reimbursement. RIGL 45-21.2-9(j) - Reimbursement to MERS employers for salary and wages for police and fire employees who are on I.O.D. status and successfully win their disability appeal.
 - **Printing & Advertising - \$103,500**
 - Printing of newsletters, retirement handbooks, brochures, annual reports, etc.
 - Increased for printing of new Benefit Handbooks and pamphlets for Strategic Plan Implementation



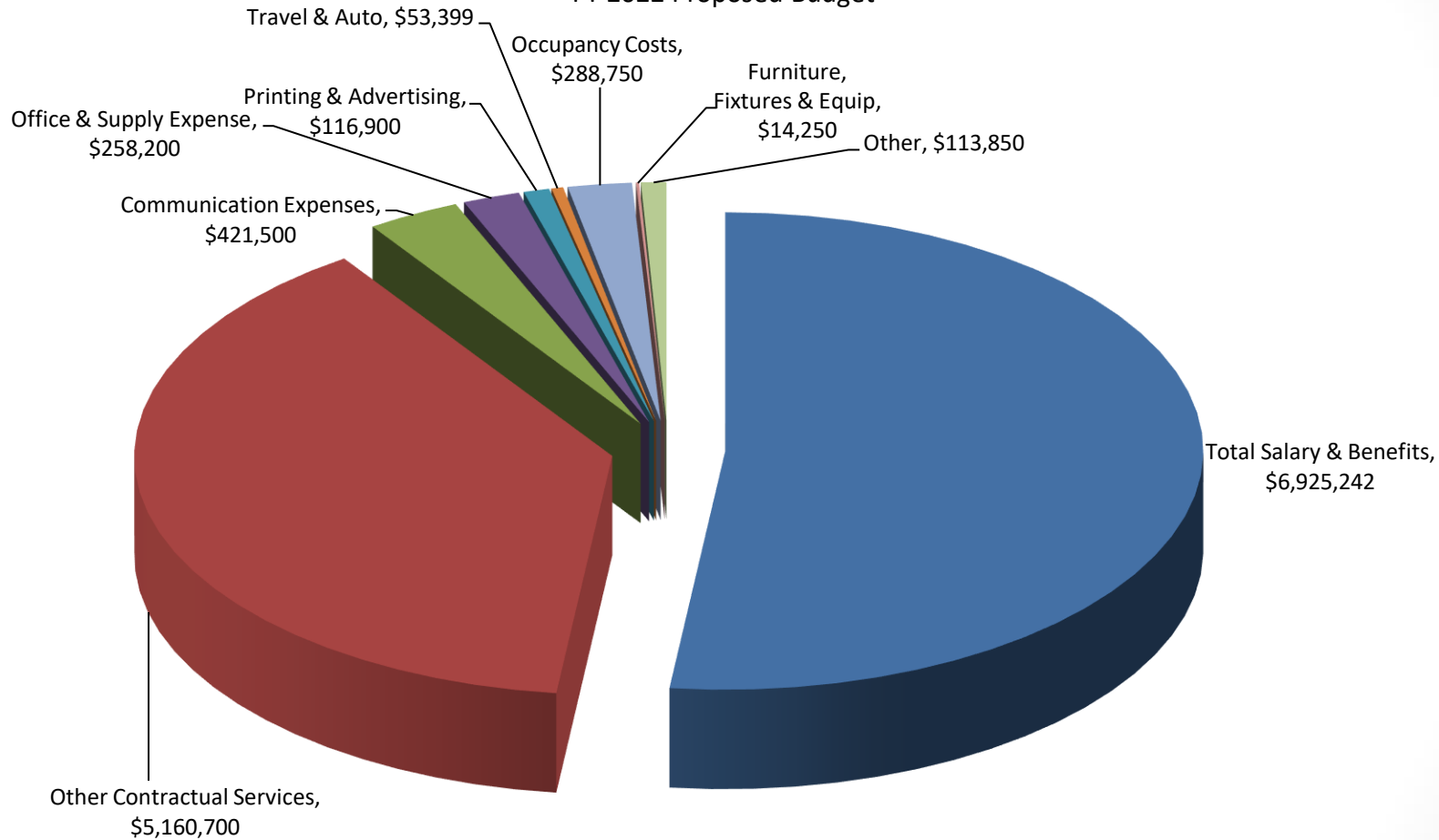
Fiscal Year 2022 Budget Highlights

- ***Operating Expenditures, continued***
 - **Occupancy Expenses - \$288,750**
 - **Building Maintenance and Repairs - \$25,000**
 - Potential costs related to COVID upgrades
 - **Rental/Lease – \$175,000**
 - Internal charges from DOA for occupying space at 50 Service Avenue
 - **Security Services - \$88,750**
 - Represents the allocated cost of armed security provided by the State.
 - **Other Expenses - \$113,850**
 - **Insurance**
 - Cyber Insurance – Coalition/Swiss RE
 - General property and casualty insurance



Allocation of Fiscal Year 2022 Expenses

FY 2022 Proposed Budget





Questions?



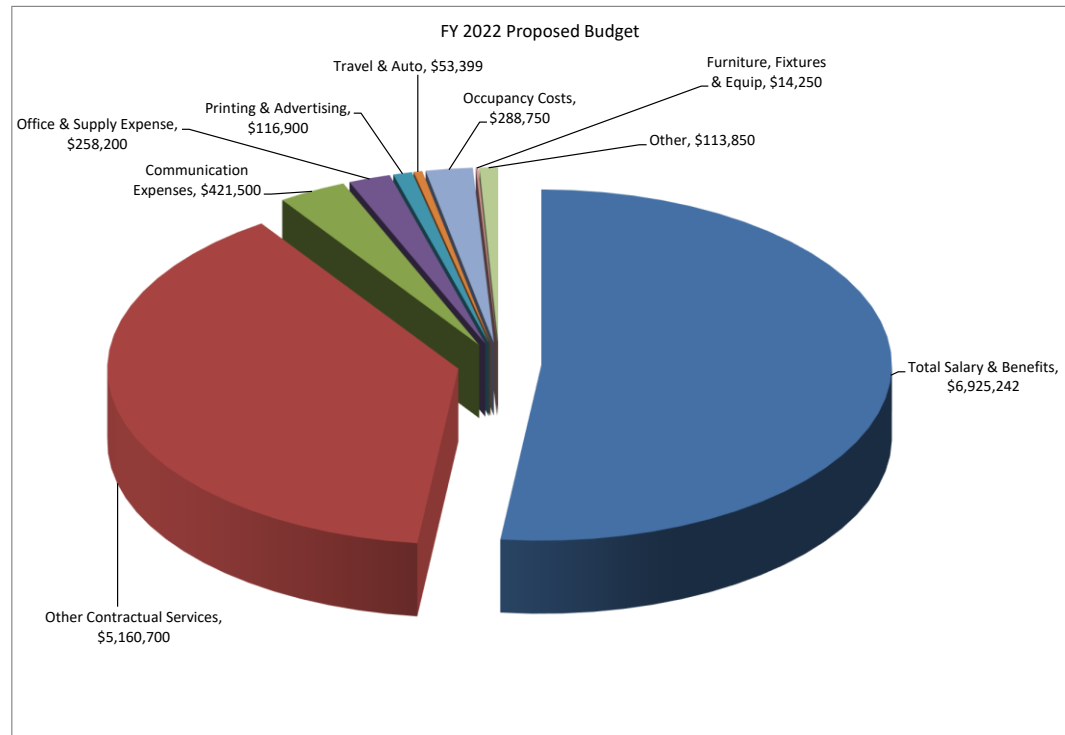
State of Rhode Island
Fiscal 2022 - Expense Budget
Retirement - Administration & Investment

	Fiscal 2020 Budget	Fiscal 2020 Actual	Fiscal 2021 Budget	Fiscal 2022 Budget
Personnel Costs				
Regular Wages	\$ 3,856,940	\$ 3,912,989	\$ 4,147,862	\$ 4,217,861
Family Medical Insurance Coverage Waiver Bonus	7,606	5,159	6,306	5,856
Overtime (1.5)	100,000	95,902	120,000	120,000
Subtotal Salaries & Wages	\$ 3,964,546	\$ 4,014,050	\$ 4,274,168	\$ 4,343,717
Payroll and Employee Benefits Accrual	\$ 22,354	\$ -	\$ 24,209	\$ 24,609
Employees' Retirement - State Contribution	1,020,152	1,028,786	1,142,321	1,181,423
Defined Contribution Plan	35,572	36,531	37,524	40,896
Social Security (FICA) Old Age, Sickness and Disability	284,687	282,422	246,884	251,706
Assessed Fringe Benefits Fund Assessment	161,927	154,562	163,841	166,606
Retiree Health Insurance	256,391	257,512	243,480	222,703
FICA: Medicare: Hospital Insurance Tax	-	-	60,144	61,159
Employer Cost of Employee Medical Insurance	567,587	517,944	560,283	595,843
Employer Cost of Employee Dental Insurance	27,227	27,660	26,687	31,761
Employer Cost of Employee Vision Insurance	4,272	4,216	4,174	4,819
Subtotal Fringe Benefits	\$ 2,380,169	\$ 2,309,633	\$ 2,509,547	\$ 2,581,525
Total Salary & Benefits	\$ 6,344,715	\$ 6,323,683	\$ 6,783,715	\$ 6,925,242
Purchased Services				
Disability Determination	\$ 293,550	\$ 273,484	\$ 350,000	\$ 310,000
Legal: Special Counsel	130,000	56,503	60,000	60,000
Legal Services : General/Other	370,000	256,415	405,000	380,000
Financial Services: Accounting/Auditing/Actuary	579,200	439,200	417,200	435,000
IT General Services	-	-	-	50,000
IT System Support	2,473,892	2,206,822	2,680,516	3,353,200
Stenographic Services	12,000	2,793	15,000	15,000
Computer User Licenses	-	-	19,500	18,000
Interpreters/Translators	-	-	-	2,000
Other Contracted Professional Services	200,000	174,819	150,000	100,000
5.5% Contractor Legislation	-	-	20,000	20,000
Temporary Services	-	-	345,000	345,000
Maintenance/Repairs: Office/Computer Equipment	47,500	18,971	47,500	72,500
Software Maintenance Agreements	-	-	-	-
Subtotal Other Contractual Services	\$ 4,106,142	\$ 3,429,007	\$ 4,509,716	\$ 5,160,700
Total Personnel & Purchased Services Costs	\$ 10,450,857	\$ 9,752,690	\$ 11,293,431	\$ 12,085,942
Operating Costs				
Postage and Postal Services	\$ 203,200	\$ 203,200	\$ 226,200	\$ 327,500
Telephone - Cellular and Mobile	5,000	2,261	5,000	20,000
Telephone and Telegraph Services	10,500	2,960	10,500	65,000
Telecomm: Telephone Charges	3,500	4,991	9,000	9,000
Subtotal Communication Expense	\$ 222,200	\$ 213,412	\$ 250,700	\$ 421,500
Office Supplies and Equipment (less than \$5000)	\$ 26,700	\$ 15,655	\$ 26,700	\$ 26,700
Dues and Fees	49,000	39,049	54,000	54,000
Records Storage/Retrieval Costs (Records Center Charges)	40,000	13,145	40,000	40,000
Express Delivery	4,000	383	4,000	4,000
Staff Training	33,000	3,137	33,000	33,000
Computer Supplies, Software and Equipment	37,500	35,530	247,500	50,500
Miscellaneous Expenses	132,500	110,235	75,000	50,000
Subtotal Office & Supply Expense	\$ 322,700	\$ 217,134	\$ 480,200	\$ 258,200
Printing - Outside Vendors	\$ 48,500	\$ 45,264	\$ 103,500	\$ 103,500
Print Advertising	10,900	1,391	10,900	10,900
Advertising	2,500	1,221	2,500	2,500
Subtotal Printing & Advertising	\$ 61,900	\$ 47,876	\$ 116,900	\$ 116,900
Mileage Allowance - Personally Owned Vehicles	\$ 3,399	\$ 2,237	\$ 3,399	\$ 3,399
Out-of-State: Lodging/Other	24,205	15,652	17,000	20,000
Out-of-State: Registrations	8,755	9,926	15,000	15,000
Out-of-State: Transportation	30,900	10,654	15,000	15,000
Subtotal Travel	\$ 67,259	\$ 38,469	\$ 50,399	\$ 53,399



State of Rhode Island
Fiscal 2022 - Expense Budget
Retirement - Administration & Investment

	Fiscal 2020 Budget	Fiscal 2020 Actual	Fiscal 2021 Budget	Fiscal 2022 Budget
Building Relating Maintenance and Repairs	\$ 5,305	\$ -	\$ 5,305	\$ 25,000
Rental/Lease: Property	263,391	98,570	175,000	175,000
Other Building and Grounds	124,800	-	-	-
Security Services	<u>88,750</u>	<u>21,124</u>	<u>88,750</u>	<u>88,750</u>
Subtotal Occupancy Costs	\$ 482,246	\$ 119,694	\$ 269,055	\$ 288,750
Non-Building Related Maintenance and Repairs & Other Equipment	\$ 4,250	\$ -	\$ 4,250	\$ 4,250
Furniture and Equipment	<u>10,000</u>	<u>-</u>	<u>10,000</u>	<u>10,000</u>
Subtotal Furniture, Fixtures & Equipment	\$ 14,250	\$ -	\$ 14,250	\$ 14,250
Insurance	\$ 97,300	\$ 71,516	\$ 130,000	\$ 95,000
Subscriptions	8,475	10,389	8,500	8,500
Fees: Notary Public	200	200	250	1,000
Food	<u>9,194</u>	<u>4,613</u>	<u>9,350</u>	<u>9,350</u>
Subtotal Other	\$ 115,169	\$ 86,718	\$ 148,100	\$ 113,850
Total Operating Expenses	\$ 1,285,724	\$ 723,303	\$ 1,329,604	\$ 1,266,849
Total Expenditures	\$ 11,736,581	\$ 10,475,993	\$ 12,623,035	\$ 13,352,791
<i>Budget to Actual Difference</i>		\$ 1,260,588		
<i>Prior Year Budget</i>			11,736,581	12,623,035
<i>Difference from Prior budget to Current Year Budget</i>			886,454	729,756
<i>Percent Difference</i>			7.55%	5.78%

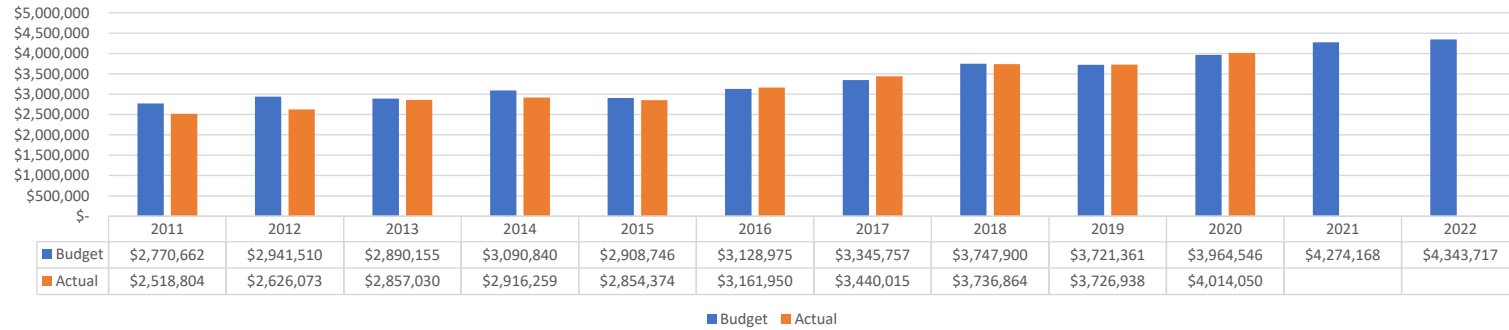




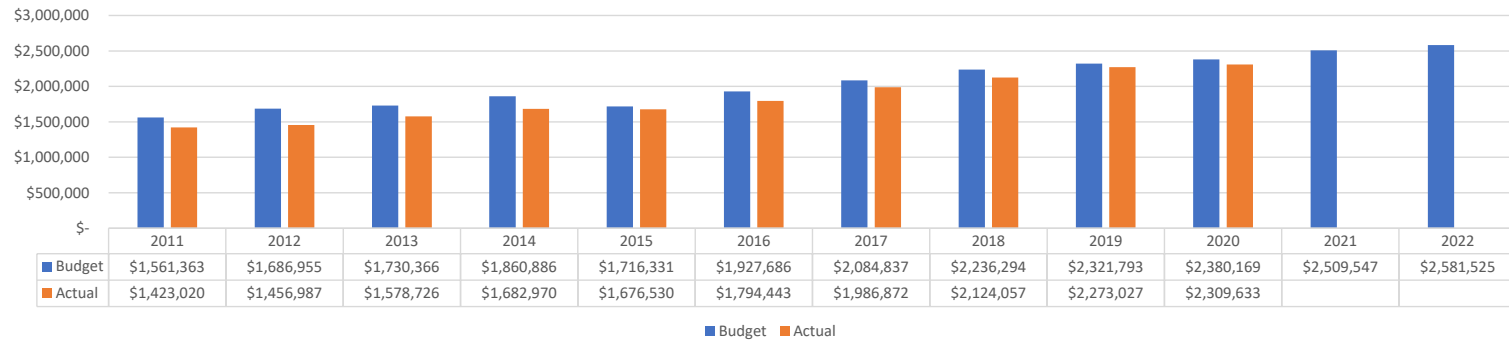
State of Rhode Island
 Fiscal 2022 - Expense Budget
 Retirement - Administration & Investment
 Investment Cap Determination

Fiscal Year Budget	Investment Value Years					Average Market Value	Budget Cap Per RIGL	Actual Expenditures	
	Year 1	Year 2	Year 3	Year 4	Year 5				
2016	2014 8,205,539,057	2013 7,530,855,629	2012 7,225,025,356	2011 7,440,116,914	2010 6,512,473,974	7,382,802,186	2016 \$ 12,919,904	9,059,263	
2017	2015 7,968,194,309	2014 8,205,539,057	2013 7,530,855,629	2012 7,225,025,356	2011 7,440,116,914	7,673,946,253	2017 \$ 13,429,406	10,196,072	
2018	2016 7,525,307,707	2015 7,968,194,309	2014 8,205,539,057	2013 7,530,855,629	2012 7,225,025,356	7,690,984,412	2018 \$ 13,459,223	9,219,395	
2019	2017 8,066,357,568	2016 7,525,307,707	2015 7,968,194,309	2014 8,205,539,057	2013 7,530,855,629	7,859,250,854	2019 \$ 13,753,689	9,548,498	Enacted FY19 Budget 11,243,784
2020	2018 8,330,458,299	2017 8,066,357,568	2016 7,525,307,707	2015 7,968,194,309	2014 8,205,539,057	8,019,171,388	2020 \$ 14,033,550	10,475,997	Enacted FY20 Budget 11,736,581
2021	2019 8,511,351,628	2018 8,330,458,299	2017 8,066,357,568	2016 7,525,307,707	2015 7,968,194,309	8,080,333,902	2021 \$ 14,140,584		Board Approved FY21 Budget 12,623,035
2022 FY20 Est.	2020 8,461,974,513	2019 8,511,351,628	2018 8,330,458,299	2017 8,066,357,568	2016 7,525,307,707	8,108,368,801	2021 \$ 14,189,645		FY22 Proposed Budget 13,352,791

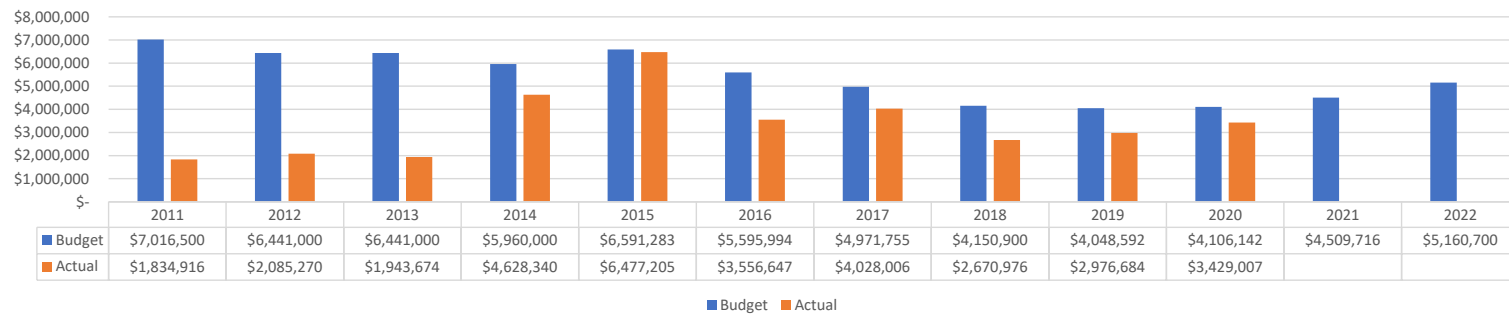
Salaries & Wages



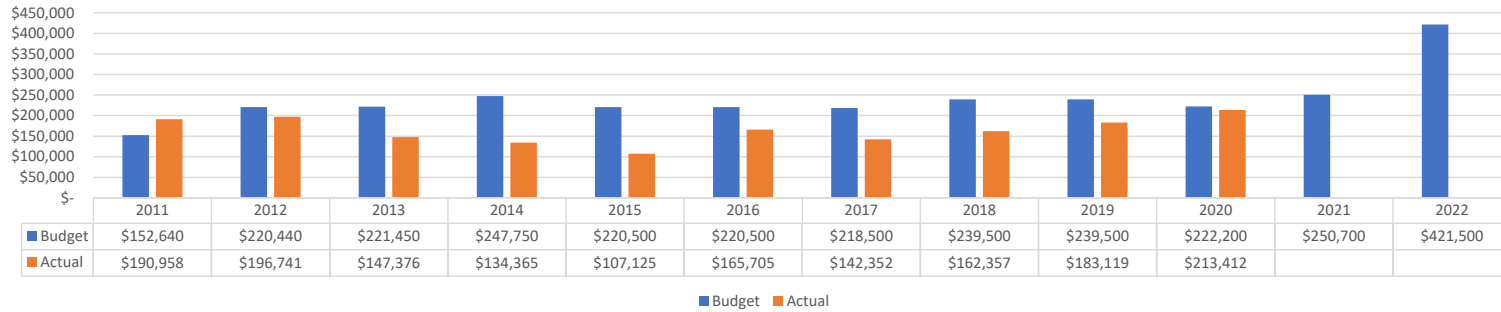
Benefits



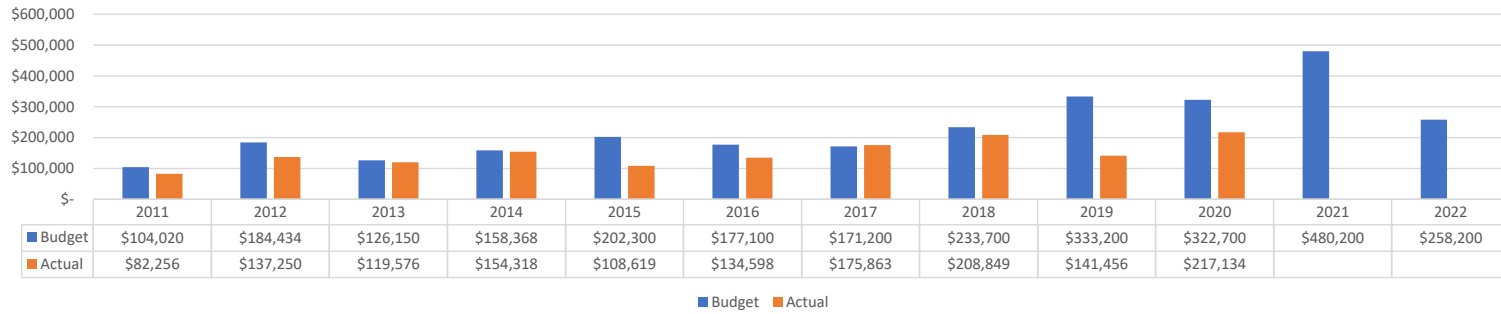
Contracted Services



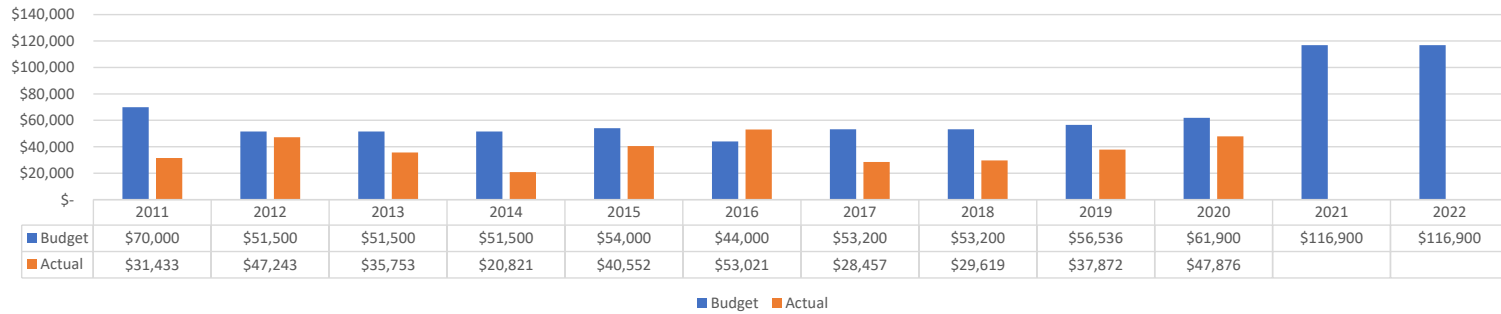
Communications Expense



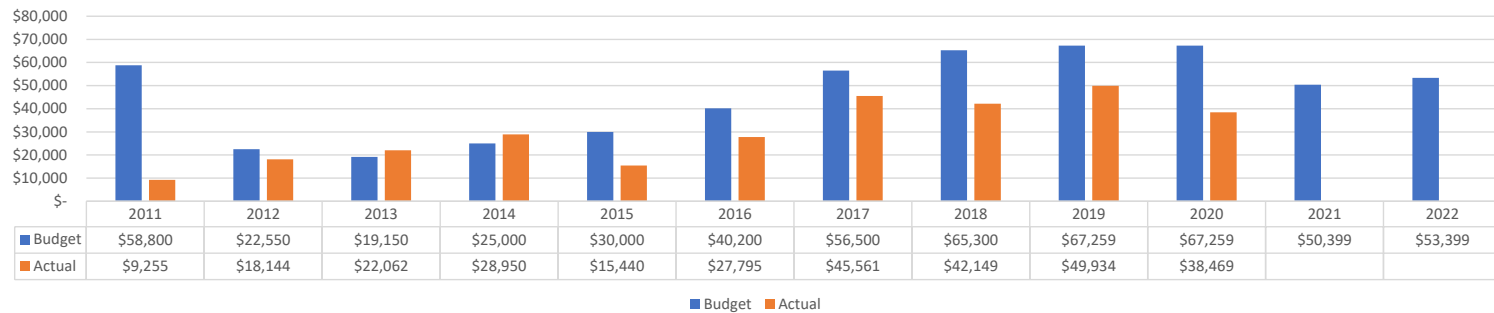
Office & Supplies Expense



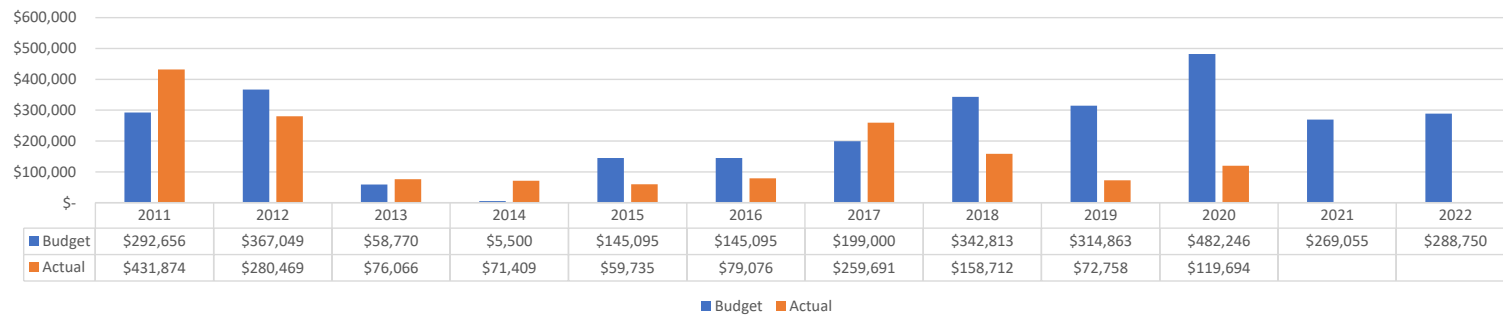
Printing & Advertising Expense



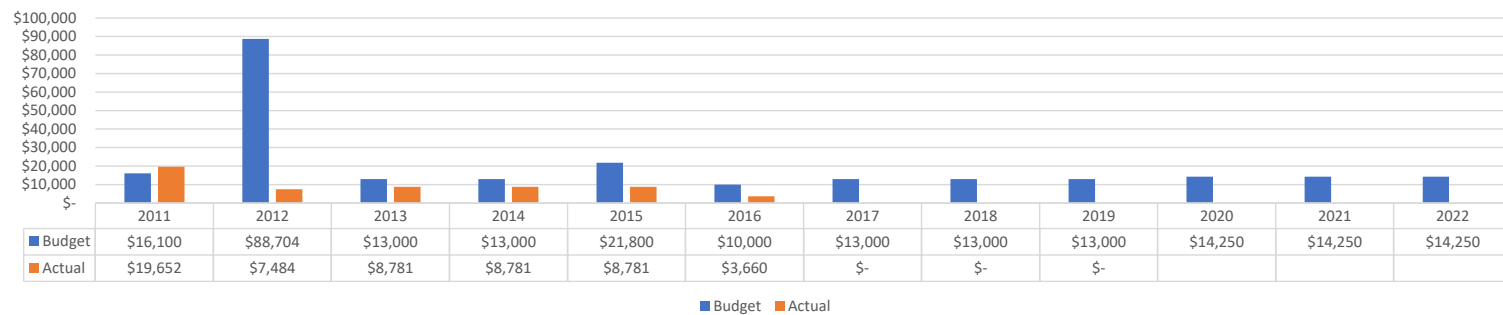
Travel Expense

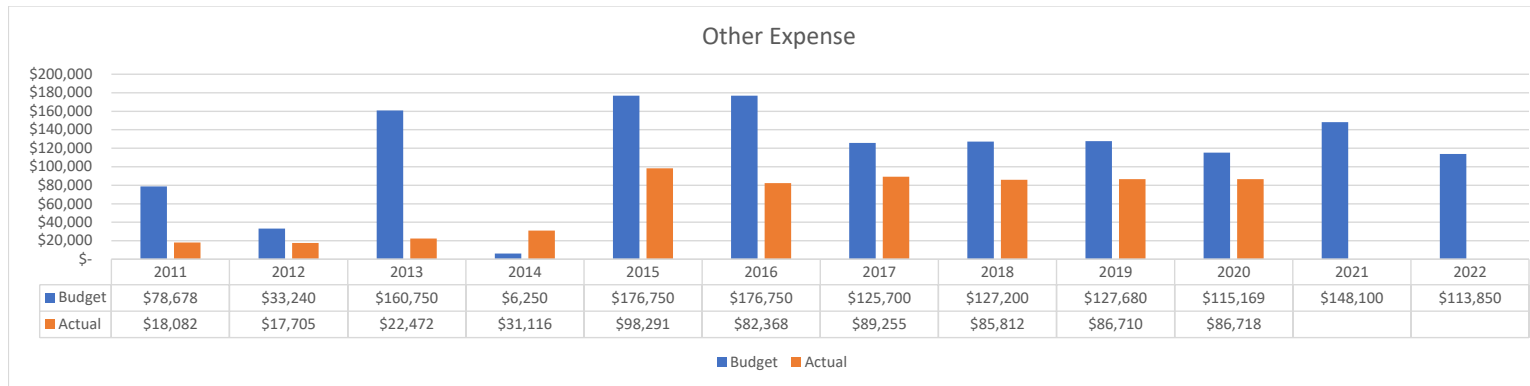


Occupancy Expense

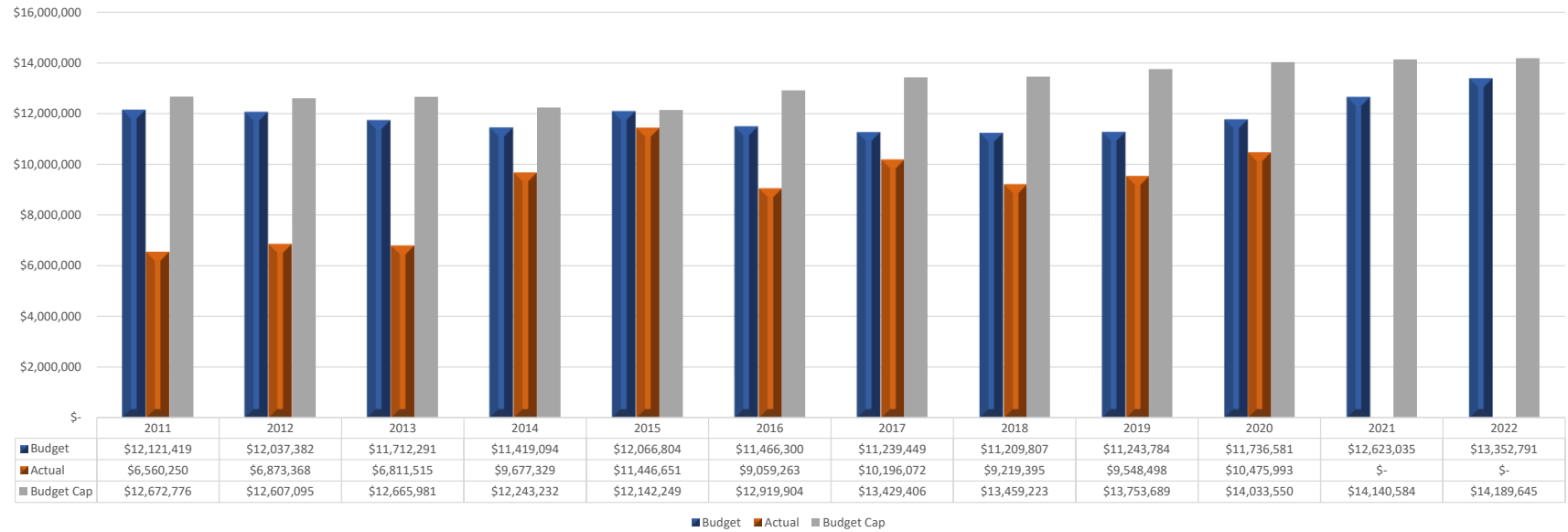


Furniture, Fixtures, & Equipment Expense





Budget vs. Actual vs. Cap



ERSRI Personnel Supplement FY 2022

Title	Grade	FTE	FY2022 Salary
RETIREMENT #1960101			
EXECUTIVE DIRECTOR (RETIREMENT SYSTEM)	08547A	1.00	\$ 174,968
CHIEF FINANCIAL OFFICER (TREASURY RETIREMENT)	08542A	1.00	142,909
DEPUTY LEGAL COUNSEL (TREASURY RETIREMENT)	08539A	1.00	127,714
DEPUTY DIRECTOR	08542A	1.00	126,461
INVESTMENT ACCOUNTING MANAGER (TREASURY RETIREMENT)	08538A	1.00	121,808
CONTROLLER (TREASURY RETIREMENT)	08538A	1.00	105,920
DIRECTOR OF MEMBER SERVICES (TREASURY RETIREMENT)	08536A	1.00	97,927
DIRECTORY RETIREMENT SAVINGS PLANS	08536A	1.00	97,428
BUSINESS ANALYST II (TREASURY/RETIREMENT)	08533A	1.00	87,677
CUSTOMER EXPERIENCE MANAGER	08531A	1.00	81,392
DISABILITY PENSION MANAGER	08531A	1.00	81,392
ACCOUNTING MANAGER	08531A	1.00	81,392
SPECIAL PROJECTS MANAGER	08531A	1.00	81,392
SENIOR ADMINISTRATIVE ASSISTANT (TREASURY)	00327A	1.00	80,828
SENIOR ADMINISTRATIVE ASSISTANT (TREASURY)	00327A	1.00	79,109
LEGAL COUNSEL	08530A	1.00	78,248
SENIOR ADMINISTRATIVE ASSISTANT (TREASURY)	00327A	1.00	75,669
ADMINISTRATIVE ASSISTANT	00325A	1.00	70,093
DATA ANALYST (TREASURY RETIREMENT)	00328A	1.00	69,624
PRINCIPAL ACCOUNTANT	00326A	1.00	69,522
SENIOR ADMINISTRATIVE ASSISTANT (TREASURY)	00327A	1.00	68,790
ADMINISTRATIVE ASSISTANT (TREASURY RETIREMENT)	00325A	1.00	63,722
ADMINISTRATIVE ASSISTANT (TREASURY RETIREMENT)	00325A	1.00	63,722
ADMINISTRATIVE ASSISTANT (TREASURY RETIREMENT)	00325A	1.00	63,722
SENIOR ACCOUNTANT (TREASURY/RETIREMENT)	00325A	1.00	63,722
ADMINISTRATIVE ASSISTANT (TREASURY RETIREMENT)	00323A	1.00	61,915
WAGE & CONTRIBUTION ANALYST (TREASURY RETIREMENT)	00324A	1.00	61,245
SENIOR ADMINISTRATIVE AIDE (TREASURY/RETIREMENT)	00317A	1.00	56,117
IMAGING TECNICIAN	00315A	1.00	53,911
ADMINISTRATIVE AIDE	00316A	1.00	51,039
MEMBER SERVICES REPRESENTATIVE (TREASURY RETIREMENT)	00318A	1.00	50,869
RETIREMENT AIDE (TREASURY)	00316A	1.00	49,261
ADMINISTRATIVE AIDE	00316A	1.00	48,719
ADMINISTRATIVE AIDE	00316A	1.00	48,719
SENIOR ADMINISTRATIVE AIDE (TREASURY/RETIREMENT)	00317A	1.00	47,759
RETIREMENT AIDE (TREASURY)	00316A	1.00	46,399
ADMINISTRATIVE AIDE (TREASURY/RETIREMENT)	08513A	1.00	42,737
Subtotal - Retirement personnel and salaries		37.00	\$ 2,873,841
INVESTMENTS #1960102			
CHIEF INVESTMENT OFFICER (TREASURY)	08561A	1.00	272,286
DIRECTOR OF PRIVATE ASSETS	08544A	1.00	136,736
SENIOR INVESTMENT STRATEGIST	08539A	1.00	111,056
INVESTMENT ANALYST (TREASURY)	08530A	1.00	78,248
INVESTMENT ANALYST (TREASURY)	08530A	1.00	74,866
Subtotal - Investment personnel and salaries		5.00	\$ 673,192
GRAND TOTAL FOR ERSRI PERSONNEL AND SALARIES		42.00	\$ 3,547,033

Employees' Retirement System of Rhode Island



Administration, Audit, Risk & Compliance Subcommittee Recommendation on FY 2022 Budget

For Discussion and Recommendation to the Full
Board

Presented by Thomas Mullaney

Employees' Retirement System of Rhode Island



6. Approval of the July and August Pensions as Presented by ERSRI

For Vote

Presented by Treasurer Seth Magaziner

JULY 2020 NEW RETIREE REPORT

NAME	RTMT TYPE	RTMT OPTION	RETIREMENT DATE	PLAN CODE	PLAN	EMPLOYER	AGE	MONTHLY PENSION	ANNUAL PENSION	CREDITED SERVICE
GERVAIS, EDWARD	Service	Option1	05/30/20	ERS	Correctional Officer	DOC	69	\$ 4,867.50	\$ 58,410.00	39.69
OCTEAU, STEPHEN	Service	Option2	06/13/20	ERS	Correctional Officer	DOC	57	\$ 3,955.61	\$ 47,467.32	32.83
AKANUI, THOMPSON	Service	Option2	05/31/20	ERS	State Employee	DOT	66	\$ 2,434.07	\$ 29,208.84	26.87
CANAVAN, MARTIN	Service	SRA	05/01/20	ERS	State Employee	DOT	62	\$ 1,145.67	\$ 13,748.04	15.64
CARBONE, CHRISTINE	Service	SRA	06/27/20	ERS	State Employee	JUDICIARY	60	\$ 4,672.29	\$ 56,067.48	34.00
CRETE JR, NORMAND	Service	SRA	04/26/20	ERS	State Employee	DOT	64	\$ 3,701.89	\$ 44,422.68	32.35
D'AREZZO, LAWRENCE	Service	SRA	09/01/19	ERS	State Employee	DCYF	63	\$ 411.87	\$ 4,942.44	12.35
DIAS, LORI	Service	SRAP	05/26/20	ERS	State Employee	JUDICIARY	60	\$ 4,626.87	\$ 55,522.44	29.90
ENG, JAMES	Service	Option1	06/30/20	ERS	State Employee	DOT	66	\$ 587.60	\$ 7,051.20	6.60
ENRIGHT, DONNA	Service	SRA	05/30/20	ERS	State Employee	DCYF	61	\$ 5,916.76	\$ 71,001.12	36.00
FEENEY, PETER	Disability	SRA	09/01/19	ERS	State Employee	DCYF	53	\$ 2,842.45	\$ 29,789.40	0.31
FIELDS III, WILLIAM	Service	Option1	05/30/20	ERS	State Employee	JUDICIARY	76	\$ 1,466.89	\$ 17,602.68	18.00
FOX, JUDITH	Service	Option1	05/02/20	ERS	State Employee	BHDDH	69	\$ 3,904.23	\$ 46,850.76	33.51
FUGATE, GROVER	Service	Option1	05/30/20	ERS	State Employee	Coastal Resource Mgt Council	66	\$ 8,171.41	\$ 98,056.92	34.31
GAGNE, NORMAN	Service	Option1	06/30/20	ERS	State Employee	URI	78	\$ 2,103.73	\$ 25,244.76	31.58
GASCHEN, FRANCIS	Service	SRA	06/07/20	ERS	State Employee	Commission for Human Rights	69	\$ 5,442.77	\$ 65,313.24	35.40
GREENE, EMILY	Service	Option1	05/30/20	ERS	State Employee	URI	59	\$ 2,400.37	\$ 28,804.44	32.33
GWALTNEY, JOANN	Service	SRA	03/01/20	ERS	State Employee	DMV	64	\$ 3,258.51	\$ 39,102.12	35.73
HARTE, DEBORAH	Service	SRA	06/11/20	ERS	State Employee	URI	66	\$ 451.94	\$ 5,423.28	11.55
JOYCE, WILLIAM	Service	Option2	05/30/20	ERS	State Employee	URI	65	\$ 1,146.80	\$ 13,761.60	20.78
KIM, HYUN	Service	Option1	05/30/20	ERS	State Employee	DOH	67	\$ 2,053.60	\$ 24,643.20	21.34
KLUS JR, FRANK	Service	Option1	06/03/20	ERS	State Employee	CCRI	66	\$ 1,142.90	\$ 13,714.80	22.68
LEMIEUX, NORMAN	Service	Option1	05/30/20	ERS	State Employee	DOR	70	\$ 1,843.59	\$ 22,123.08	26.22
LYTLE, STEPHEN	Service	Option1	06/09/20	ERS	State Employee	DPS	65	\$ 1,415.13	\$ 16,981.56	20.53
MARTINELLI, DIGNA	Service	Option2	05/30/20	ERS	State Employee	DCYF	64	\$ 4,205.06	\$ 50,460.72	29.39
MCCRILLIS, NANCY	Service	Option1	05/27/20	ERS	State Employee	DHS	65	\$ 2,510.56	\$ 30,126.72	31.85
MEDICI JR, THOMAS	Service	SRA	05/31/20	ERS	State Employee	BHDDH	67	\$ 220.26	\$ 2,643.12	7.21
MILLER, ROBIN	Service	SRA	06/01/20	ERS	State Employee	DOR	66	\$ 2,216.85	\$ 26,602.20	30.47
MOFFAT, BRUCE	Service	Option1	05/30/20	ERS	State Employee	DCYF	65	\$ 2,331.00	\$ 27,972.00	27.32
MOREIN, CRYSTAL	Service	Option1	04/01/20	ERS	State Employee	DHS	59	\$ 2,631.78	\$ 31,581.36	32.00
MOSUNIC, WILLIAM	Service	Option1	05/30/20	ERS	State Employee	Coastal Resource Mgt Council	74	\$ 3,757.14	\$ 45,085.68	41.75
PERLMAN, STUART	Service	SRA	07/01/20	ERS	State Employee	URI	78	\$ 591.10	\$ 7,093.20	13.91
PORRAZZO, CLAUDIA	Service	SRA	05/30/20	ERS	State Employee	JUDICIARY	65	\$ 3,368.83	\$ 40,425.96	32.32
PYSZ, PAUL	Service	Option1	06/28/20	ERS	State Employee	DOA	69	\$ 7,606.74	\$ 91,280.88	45.04
QUIRK, ROBERT	Service	Option1	05/30/20	ERS	State Employee	JUDICIARY	68	\$ 1,113.24	\$ 13,358.88	19.38
SCHNEIDER, ELEANOR	Service	SRA	05/01/20	ERS	State Employee	ESH	70	\$ 1,751.25	\$ 21,015.00	28.33
SHEA, ROBERT	Service	SRA	05/26/20	ERS	State Employee	BHDDH	66	\$ 2,381.23	\$ 28,574.76	32.62
SKALING, NANCY	Service	Option1	01/26/20	ERS	State Employee	URI	65	\$ 633.06	\$ 7,596.72	16.01
SPECTOR, PAULA	Service	SRA	05/02/20	ERS	State Employee	DOR	74	\$ 466.53	\$ 5,598.36	11.56
VICTORIA, ROSEMARIE	Service	SRA	05/30/20	ERS	State Employee	DHS	75	\$ 4,411.56	\$ 52,938.72	47.16
YOUNKIN, RICHARD	Service	Option2	02/17/20	ERS	State Employee	DEM	70	\$ 3,302.34	\$ 39,628.08	30.36
ACHIN, COLLEEN	Service	Option1	06/08/20	ERS	Teacher	North Providence School Dept.	66	\$ 338.43	\$ 4,061.16	7.75
ALGER, SUSAN	Service	SRA	07/01/20	ERS	Teacher	Warwick School Dept.	61	\$ 4,000.61	\$ 48,007.32	31.50
AUGENSTEIN, LISA	Service	SRA	07/01/20	ERS	Teacher	Warwick School Dept.	64	\$ 3,912.13	\$ 46,945.56	30.50
AUGERI, SALVATORE	Service	Option2	07/01/20	ERS	Teacher	Chariho Regional School Dist.	59	\$ 4,725.81	\$ 56,709.72	34.00
BALOG, ROBERT	Service	Option2	07/01/20	ERS	Teacher	Warwick School Dept.	66	\$ 2,113.76	\$ 25,365.12	22.25
BEEBE, KATHLEEN	Service	SRA	07/01/20	ERS	Teacher	Portsmouth School Dept.	63	\$ 3,941.51	\$ 47,298.12	30.00
BELL, KRISTINE	Service	Option2	07/01/20	ERS	Teacher	South Kingstown School Dept.	60	\$ 4,347.70	\$ 52,172.40	32.00
BENTLEY, WENDY	Service	Option1	07/01/20	ERS	Teacher	Warwick School Dept.	69	\$ 2,723.41	\$ 32,680.92	27.00
BILODEAU, DENISE	Service	SRA	07/01/20	ERS	Teacher	Warwick School Dept.	66	\$ 4,191.81	\$ 50,301.72	28.50
BISSONETTE, DEIDRE	Service	SRA	07/01/20	ERS	Teacher	Warwick School Dept.	69	\$ 3,031.56	\$ 36,378.72	27.00
BLACKLEDGE, BARBARA	Service	SRA	07/01/20	ERS	Teacher	Warwick School Dept.	64	\$ 3,922.69	\$ 47,072.28	31.50
BOUCHER, LOUISE	Service	SRA	07/01/20	ERS	Teacher	Burrillville School Dept.	69	\$ 2,134.53	\$ 25,614.36	23.00
BOWEN, BERNADETTE	Service	SRA	07/01/20	ERS	Teacher	Cranston School Dept.	67	\$ 2,699.19	\$ 32,390.28	25.25
CASALINO, KATHLEEN	Disability	SRA	01/16/20	ERS	Teacher	Providence Long Term Subs	59	\$ 4,579.50	\$ 54,954.00	13.71
CHOINIERE, DEBRA	Service	Option2	07/01/20	ERS	Teacher	Narragansett School Dept.	61	\$ 3,722.79	\$ 44,673.48	31.15
COBB, GRETHE	Service	SRA	07/07/20	ERS	Teacher	Barrington Public Schools	65	\$ 5,028.47	\$ 33,403.44	24.75
CONGDON, JEANNE	Service	SRA	07/01/20	ERS	Teacher	South Kingstown School Dept.	59	\$ 4,218.42	\$ 50,621.04	32.00
CORWIN, MARIA	Service	SRA	07/01/20	ERS	Teacher	Cranston School Dept.	62	\$ 3,818.24	\$ 45,818.88	31.00
CUNNINGHAM, LINDA	Service	SRA	07/01/20	ERS	Teacher	Warwick School Dept.	69	\$ 5,995.57	\$ 71,946.84	41.25
CURRY, ANN MARIE	Service	Option1	07/01/20	ERS	Teacher	Northern Rhode Island Collaborative	62	\$ 3,405.99	\$ 40,871.88	32.00

JULY 2020 NEW RETIREE REPORT

NAME	RTMT TYPE	RTMT OPTION	RETIREMENT DATE	PLAN CODE	PLAN	EMPLOYER	AGE	MONTHLY PENSION	ANNUAL PENSION	CREDITED SERVICE
DALEY, TEREZ	Disability	Option2	10/06/19	ERS	Teacher	Pawtucket School Dept.	57	\$ 4,258.79	\$ 51,105.48	34.12
DAVIS-SCHENCK, LAVONNE	Service	Option1	07/01/20	ERS	Teacher	Cumberland School Dept.	60	\$ 1,985.98	\$ 23,831.76	25.50
DILLON, JAMES	Service	Option1	07/01/20	ERS	Teacher	Cranston School Dept.	65	\$ 4,268.66	\$ 51,223.92	28.00
DOWDING, CHRISTINE	Service	Option1	07/01/20	ERS	Teacher	Warwick School Dept.	64	\$ 3,534.67	\$ 42,416.04	30.00
DUHAMEL, BONNIE	Service	SRA	07/01/20	ERS	Teacher	Johnston School Dept.	69	\$ 3,351.26	\$ 40,215.12	29.00
EMERSON, SUSAN	Service	Option2	07/01/20	ERS	Teacher	West Warwick School Dept.	65	\$ 3,611.49	\$ 43,337.88	30.00
FAGAN, KATHLEEN	Service	SRA	07/01/20	ERS	Teacher	Warwick School Dept.	60	\$ 4,840.20	\$ 58,082.45	35.00
FISHBACK, DONNA	Service	SRA	06/24/20	ERS	Teacher	North Providence School Dept.	65	\$ 2,311.94	\$ 27,743.22	22.78
FURTADO, BARBARA	Service	SRA	07/01/20	ERS	Teacher	Smithfield School Dept.	64	\$ 2,802.05	\$ 33,624.60	26.00
GALLAGHER, PATTI	Service	SRA	07/01/20	ERS	Teacher	Westerly School Dept.	66	\$ 2,130.08	\$ 25,560.96	21.00
GARR, JEANNE	Service	SRA	07/01/20	ERS	Teacher	Chariho Regional School Dist.	65	\$ 2,235.30	\$ 26,823.60	22.00
GIARRUSSO, PATRICIA	Service	SRA	07/01/20	ERS	Teacher	South Kingstown School Dept.	67	\$ 1,692.06	\$ 20,304.73	16.82
HOSTETLER, MARILYN	Service	SRA	07/01/20	ERS	Teacher	Jamestown School Dept.	65	\$ 4,074.01	\$ 48,888.12	32.00
JOSEPHS, CHARLOTTE	Service	SRA	07/01/20	ERS	Teacher	Bristol Warren Reg. School Dist.	72	\$ 4,953.81	\$ 59,445.72	32.00
KEOHANE, MONIQUE	Service	SRA	07/01/20	ERS	Teacher	Warwick School Dept.	69	\$ 2,376.35	\$ 28,516.20	23.75
LABONTE, CELESTE	Service	SRAP	07/01/20	ERS	Teacher	Barrington Public Schools	60	\$ 5,610.55	\$ 67,326.60	29.98
LARKIN, DEBRA	Service	Option2	07/01/20	ERS	Teacher	Exeter/West Greenwich Reg. Schools	65	\$ 2,894.41	\$ 34,732.92	26.50
LARNED, LYNN	Service	Option1	07/01/20	ERS	Teacher	Chariho Regional School Dist.	65	\$ 2,620.93	\$ 31,451.16	26.25
LESHIN, ROBIN	Service	SRA	07/01/20	ERS	Teacher	North Kingstown School Dept.	67	\$ 1,088.81	\$ 13,065.72	13.00
LILLEY, MICHAELINE	Service	Option1	07/01/20	ERS	Teacher	South Kingstown School Dept.	59	\$ 3,747.49	\$ 44,969.88	31.75
MALLOZZI, JOANN	Service	SRA	07/01/20	ERS	Teacher	East Greenwich School Dept.	64	\$ 1,987.50	\$ 23,850.00	21.52
MESOLELLO, JANICE	Service	Option1	07/01/20	ERS	Teacher	Johnston School Dept.	69	\$ 3,813.70	\$ 45,764.40	33.00
MEYER, HOLLY	Service	SRA	07/01/20	ERS	Teacher	Cranston School Dept.	62	\$ 3,059.12	\$ 36,709.44	27.00
MIKAELIAN, GINA	Service	Option1	07/01/20	ERS	Teacher	Westerly School Dept.	62	\$ 1,432.61	\$ 17,191.29	22.00
O'LEARY, KATHLEEN	Service	Option1	07/01/20	ERS	Teacher	Warwick School Dept.	64	\$ 2,598.12	\$ 31,177.44	26.00
PICKERING, STEVEN	Service	Option2	07/01/20	ERS	Teacher	Burrillville School Dept.	59	\$ 4,502.08	\$ 54,024.96	36.50
QUIGLEY, MARCIA	Service	Option1	07/01/20	ERS	Teacher	Cranston School Dept.	66	\$ 3,340.05	\$ 40,080.60	30.00
QUINN, CATHERINE	Service	SRA	07/01/20	ERS	Teacher	Warwick School Dept.	59	\$ 4,877.32	\$ 58,527.84	34.95
ROBBINS, JANE	Service	SRA	07/01/20	ERS	Teacher	North Kingstown School Dept.	65	\$ 2,391.23	\$ 28,694.71	22.53
SEDDON, DEBRA	Service	SRA	07/01/20	ERS	Teacher	Portsmouth School Dept.	65	\$ 2,199.89	\$ 26,398.68	22.45
STABILE, MAUREEN	Service	SRA	07/01/20	ERS	Teacher	Warwick School Dept.	61	\$ 4,022.05	\$ 48,264.60	31.00
SUKASKAS, HARRIET	Service	SRA	07/01/20	ERS	Teacher	Johnston School Dept.	65	\$ 3,941.03	\$ 47,292.36	31.84
TRETTON, JEANNE	Service	SRA	07/01/20	ERS	Teacher	Pawtucket School Dept.	65	\$ 3,779.26	\$ 45,351.12	31.00
VOIT, MARGARET	Service	Option2	07/01/20	ERS	Teacher	Woonsocket School Dept.	66	\$ 1,559.41	\$ 18,712.92	19.00
WAHL, NANCY	Service	SRA	07/01/20	ERS	Teacher	Warwick School Dept.	62	\$ 5,977.79	\$ 71,733.48	40.00
ZARTARIAN, BEVERLY	Service	Option2	07/01/20	ERS	Teacher	Warwick School Dept.	65	\$ 4,687.57	\$ 56,250.84	35.00
QUIRK, MADELINE	Service	SRA	07/01/20	JRBT	Judicial	JUDICIARY	66	\$ 15,561.18	\$ 186,734.16	22.12
CRUDALE, ROBERT	Service	Option1	06/12/20	MERS	General Municipal	City of Cranston	67	\$ 2,298.04	\$ 27,576.48	30.31
CURRY, CELESTE	Service	Option1	07/01/20	MERS	General Municipal	Johnston School Dept. (NC)	61	\$ 685.60	\$ 8,227.20	20.03
FOISY, LINDA	Disability	Option2	05/31/20	MERS	General Municipal	Woonsocket School Dept. (NC)	62	\$ 1,335.75	\$ 16,029.00	22.79
HOFFMANN, ILENE	Service	Option1	07/01/20	MERS	General Municipal	EAST GREENWICH-COLA-NC	73	\$ 815.90	\$ 9,790.80	26.34
KOLATOR, DARYL	Service	Option2	05/30/20	MERS	General Municipal	City of Newport	67	\$ 1,221.44	\$ 14,657.28	15.04
LEMONDE, ROLAND	Service	Option1	07/01/20	MERS	General Municipal	Cranston School Dept. (NC)	61	\$ 2,011.28	\$ 24,135.36	26.08
LINDSAY, LUCILLE	Service	SRA	05/01/20	MERS	General Municipal	South Kingstown School Dept. (NC)	65	\$ 657.06	\$ 7,884.72	19.52
MERLET, JEANNE	Service	SRA	06/16/20	MERS	General Municipal	City of Woonsocket	79	\$ 2,048.71	\$ 24,584.52	44.29
RABIDEAU, JAYNE	Service	SRA	01/01/20	MERS	General Municipal	Northern Rhode Island Collaborative (NC)	61	\$ 795.97	\$ 9,551.64	13.78
RICHARD, DONALD	Service	SRA	06/06/20	MERS	General Municipal	City of Pawtucket	67	\$ 1,592.09	\$ 19,105.10	22.39
YARNALL, PATRICIA	Service	SRA	07/01/20	MERS	General Municipal	South Kingstown School Dept. (NC)	65	\$ 366.99	\$ 4,403.88	18.00
PAQUETTE, ROGER	Service	SRA	04/25/20	MERS	Police and Fire	Lincoln Rescue	57	\$ 3,145.80	\$ 37,749.60	31.46
YOUNG, THOMAS	Service	Option1	03/21/20	MERS	Police and Fire	North Kingstown Fire Dept.	60	\$ 4,033.70	\$ 48,404.40	32.01

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BOULTON, J STEPHEN	Disability	Option1	07/21/20	ERS	Correctional Officer	DOC	50	\$ 3,920.15	\$ 47,041.80	23.47
INDEGLIA, GILBERT	Service	SRA	07/01/20	ERS	Judicial	Supreme Court	78	\$ 18,942.40	\$ 227,308.80	31.00
INDEGLIA, GILBERT	Service	SRA	07/01/20	ERS	State	Legislative	78	\$ 450.00	\$ 5,400.00	9.00
ALLEN, BARBARA	Service	SRA	06/27/20	ERS	State Employee	Judiciary	67	\$ 1,516.30	\$ 18,195.60	21.81
AUBIN, GERALD	Service	Option1	07/15/20	ERS	State Employee	Lottery	66	\$ 4,066.41	\$ 48,796.92	24.68
BRANCH, DAWN	Disability	Option1	06/06/20	ERS	State Employee	Judiciary	57	\$ 3,454.55	\$ 41,454.60	32.24
BURNS, DIANN	Service	SRA	05/01/20	ERS	State Employee	Davies	66	\$ 1,636.73	\$ 19,640.76	27.01
CASWELL, CAROLINE	Service	SRA	06/21/20	ERS	State Employee	RIC	54	\$ 3,070.39	\$ 36,844.68	29.72
CONATY, CAROL ANN	Service	SRA	05/01/20	ERS	State Employee	BHDDH	76	\$ 2,668.35	\$ 32,020.20	33.53
CONWAY JR., JOSEPH	Disability	SRA	03/21/20	ERS	State Employee	Veterans Home	63	\$ 455.97	\$ 5,471.64	10.81
DELEO, SUSAN	Service	SRA	07/01/20	ERS	State Employee	DPS	71	\$ 3,398.23	\$ 40,778.76	33.55
DI TOMASSO, KAREN	Service	Option1	06/27/20	ERS	State Employee	RIC	65	\$ 848.81	\$ 10,185.72	20.91
DIORIO, KAREN	Service	SRA	06/27/20	ERS	State Employee	DOA	59	\$ 5,309.71	\$ 63,716.52	35.97
FRANCIS, PATRICIA	Service	SRA	07/01/20	ERS	State Employee	DCYF	65	\$ 1,882.29	\$ 22,587.48	24.00
GELSOMINO, WILLIAM	Service	Option1	07/01/20	ERS	State Employee	DOC	66	\$ 1,474.32	\$ 17,691.84	18.71
HOWARD, MARTHA	Service	SRA	07/01/20	ERS	State Employee	Veterans Home	67	\$ 924.57	\$ 11,094.84	18.61
JOTIE, JASON	Disability	SRA	08/02/20	ERS	State Employee	DPS	58	\$ 3,001.08	\$ 36,012.96	20.24
KENNY, RHONDA	Service	Option1	06/30/20	ERS	State Employee	URI	57	\$ 1,311.79	\$ 15,741.48	28.63
MARGOLIS, BARBARA	Service	SRA	04/25/20	ERS	State Employee	Judiciary	64	\$ 3,624.34	\$ 43,492.08	25.09
MAZZUCHELLI, LOUIS	Service	Option2	07/19/20	ERS	State Employee	DOT	70	\$ 457.12	\$ 5,485.44	11.00
MC ELROY, LINDA	Service	SRA	06/01/20	ERS	State Employee	Legislative Services	66	\$ 1,723.81	\$ 20,685.72	27.40
MCKENNA, ROBERT	Service	Option2	06/27/20	ERS	State Employee	Attorney General	67	\$ 1,434.14	\$ 17,209.68	17.48
MCLOUGHLIN, LINDA	Service	SRA	06/01/20	ERS	State Employee	RIC	65	\$ 916.08	\$ 10,992.96	18.07
MENDES, NANCY	Service	SRA	06/21/20	ERS	State Employee	CCRI	62	\$ 2,402.17	\$ 28,826.04	35.25
MURPHY, ANNMARIE	Service	SRA	06/27/20	ERS	State Employee	DHS	59	\$ 3,197.89	\$ 38,374.68	32.26
OCONELL, CELESTE	Service	SRA	07/01/20	ERS	State Employee	DOC	66	\$ 1,499.82	\$ 17,997.84	22.83
OUELLETTE, JEANNE	Service	Option1	06/28/20	ERS	State Employee	BHDDH	62	\$ 3,827.60	\$ 45,931.20	33.52
OUELLETTE, RUSSELL	Service	SRA	07/01/20	ERS	State Employee	DCYF	69	\$ 1,307.04	\$ 15,684.48	22.14
PARENTEAU, GERARD	Service	SRAP	06/06/20	ERS	State Employee	BHDDH	60	\$ 3,372.28	\$ 40,467.36	29.45
PEREIRA, SANDRA	Service	SRAP	07/01/20	ERS	State Employee	DOA	61	\$ 4,281.76	\$ 51,381.12	30.24
RANDALL, JARED	Service	Option1	06/27/20	ERS	State Employee	Attorney General's Office	70	\$ 189.15	\$ 2,269.80	5.42
SARASIN, DONALD	Service	Option1	07/01/20	ERS	State Employee	Judiciary	67	\$ 1,264.22	\$ 15,170.64	20.75
SHELDON, DEBRA	Service	SRA	06/27/20	ERS	State Employee	URI	63	\$ 4,132.24	\$ 49,586.88	39.19
WEEKLEY, NANCY	Service	SRA	06/30/20	ERS	State Employee	URI	61	\$ 3,682.68	\$ 44,192.16	39.52
WIGHT, JEFFREY	Service	Option2	05/01/20	ERS	State Employee	DHS	67	\$ 712.73	\$ 8,552.76	13.74
ZOGLIO, REGINA	Service	SRA	07/01/20	ERS	State Employee	DOR	66	\$ 995.26	\$ 11,943.12	20.08
AMARAL, ELAINE PIERCE	Service	SRA	07/01/20	ERS	Teacher	Portsmouth School Dept.	62	\$ 1,919.97	\$ 23,039.64	24.25
ASSELIN, MARK	Service	Option1	07/01/20	ERS	Teacher	Cranston School Dept.	60	\$ 4,498.99	\$ 53,987.88	35.00
BERLINGER, LOU-ANN	Service	SRA	07/26/20	ERS	Teacher	Cumberland School Dept.	66	\$ 689.06	\$ 8,268.72	10.00
BIANCHI, ANN	Service	Option1	07/01/20	ERS	Teacher	South Kingstown School Dept.	59	\$ 2,737.03	\$ 32,844.36	29.00
BOWLING, WILLIAM	Service	SRA	07/01/20	ERS	Teacher	Cranston School Dept.	65	\$ 2,229.19	\$ 26,750.28	23.00
BOYD, ANITA	Service	Option1	07/01/20	ERS	Teacher	Warwick School Dept.	65	\$ 3,495.38	\$ 41,944.56	29.96
CAPUANO-AJAJ, DEBRA	Service	SRA	07/01/20	ERS	Teacher	Warwick School Dept.	65	\$ 2,994.23	\$ 35,930.76	26.75
CARLSON, SUSAN	Service	SRA	07/01/20	ERS	Teacher	Bristol Warren Reg. School Dist.	60	\$ 4,871.36	\$ 58,456.32	35.00
CARNEVALE, MARION	Service	Option1	08/02/20	ERS	Teacher	Smithfield School Dept.	66	\$ 4,177.40	\$ 50,128.80	35.00
CHACE, PAULA	Service	Option1	07/01/20	ERS	Teacher	East Providence Schools	64	\$ 3,430.66	\$ 41,167.92	32.00
CHAMPLIN, RAPHAEL	Service	SRA	07/01/20	ERS	Teacher	South Kingstown School Dept.	66	\$ 4,000.23	\$ 48,002.76	31.00
CIANO, RAYNA	Service	SRA	08/04/20	ERS	Teacher	Johnston School Dept.	62	\$ 5,623.92	\$ 67,487.04	39.00
CORRIGAN, DEBRA	Service	SRA	07/01/20	ERS	Teacher	West Warwick School Dept.	61	\$ 3,542.04	\$ 42,504.48	30.00
DELVECCHIO, PATTI	Disability	Option1	01/07/20	ERS	Teacher	Johnston School Dept.	55	\$ 3,408.41	\$ 40,900.92	31.05
DEPASQUALE, HELEN	Service	Option2	07/01/20	ERS	Teacher	East Greenwich School Dept.	60	\$ 4,014.30	\$ 48,171.60	33.50
DIFABIO, KAREN	Service	SRA	07/27/20	ERS	Teacher	Woonsocket School Dept.	66	\$ 554.73	\$ 6,656.76	8.37
EZOVSKI, ALAN	Service	SRA	07/01/20	ERS	Teacher	Exeter/West Greenwich Reg. Schools	66	\$ 1,383.36	\$ 16,600.32	15.00
GIBSON, SUZANN	Service	SRA	07/01/20	ERS	Teacher	North Providence School Dept.	64	\$ 4,083.69	\$ 49,004.28	32.25
HADFIELD, RENEE	Service	SRAP	07/01/20	ERS	Teacher	East Greenwich School Dept.	60	\$ 5,455.13	\$ 65,461.56	30.59
HANLEY, MARY	Service	Option2	07/01/20	ERS	Teacher	Bristol Warren Reg. School Dist.	66	\$ 3,620.58	\$ 43,446.96	31.00
HARRIS, LAURA	Service	SRA	07/01/20	ERS	Teacher	East Providence Schools	61	\$ 1,163.48	\$ 13,961.76	21.00
HUNTER, DIANE	Disability	SRA	07/01/20	ERS	Teacher	Coventry Public Schools	57	\$ 3,838.58	\$ 46,062.96	27.18

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JACKSON, KATHLEEN	Service	SRAP	07/01/20	ERS	Teacher	Woonsocket School Dept.	61	\$ 5,194.26	\$ 62,331.10	29.75
JOHNSON, TRESSA	Service	SRA	07/01/20	ERS	Teacher	East Greenwich School Dept.	64	\$ 3,666.86	\$ 44,002.32	29.79
KEISER, MARY ELLEN	Service	Option1	07/01/20	ERS	Teacher	Narragansett School Dept.	70	\$ 3,342.13	\$ 40,105.56	30.72
KOEHLER, KEVIN	Service	Option1	07/01/20	ERS	Teacher	East Providence Schools	65	\$ 1,673.80	\$ 20,085.60	21.00
KULENOVIC, SENADA	Service	Option1	07/01/20	ERS	Teacher	Warwick School Dept.	69	\$ 2,610.36	\$ 31,324.32	25.75
LAQUERRE, CLAIRE	Service	SRA	07/03/20	ERS	Teacher	Woonsocket School Dept.	59	\$ 4,001.06	\$ 48,012.72	33.00
LEFFINGWELL, DEBRA	Service	SRA	07/01/20	ERS	Teacher	Bristol Warren Reg. School Dist.	65	\$ 4,133.26	\$ 49,599.12	32.25
LYNCH, PATRICIA	Service	SRA	07/01/20	ERS	Teacher	Middletown Public Schools	65	\$ 1,406.48	\$ 16,877.76	15.99
MARCHETTI, KATHLEEN	Service	SRA	07/01/20	ERS	Teacher	Foster/Glocester Reg. School Dist.	67	\$ 901.80	\$ 10,821.60	12.00
MARTIN, RICHARD	Service	SRA	07/01/20	ERS	Teacher	East Providence Schools	64	\$ 4,080.91	\$ 48,970.92	34.00
MARTINS, CAMELLIA	Service	Option2	07/01/20	ERS	Teacher	North Providence School Dept.	64	\$ 5,572.74	\$ 66,872.88	38.50
MCNULTY, JUDITH	Service	SRA	07/01/20	ERS	Teacher	East Providence Schools	67	\$ 1,743.61	\$ 20,923.32	20.00
MONACCHIO, ALAN	Service	Option1	07/01/20	ERS	Teacher	North Providence School Dept.	66	\$ 4,382.21	\$ 52,586.52	35.00
MURPHY, LAURIE	Service	SRA	07/12/20	ERS	Teacher	Foster School Dist.	65	\$ 1,555.54	\$ 18,666.48	16.00
MURPHY, LINDA	Service	SRA	07/01/20	ERS	Teacher	East Providence Schools	65	\$ 1,857.24	\$ 22,286.88	21.00
NOBREGA, DENNIS	Service	Option1	07/01/20	ERS	Teacher	East Providence Schools	70	\$ 868.68	\$ 10,424.16	13.00
NORTON, EILEEN	Service	Option1	06/26/20	ERS	Teacher	Warwick School Dept.	62	\$ 1,263.96	\$ 15,167.52	14.00
O'BYCK, ROBERT	Service	SRA	08/20/20	ERS	Teacher	Lincoln School Dept.	65	\$ 2,116.26	\$ 25,395.12	20.00
O'GRADY, KATHLEEN	Service	Option1	07/01/20	ERS	Teacher	Warwick School Dept.	65	\$ 3,440.96	\$ 41,291.52	29.00
PALAZZO, ALAN	Service	Option1	07/01/20	ERS	Teacher	Warwick School Dept.	67	\$ 2,475.38	\$ 29,704.56	26.00
PATALANO, LAURIE	Service	Option1	07/28/20	ERS	Teacher	Foster/Glocester Reg. School Dist.	65	\$ 1,837.24	\$ 22,046.88	20.00
PLANTE, RUTH	Service	Option1	07/01/20	ERS	Teacher	Woonsocket School Dept.	59	\$ 3,559.62	\$ 42,715.44	33.00
PONTE, GAIL	Service	Option2	07/01/20	ERS	Teacher	Middletown Public Schools	62	\$ 4,558.36	\$ 54,700.32	28.00
RAINONE, DONNA	Service	Option1	07/01/20	ERS	Teacher	Warwick School Dept.	64	\$ 3,304.11	\$ 39,649.32	29.00
REGO, SANDRA	Service	Option2	07/01/20	ERS	Teacher	Smithfield School Dept.	59	\$ 4,374.48	\$ 52,493.76	35.00
ROCK, PATRICIA	Service	Option2	07/01/20	ERS	Teacher	Cranston School Dept.	62	\$ 4,776.40	\$ 57,316.80	36.56
RYAN, JAMES	Service	Option1	07/01/20	ERS	Teacher	Providence School Dept.	71	\$ 3,503.00	\$ 42,036.00	30.00
RYAN, KEVIN	Service	Option1	06/20/20	ERS	Teacher	Scituate School Dept.	60	\$ 3,012.54	\$ 36,150.48	28.00
SAWICKI, LESLIE	Service	Option1	07/19/20	ERS	Teacher	Exeter/West Greenwich Reg. Schools	65	\$ 1,772.39	\$ 21,268.68	19.25
SCULLIN, ALICE	Service	Option1	07/01/20	ERS	Teacher	Pawtucket School Dept.	59	\$ 4,565.36	\$ 54,784.32	36.75
SKAHAN, MAURA	Service	Option2	07/01/20	ERS	Teacher	Exeter/West Greenwich Reg. Schools	62	\$ 3,677.41	\$ 44,128.95	29.50
STEITZ, LEE	Service	SRA	07/01/20	ERS	Teacher	Warwick School Dept.	61	\$ 4,052.44	\$ 48,629.28	31.00
SULLIVAN, LAURIE	Service	Option2	07/11/20	ERS	Teacher	Newport School Dept.	60	\$ 4,803.19	\$ 57,638.28	33.46
THURSTON, ROBERT	Service	Option1	07/01/20	ERS	Teacher	Cumberland School Dept.	65	\$ 2,179.04	\$ 26,148.48	24.00
VACCHELLI, ARLENE	Service	Option2	07/01/20	ERS	Teacher	Bristol Warren Reg. School Dist.	67	\$ 3,767.87	\$ 45,214.44	31.00
VACHON, VIRGINIA	Service	SRA	07/01/20	ERS	Teacher	Cumberland School Dept.	72	\$ 4,212.50	\$ 50,550.00	31.75
VALLANTE, STEPHEN	Service	Option1	07/01/20	ERS	Teacher	Johnston School Dept.	59	\$ 4,161.67	\$ 49,940.04	34.94
WALKER, SUZANNE M	Service	Option1	07/03/20	ERS	Teacher	Woonsocket School Dept.	60	\$ 3,696.88	\$ 44,362.56	33.50
WHITE, JAYNA	Service	SRA	07/03/20	ERS	Teacher	Woonsocket School Dept.	59	\$ 3,955.13	\$ 47,461.56	33.00
ZITO, NANCY	Service	Option1	07/01/20	ERS	Teacher	Scituate School Dept.	66	\$ 5,350.00	\$ 64,200.00	43.00
BALDELLI, JOHN	Disability	Option2	06/02/20	MERS	General Municipal	City of Woonsocket	53	\$ 1,522.50	\$ 18,270.00	29.33
BOYD, LOIS	Service	Option1	07/01/20	MERS	General Municipal	East Providence Schools (NC)	63	\$ 1,323.38	\$ 15,880.56	32.56
BUTLER, VINCENT	Service	SRA	07/01/20	MERS	General Municipal	Newport School Dept. (NC)	61	\$ 1,441.61	\$ 17,299.32	20.95
CASAVANT, SANDRA	Service	Option1	07/01/20	MERS	General Municipal	Pawtucket School Dept. (NC)	62	\$ 1,235.74	\$ 14,828.88	28.81
CINQUEGRANA, DEBORAH	Service	SRA	07/29/20	MERS	General Municipal	South Kingstown School Dept. (NC)	66	\$ 543.77	\$ 6,525.24	0.00
DEPATIE, WILLIAM	Service	Option2	06/13/20	MERS	General Municipal	City of Pawtucket	58	\$ 2,136.34	\$ 25,636.08	34.21
DOYLE, JANE	Service	SRA	07/01/20	MERS	General Municipal	Jamestown School Dept. (NC)	64	\$ 446.52	\$ 5,358.24	14.70
DURKIN, MONIQUE	Service	Option1	07/01/20	MERS	General Municipal	Cumberland School Dept. (NC)	65	\$ 746.37	\$ 8,956.44	24.33
FLOWERS, ANITA	Service	Option2	07/01/20	MERS	General Municipal	Union Fire Dist.	87	\$ 1,588.61	\$ 19,063.32	27.92
FORLEO, LYNETTE	Service	SRA	07/01/20	MERS	General Municipal	Cranston School Dept. (NC)	65	\$ 584.69	\$ 7,016.28	19.52
FREZZA, VICTORIA	Service	SRA	07/01/20	MERS	General Municipal	Johnston School Dept. (NC)	65	\$ 460.87	\$ 5,530.44	19.49
FURTADO, DIANE	Service	SRA	07/01/20	MERS	General Municipal	Middletown Public Schools (NC)	66	\$ 586.36	\$ 7,036.32	20.55
GIBSON, KAY	Service	SRA	07/01/20	MERS	General Municipal	North Kingstown School Dept. (NC)	67	\$ 1,613.50	\$ 19,362.00	32.92
GRANATINO, JANE	Service	SRA	07/11/20	MERS	General Municipal	Barrington COLA Group	66	\$ 366.53	\$ 4,398.36	6.61
GRANDE, GERALDINE	Service	SRA	06/01/20	MERS	General Municipal	Johnston School Dept. (NC)	68	\$ 693.30	\$ 8,319.60	20.35
HILL, BRENDA	Service	SRA	07/01/20	MERS	General Municipal	Foster/Glocester Reg. School Dist. (NC)	63	\$ 2,115.01	\$ 25,380.12	30.48
KAWA, JUDITH	Service	SRA	07/01/20	MERS	General Municipal	Johnston School Dept. (NC)	69	\$ 1,010.46	\$ 12,125.52	17.26
KENNEY, KATHLEEN	Service	SRA	07/01/20	MERS	General Municipal	Newport School Dept. (NC)	68	\$ 141.99	\$ 1,703.88	7.81

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LADEIRA, BRIAN	Service	SRAP	07/18/20	MERS	General Municipal	Town of South Kingstown	60	\$ 3,150.68	\$ 37,808.16	23.16
MACARUSO, JOANNE	Service	Option2	07/01/20	MERS	General Municipal	EAST GREENWICH-COLA-NC	62	\$ 676.97	\$ 8,123.64	20.63
MCCOWAN, BARBARA	Service	Option1	07/01/20	MERS	General Municipal	EAST GREENWICH-COLA-NC	71	\$ 829.84	\$ 9,958.08	20.53
MCDERMOTT, JUNE	Service	SRA	07/11/20	MERS	General Municipal	South Kingstown School Dept. (NC)	66	\$ 1,705.70	\$ 20,468.40	25.16
MICHAUD, JOAN	Service	SRAP	07/02/20	MERS	General Municipal	Newport School Dept. (NC)	61	\$ 3,063.16	\$ 36,757.92	18.55
MORETTI, HENRY	Service	SRA	07/01/20	MERS	General Municipal	City of Cranston	60	\$ 1,342.48	\$ 16,109.76	22.14
NASTARI, CAROL	Service	SRA	07/01/20	MERS	General Municipal	City of Pawtucket	62	\$ 1,554.92	\$ 18,659.04	22.54
OESTREICH, ELIZABETH	Service	SRA	07/02/20	MERS	General Municipal	Newport School Dept. (NC)	67	\$ 643.84	\$ 7,726.08	12.83
PAQUETTE, GEORGE	Service	Option2	05/30/20	MERS	General Municipal	Johnston School Dept. (NC)	66	\$ 2,372.46	\$ 28,469.52	22.42
PEZZULLO, DOREEN	Service	Option2	07/01/20	MERS	General Municipal	Johnston School Dept. (NC)	63	\$ 1,385.68	\$ 16,628.16	34.80
PIMENTA, RICHARD	Service	Option2	06/06/20	MERS	General Municipal	Town of Bristol	66	\$ 1,965.06	\$ 23,580.72	21.61
POWERS, PATRICIA	Service	Option1	07/11/20	MERS	General Municipal	Town of North Kingstown	66	\$ 167.49	\$ 2,009.88	8.02
RASPALLO, DEBORAH	Service	Option1	07/01/20	MERS	General Municipal	Johnston School Dept. (NC)	61	\$ 622.06	\$ 7,464.72	20.22
ROBERTS, LYNN	Service	SRA	07/07/20	MERS	General Municipal	Chariho Regional School Dist. (NC)	63	\$ 1,083.20	\$ 12,998.40	19.67
ROGERS, SUSAN	Service	Option2	07/01/20	MERS	General Municipal	Chariho Regional School Dist. (NC)	61	\$ 3,730.81	\$ 44,769.72	26.91
SCALZO, LEAH	Service	SRA	06/13/20	MERS	General Municipal	City of Pawtucket	69	\$ 2,032.11	\$ 24,385.32	19.84
SHEWCOV, KAREN	Service	Option1	07/01/20	MERS	General Municipal	Johnston School Dept. (NC)	64	\$ 1,133.04	\$ 13,596.48	20.52
SPEARS, CHRISTINE	Service	SRA	07/01/20	MERS	General Municipal	Johnston School Dept. (NC)	66	\$ 877.27	\$ 10,527.24	22.44
VECCHIONE, ARNOLD	Service	SRA	07/01/20	MERS	General Municipal	Town of Johnston	73	\$ 1,082.13	\$ 12,985.56	13.28
WARD, ELLEN	Service	Option1	07/01/20	MERS	General Municipal	Cranston School Dept. (NC)	64	\$ 1,635.81	\$ 19,629.72	28.00
ZINNI, BARBARA	Service	SRA	07/01/20	MERS	General Municipal	Smithfield School Dept. (NC)	69	\$ 639.64	\$ 7,675.68	15.55
BROWN JR, KENNETH	Service	SRA	07/03/20	MERS	Police and Fire	Smithfield Police Dept.	54	\$ 6,032.46	\$ 72,389.50	31.60
CARBONI, JODI	Disability	SRA	07/15/20	MERS	Police and Fire	Woonsocket Fire Dept.	51	\$ 3,814.69	\$ 45,776.28	12.11
CHARELLO JR, WILLIAM	Disability	SRA	07/18/20	MERS	Police and Fire	North Providence Fire Dept.	50	\$ 4,211.38	\$ 50,536.56	20.47
MOREAU, PETER	Service	SRA	07/07/20	MERS	Police and Fire	Barrington Fire Dept. (20 Plan)	54	\$ 4,198.68	\$ 50,384.16	32.95
PAUL, DENNIS	Service	SRA	07/01/20	MERS	Police and Fire	Smithfield Police Dept.	55	\$ 5,509.10	\$ 66,109.20	31.44
JONES, ERIK	Service	SRA	07/01/20	SPRBT	State Police	DPS	50	\$ 8,364.44	\$ 100,373.28	28.06
SANZI, TIMOTHY	Service	SRA	07/19/20	SPRBT	State Police	RI State Police	51	\$ 9,006.21	\$ 108,074.52	28.17

Employees' Retirement System of Rhode Island



7. Committee Reports

Employees' Retirement System of Rhode Island



7.1. Disability Subcommittee

For Vote

Presented by Dr. Laura Shawhughes

Employees' Retirement System of Rhode Island



August 21, 2020 Disability Subcommittee Recommendations 08-21-2020

For Vote

Disability Subcommittee

Recommendations

August 21, 2020

Accidental - New

Union
Affiliation

1. Pamela Connors

NO RECOMMENDATION

Guidance Counselor (6 – 8), Town of Burrillville (estimated service credits 29 years, 11 months, 4 days)

Accidental Denied

VOTE: 4-0

Ordinary Approved

VOTE: 4-0

NEARI

2. David Bruno

Correctional Officer, Department of Corrections (estimated service credits 14 years, 6 months, 15 days)

Approved at 50 %

VOTE: 4-0

RIBCO

Helen Reardon

Dental Assistant, BHDDH (estimated service credits 15 years, 9 months, 19 days)

Accidental Denied

VOTE: 4-0

Ordinary Denied

VOTE: 4-0

Council 94

NO RECOMMENDATION

NO RECOMMENDATION

3. Amy Perlmutter

Elementary Teacher, Cranston Public Schools (estimated service credits 23 years, 9 months, 16 days)

Approved at 66 2/3%.

VOTE: 4-0

CTA

4. Lynn Dutra

Institution Attendant, RI Veterans Home (estimated service credits 13 years, 4 months, 21 days)

Approved at 50%

VOTE: 4-0

Council 94

Ordinary-New

5. Oyedele Eniayedun	Deputy Sheriff, Department of Public Safety, Division of Sheriffs (estimated service credits 20 years, 1 month, 1 day) Approved VOTE: 4-0	Council 94
6. Herminia Collado	Secondary Mathematics Teacher, Providence School Department (estimated service credits 17 years, 5 months, 7 days) Approved VOTE: 4-0	PTU
7. Lori Leonard	Eligibility Technician II, Department of Human Services (estimated service credits 19 years, 2 months, 6 days) Approved VOTE: 4-0	Council 94
8. Joyce Melo	Special Educator Teacher, Providence School Department (estimated service credits 15 years, 5 months, 20 days) Approved. VOTE: 4-0	PTU
9. David Hunt	Automotive Equipment Operator I, City of East Providence (estimated service credits 14 years, 8 months, 7 days) Approved. VOTE: 4-0	Steelworkers 15509

Consideration and Approval of Decisions – **Approved.**

10. Joseph DeCurtis	Correctional Officer – Steward, Department of Correction (estimated service credits 30 years, 3 months, 21days) The Board's previous decision on March 20, 2020, to approve Mr. DeCurtis' Application for Accidental disability retirement at 50%, was overturned and approved for 66 2/3% VOTE: 3-0	Council 94
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11. Joseph Palombo

State Building and Grounds

Coordinator, Rhode Island College
(estimated service credits 26 years, 5
months, 9 days)

Council 94

Accidental Denied

VOTE: 3-0

RESTRICTED PAGE

Employees' Retirement System of Rhode Island



September 4, 2020 Disability
Subcommittee Recommendations
For Vote

Disability Subcommittee

Recommendations September 4, 2020

Hearings

Union Affiliation

John Bitzko

Park Manger, RI Department of Environmental Management (estimated service credits 30 years, 25 days)

Council 94

NO RECOMMENDATION

**The Board's previous decision on July 29, 2020, to approve Mr. Bitzko's application for Accidental disability retirement at 50% was overturned and approved for 66 2/3%
VOTE: 5-0**

Joseph Conway Jr.

Cemetery Specialist, RI Veteran's Cemetery (estimated service credits 10 years, 9 months, 21 days)

Council 94

NO RECOMMENDATION

**The Board's May 22, 2020, decision to deny Mr. Conway an accidental disability pension was upheld.
VOTE: 5-0**

Accidental-New

1. Milagros Day

Audiology Test Technician, RI School for the Deaf (estimated service credits 3 years, 10 months, 8 days)
**Approved at 50%
VOTE: 4-0; 1 recusal**

Council 94

2. Susana Brooks

Group Worker, Veterans' Home (estimated service credits 21 years, 10 months, 16 days)
**Approved at 66 2/3%
VOTE: 5-0**

Council 94

3. Keith McElroy

Community Living Aide, RI BHDDH - RICLAS (estimated service credits 8 years, 11 months)
**Accidental Denied
VOTE: 4-0; 1 recusal
Ordinary Approved
VOTE: 4-0; 1 recusal**

Council 94

NO RECOMMENDATION

4. Gary Wickersheim	Crew Chief, Executive Military Staff (estimated service credits 33 years, 6 months, 4 days) Approved at 50% VOTE: 5-0	Council 94
5. Michael Ferrante	Driver/ Operator, Johnston Department of Public Works (estimated service credits 11years, 8 months, 24 days) Approved at 66 2/3% VOTE: 5-0	Council 94
6. Timothy Gaskin	Laundry Worker, BHDDH - ESH (estimated service credits 4 years, 7 months, 5 days) Approved at 50% VOTE: 5-0	Council 94
7. Linda Taivalantti	Community Living Aide, RICLAS (estimated service credits 12 years, 3 months, 13 days) Approved at 66 2/3% VOTE: 5-0	Council 94
8. Margaret Woods	Custodian, Bristol Warren Regional School District (estimated service credits 27 years, 7 months, 29 days) Approved at 66 2/3% VOTE: 5-0	Council 94
<u>Ordinary-New</u>		
9. David Jarvais	Teacher, East Providence School Department (estimated service credits 7 years, 2 months, 6 days) Approved VOTE: 5-0	EPEA/NEARI
10. Maria Mejia	Teacher, Providence School Department (estimated service credits 19 years, 5 months, 20 days) Approved VOTE: 5-0	PTI
11. Ursula Conley	Licensed Practical Nurse, RI Veterans' Home (estimated service credits 16 years, 8 months, 10 days) Approved VOTE: 5-0	Council 94

12. Keith Printer

Firefighter, Cranston Fire Department
(estimated service credits 22 years, 7
months, 3 days)

Approved

VOTE: 5-0

Police & Fire

13. Robert Hargis

Fire Inspector, Town of Middletown
(estimated service credits 13 years, 2
months)

Accidental Denied

VOTE: 5-0

Ordinary Approved

VOTE: 5-0

Police & Fire

NO RECOMMENDATION

Consideration and Approval of Decision - **Approved**

14. Pamela Connors

Guidance Counselor (6 – 8), Town of
Burrillville (estimated service credits 29
years, 11 months, 4 days)

Accidental Denied

VOTE: 4-0

NEARI

Consideration and Approval of Decisions – **No Vote Taken**

Helen Reardon

Dental Assistant, BHDDH (estimated
service credits 15 years, 9 months, 19 days)

Accidental Denied

VOTE: 4-0

Ordinary Denied

VOTE: 4-0

Council 94

NO RECOMMENDATION

RESTRICTED PAGE

Employees' Retirement System of Rhode Island



8. Legal Counsel Report

For Report

Presented by Michael P. Robinson

**EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF RHODE ISLAND
REPORT AS OF SEPTEMBER 2020
ON LITIGATED MATTERS FILED BY OR AGAINST ERSRI**

I. MATTERS WITH PROCEDURAL OR SUBSTANTIVE CHANGES

Adele Goss v. Frank J. Karpinski, in his official Capacity as Executive Director of the Employees' Retirement System of Rhode Island

Providence County Superior Court C.A. No. PC 2019-4844

Change. Plaintiff challenges the Retirement Board's denial of her application for an accidental disability pension pursuant to R.I.G.L. §36-10-14. The matter has been fully briefed and assigned for decision. Oral arguments took place via Zoom on June 19, 2020. **On August 5, 2020, Judge Montalbano issued a decision affirming the Retirement Board's denial of Ms. Goss' application for an accidental disability pension.**

Kevin Lang v. ERSRI.

Workers' Compensation Court; WCC No. 201504163

Change. Kevin Lang, a Cranston firefighter, appeals the denial of his application for an accidental disability pension pursuant to R.I.G.L. §45-21.2-9. On September 9, 2016, the Workers' Compensation Court issued a decree and decision overturning the Retirement Board, and awarding accidental disability benefits to Mr. Lang, and a counsel fee to his attorney. The Retirement Board filed a notice of appeal to the Appellate Division of the Workers' Compensation Court. On July 21, 2017, the Workers' Compensation Court Appellate Division issued a decision affirming the trial court, and awarding Mr. Lang an accidental disability pension. ERSRI filed a petition for a writ of certiorari with the Rhode Island Supreme Court, which was granted. The Supreme Court issued a decision on December 18, 2019, reversing in part the decision of the Appellate Division, and holding that there exists no presumption that a firefighter who contracts cancer is entitled to an accidental disability pension in the absence of evidence of occupational exposure to hazardous substances, and remanding the matter to the Workers' Compensation Court. **The conference originally scheduled for June 4, 2020 has been continued to September 14, 2020.**

Sandra Tiernan v. Frank Caprio *et al.*

Providence County Superior Court CA No. PC 09-7242

Supreme Court C.A. No. SU-2019-101-M.P., consolidated with SU-2019-306-A

Change. This declaratory judgment action arises out of the setoff of workers compensation benefits from disability pension benefits. A Stipulation was filed on January 27, 2010 in the administrative appeal prematurely filed with the Superior Court, postponing the filing of an Answer and the Administrative Record pending the conclusion of the administrative proceedings. The Retirement Board has affirmed the administrative actions taken by the Executive Director. Ms. Tiernan filed a motion to amend her complaint to include a claim based on an administrative appeal under the Administrative Procedures Act. The motion to amend was granted, and the Retirement Board filed an answer to the amended complaint. Ms. Tiernan subsequently was allowed to amend her complaint a second time, to include a claim based on estoppel. The issues were fully briefed, and the matter was assigned to Ms. Justice Keough for decision. On July 10, 2018, the Court issued a decision on the agency appeal fully affirming the Retirement Board's decision. The parties then asked the Court to issue a supplemental decision addressing all of the counts of the complaint, in order for an appeal to be properly taken on a complete record. On November 26, 2018, the Court issued a supplemental decision ruling in favor of the Retirement Board on all counts. Ms. Tiernan filed a petition for writ of certiorari and an appeal with the Rhode Island Supreme Court. A pre-briefing conference was held on March 5, 2020. On April 10, 2020, The Court granted the writ and consolidated the actions. The parties have filed Rule 12A Statements and the Court has set a schedule for full briefing. **The parties are in the process of briefing the issues on appeal.**

Rhode Island Troopers Association and James Donnelly-Taylor v. State of Rhode Island, Division of the State Police, James Manni, Colonel of the State Police, Governor Gina Raimondo, Employees' Retirement System of Rhode Island, by and through the General Treasurer, Seth Magaziner, and the Retirement Board

Providence County Superior Court; C.A. No. PC 19-11054

Change. Plaintiffs seek a declaratory judgment and bring an administrative appeal challenging a decision of the Colonel of the Division of State Police concerning disability pension benefits. Plaintiff Donnelly-Taylor's application for a work-related disability pension was denied by the Colonel, and the Plaintiffs seek a declaratory judgment concerning the authority of the Superintendent of the State Police to make determinations on disability applications. Service of process is in the process of being effectuated. Plaintiffs also seek reversal of the Superintendent's decision. An Answer to the Complaint has been filed. **All parties have moved for summary judgment, which is in the process of being scheduled for hearing.**

Damon Borrelli v. Employees' Retirement System of Rhode Island (ERSRI).

Providence Superior Court; C.A. No. PC-2016-2817; PC-2019-4972

Change. Plaintiff, a South Kingstown Police Officer, appeals the denial of his application for an accidental disability pension. ERSRI has filed an Answer to Mr. Borelli's First Amended Complaint, and the Designation of Record of Administrative Appeal with the court. The Town of South Kingstown filed a motion to intervene in the action, which motion was granted. On August 9, 2018, the Court (Lanphear, J.) issued a decision vacating the Retirement Board's decision and remanding the matter to ERSRI for further proceedings. Following remand, the Retirement Board again denied Mr. Borrelli's application. Mr. Borrelli filed a new appeal to the Superior Court. **On August 17, 2020, Judge McGuirl issued a Decision sustaining Mr. Borrelli's appeal, vacating the decision of the Board, and remanding the case to the Board for further proceedings consistent with the Decision.**

II. MATTERS WITH NO PROCEDURAL OR SUBSTANTIVE CHANGES

Timothy Koback v. Employees' Retirement System of Rhode Island

Workers' Compensation Court; No. 201607082
Supreme Court C.A. No. SU-2019-0423-MP

No change. Timothy Koback, a Woonsocket firefighter, appeals the denial of his application for an accidental disability pension pursuant to R.I.G.L. §45-21.2-9 to the Workers' Compensation Court. ERSRI has filed the designation of record with the court. The Woonsocket Human Resources Director was deposed. The applicant's initial petition for benefits was denied, and a claim for trial taken. Trial was conducted on August 2, 2017, at which Mr. Koback testified. On February 8, 2018 the Court issued a decision granting Mr. Koback an accidental disability pension and indicating that a counsel fee would be awarded to Mr. Koback's counsel. On May 4, 2018, the Court issued a decree awarding a counsel fee to Mr. Koback's counsel. MERS objected to the awarding of a counsel fee, and filed an appeal with the Appellate Division of the Workers' Compensation Court. In October of 2019, the Appellate Division issued a decision affirming the trial court and awarded an additional attorneys' fee to Mr. Koback's counsel for successful prosecution of the appeal at the Appellate Division. MERS filed a petition for certiorari with the Rhode Island Supreme Court and requested an emergency stay of the order awarding a counsel fee. On November 18, 2019, the Supreme Court granted a stay and granted the petition for writ of certiorari. The parties are now engaged in the pre-briefing process. Both sides have filed their 12A Statements.

Ralph N. Shippee v. Kyle Adamonis, in his official capacity as Personnel Administrator for the State of Rhode Island, Liz Tanner, in her official capacity as Director of the Department of Business Regulations, State of Rhode Island, and Frank Karpinski, in his official capacity as Executive Director of the Employees' Retirement System of Rhode Island

Providence County Superior Court; C.A. No. PC2019-10585

No change. Plaintiff seeks a declaration from the Court that the effective date of his resignation from State employment was on or before January 4, 2001, for purposes of determining his eligibility date for receipt of an ordinary disability pension. An Answer has been filed on behalf of the Executive Director. The State Defendants have filed a motion to dismiss the lawsuit, which remains pending.

Debra Bourgoin v. ERSRI

Workers' Compensation Court No. 201806287

No change. Appellant is a Cranston police officer who appealed the denial of her application for an accidental disability pension to the Workers' Compensation Court for *de novo* review pursuant to R.I.G.L. §45-21.2-9. ERSRI has filed a Motion for Summary Judgment on the timeliness of the application, and the Plaintiff has filed an opposition. On June 11, 2020, the Court denied ERSRI's Motion for Summary Judgment. The trial previously scheduled on June 5, 2020 was cancelled and has not been rescheduled.

Retirement Board v. Fred Randall

Providence County Superior Court; C.A. No. PC15-0203
Supreme Court C.A. No. SU-2018-0212-A

No change. This is an action to revoke or reduce Mr. Randall's pension pursuant to the Public Employee Pension Revocation and Reduction Act. Mr. Randall, a former employee of the University of Rhode Island, pled *nolo contendere* to a charge of conversion by a state employee. A hearing wherein Mr. Randall was required to appear and show cause why his pension benefits should not be suspended pending adjudication of the merits of the action took place on March 2, 2014. The Court determined that cause was not shown by Mr. Randall and ordered that his pension benefits be immediately suspended pending adjudication of the action on the merits. An evidentiary hearing was conducted on July 7, 2016. The court issued a decision revoking Mr. Randall's pension in full, and awarding Mrs. Randall \$350.00 per month from the date of trial through December 31, 2016, and \$1,667.00 per month from January 1, 2017 until December 31, 2026 as an innocent spouse, conditioned upon her paying said sums over to URI to satisfy Mr. Randall's restitution payments. The Court ruled that thereafter, once the restitution obligations have been satisfied, she should receive \$500.00 per month. The Court also ruled that no contributions shall be returned until the order of restitution has been satisfied. Mr. Randall has

filed an appeal with the Rhode Island Supreme Court. The parties filed a joint motion to stay enforcement of the judgment pending resolution of the issues on appeal, which motion was granted. The Supreme Court issued an Order remanding the case to the Superior Court for further development of the record related to the entry of Judgment and the timeliness of Defendant's appeal. After further proceedings in the Superior Court related to the entry of Judgment and the timeliness of Defendant's appeal, the matter has been returned to the Rhode Island Supreme Court. The parties filed 12A statements. Appellant has filed his Brief. The Retirement System filed its Brief on May 29, 2020.

Frank Andre, et al. v. Employees' Retirement System of Rhode Island

Providence County Superior Court; PC-2019-7971

No change. Appellants are retired North Providence Firefighters whose pension payments were overpaid because the city had included amounts paid for longevity for overtime in the calculation of their compensation. The Appellants contest the exclusion of the amounts paid for longevity for overtime and the Retirement System's plan to recoup the overpayments. Appellants' Brief was filed on February 12, 2020. The Retirement System's Brief was filed on April 27, 2020. The matter has been fully briefed and is awaiting assignment for decision.

Richard P. D'Addario v. Employees' Retirement System of Rhode Island and Rhode Island State Employee's Retirement Board

Providence Superior Court; C.A. No. PC-2019-10351

No change. Plaintiff, a probate judge in the Town of Tiverton, appeals from the Retirement Board's determination that he is not eligible for membership in the Retirement System. The parties are in the process of coordinating service of process. The Designation of Record and Answer have been filed with the Court.

Jean-Paul Slaughter v. ERSRI

Workers' Compensation Court No. 201706485

No change. Appellant is a Cranston police detective that appealed the denial of his application for an accidental disability pension to the Workers' Compensation Court for *de novo* review pursuant to R.I.G.L. §45-21.2-9. On November 12, 2019, Judge Feeney rendered a bench decision awarding Mr. Slaughter an accidental disability pension and a fee to his counsel. The Decree effectuating this decision was entered on February 20, 2020 and held in abeyance as to

the portion granting a counsel fee, subject to resolution by the Supreme Court of the issues raised in *Koback v. Employees' Retirement System of Rhode Island*.

Paula McVeigh v. Employees' Retirement System of Rhode Island, By and through its Executive Director, Frank Karpinski

Providence Superior Court; C.A. No. PC-2019-10719

No change. Plaintiff, a Corrections Officer with the Rhode Island Department of Corrections, appeals from the denial of her application for an accidental disability pension. The Designation of Record and an Answer have been filed with the Court.

Kellie Wallace v. Employees' Retirement System of Rhode Island

Providence County Superior Court C.A. No. PC 2018-0677

No change. Plaintiff was an employee of the State of Rhode Island and challenges the Retirement Board's denial of her application for an accidental disability pension pursuant to R.I.G.L. §36-10-14. The matter has been fully briefed.

Retirement Board v. Ambulai Sheku

Providence County Superior Court C.A. No. PC-2017-3146

No change. This is an action to revoke or reduce Mr. Sheku's pension pursuant to the Public Employee Pension Revocation and Reduction Act. Mr. Sheku, a former employee of the Rhode Island Department of Labor and Training, pled guilty to charges of conspiracy to commit mail fraud, theft of government funds, and accessing a protected computer to commit fraud, all in connection with his public employment. Mr. Sheku has been defaulted for failure to respond to the complaint.

Wayne Cushman v. Employees' Retirement System of Rhode Island and the City of Cranston

Providence County Superior Court; PC2017-1727

No change. Plaintiff, a Cranston police officer, is challenging a decision of the Retirement Board to deny his application for an accidental disability pension. ERSRI has filed an Answer and the Designation of Record with the Court.

Margaret Provoyeur v. Employees' Retirement System of the State of Rhode Island.

Providence Superior Court; C.A. No. PC 2015-2609

No change. Plaintiff, a Providence schoolteacher, appeals the denial of her application for an accidental disability pension. On August 24, 2016, Plaintiff filed a motion to remand the matter to the Disability Subcommittee for the consideration of additional evidence. ERSRI filed an objection, and on October 28, 2016, the Superior Court denied the motion to remand.

Jennifer Leyden v. Employees' Retirement System of Rhode Island

Providence County Superior Court CA No. 2012-1867

No change. This Administrative Appeal arises from Jennifer Leyden's claims that ERSRI wrongfully denied her application for an accidental disability pension. Ms. Leyden was a teacher for the Providence Public School System. The Retirement System's Answer was filed on June 4, 2012. The Designation of Record of Administrative Appeal was filed on June 5, 2012. The matter was fully briefed and assigned to Mr. Justice Lanphear for decision. On June 5, 2013, Judge Lanphear issued a decision remanding the matter to the Retirement Board for further proceedings. On July 17, 2013, ERSRI filed a petition for issuance of a writ of certiorari with the Rhode Island Supreme Court. On June 11, 2014, the Rhode Island Supreme Court issued an order denying the petition for certiorari as a final judgment had not yet entered. Ms. Leyden filed a motion with the Superior Court attempting to restrict the system's ability to obtain an additional independent medical examination. On October 17, 2014, the Superior Court denied Ms. Leyden's motion.

Albert DelMastro, Jr. v. Employee's Retirement System of Rhode Island

Providence County Superior Court C.A. No. PC14-1850

No change. Plaintiff, an electrician with the Community College of Rhode Island, appeals the denial of his application for an accidental disability pension. The Retirement System has filed an Answer and the Designation of Record of Administrative Appeal with the Court.

Retirement Board v. Rachel Arruda

Providence County Superior Court C.A. No. PC14-6174

No change. This is an action to revoke or reduce Ms. Arruda's pension pursuant to the Public Employee Pension Revocation and Reduction Act. Ms. Arruda, a former employee of the City of Woonsocket, pled *nolo contendere* to a felony charge related to conversion of funds in connection with her municipal employment. At a hearing on January 29, 2015, Arruda stipulated to the suspension of her pension pending adjudication of the action.

The Retirement Board of the Employees' Retirement System of the State of Rhode Island v. Gerard M. Martineau

Providence County Superior Court; C.A. No. PC 15-1268

No change. This is an action to revoke or reduce Mr. Martineau's pension pursuant to the Public Employee Pension Revocation and Reduction Act. Mr. Martineau, a former elected official of the State of Rhode Island, pled *nolo contendere* to charges of Honest Services Mail Fraud in connection with his public employment. Mr. Martineau was served with the Complaint on April 2, 2015. Mr. Martineau has agreed to voluntarily relinquish any entitlement to a pension or other benefit he might otherwise have been entitled to, and documents necessary to obtain court approval of revocation of his pension have been sent to him for review.

Robert E. Falvey v. Seth Magaziner, et al.

Providence County Superior Court C.A. No.: PC 2016-0232

No change. Plaintiff is a disability retiree who brought this action against the Retirement Board, the General Treasurer in his capacity as chair of the Board, the Executive Director, and the State of Rhode Island, seeking, *inter alia*, damages, and a determination that the Retirement System cannot make adjustments to his disability allowance based on earned income. The parties have stipulated that no Answer or other response shall be required to be filed until 30 days after Plaintiff's counsel states in writing that an Answer or other response is being requested.

Benita Fernandez v. Employee's Retirement System of Rhode Island

Providence County Superior Court C.A. No. PC2015-5489

No change. Plaintiff, a Social Caseworker II with DCYF, appeals the denial of her application for an accidental disability pension. The Retirement System has filed an Answer and the Designation of Record of Administrative Appeal with the Court.

Employees' Retirement System of Rhode Island v. Thomas McSoley, Marlene A. Palumbo, and Michael E. McSoley.

Providence Superior Court; C.A. No. PC2016-1144

No change. ERSRI brought suit to recover monies overpaid to a direct deposit account of Thomas McSoley, following his death in 2011. The defendants are believed to be joint account holders with the decedent. ERSRI effectuated service of process, and sought an injunction preventing the defendants from accessing or withdrawing the funds. On March 18, 2016, the parties entered into a Consent Order that restrains the defendants from accessing, withdrawing, encumbering, or otherwise spending or disposing of the funds on account until further order of the Court.

Alfred Benjamin v. Seth Magaziner, et al.

Providence County Superior Court C.A. No.: PC 2016-4467

No change. Plaintiff is a disability retiree who brought this action against the Retirement Board, the General Treasurer in his capacity as chair of the Board, the Executive Director, and the State of Rhode Island, seeking, *inter alia*, damages, and a determination that the Retirement System cannot make adjustments to his disability allowance based on earned income. The parties have stipulated that no Answer or other response shall be required to be filed until 30 days after Plaintiff's counsel states in writing that an Answer or other response is being requested.

Daniel Nuey v. ERSRI

Workers' Compensation Court No. 201805861

No change. Appellant is a Cranston Patrol Sergeant who appealed the denial of his accidental disability application to the Workers' Compensation Court for *de novo* review pursuant to R.I.G.L. §45-21.2-9. The parties have submitted post-trial memoranda and await a decision.

From Adler, Pollock and Sheehan

Binyamin I. Efreom, et al. v. Gina Raimondo, et al, C.A. No. 1:20-cv-00122-WES-PAS.

On March 11, 2020, 49 former state employees who had retired before 2015, filed suit against the Governor, Executive Director Karpinski and Chairperson Magaziner alleging claims under the Due Process Clause, Contracts Clause, and Takings Clause of the United States Constitution and claims under the First and Fourteenth Amendment to the United States Constitution as a result of a change in their pension benefits. Plaintiffs claim that change resulted from the 2015 Amendments to the Rhode Island Retirement Security Act of 2011 (“RIRSA”).

On May 20, 2020, Defendants filed a Motion to Dismiss, which argued, among other things, that the plaintiffs’ claims are barred by the doctrine of res judicata because all 49 plaintiffs were parties to the Clifford Action and Class Action that were pending in the Rhode Island Superior Court and which resulted in judgments that were affirmed on appeal to the Rhode Island Supreme Court. Defendants argued that the change in Plaintiffs’ pension benefits resulted from RIRSA, not the 2015 Amendments, and the Clifford Action and Class Action resulted in judgments related to Plaintiffs’ claims as to RIRSA. Defendants also argued that Plaintiffs’ claims are barred by the Rooker-Feldman doctrine and constitute an impermissible collateral attack on the 2015 Class Action settlement.

On September 8, 2020, Plaintiffs filed their response in opposition arguing, among other things, that their claims are not barred because they are challenges to the 2015 Amendments, not RIRSA, which was the subject of the Clifford Action and the Class Action. To support their opposition, Plaintiffs provided the Court with a letter from Daniel W. Sherman of Sherman Actuarial Services, which calculated the difference between the benefits the Plaintiffs maintain they would have received but for the enactment of RIRSA and the change in those benefits after the enactment of RIRSA.

The parties have agreed that Defendants’ Reply Memorandum will be due on September 29, 2020. Defendants anticipate that the Court will schedule a hearing sometime thereafter.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

SUPERIOR COURT

[Filed: August 5, 2020]

ADELE GOSS,

Appellant,

vs.

FRANK J. KARPINSKI, in His
Official Capacity as Executive Director
of the EMPLOYEES' RETIREMENT
SYSTEM OF RHODE ISLAND,
Appellee.

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C.A. No. PC-2019-4844

DECISION

MONTALBANO, J. This matter is before the Court on appeal from a March 18, 2019 decision (Decision) of the Employees' Retirement System of Rhode Island (ERSRI or the Board) denying the application of Adele Goss (Appellant or Ms. Goss) for accidental disability benefits under G.L. 1956 § 16-16-16 (Application). Ms. Goss worked as a teacher for the City of Providence School Department for approximately twenty-five (25) years. Jurisdiction is pursuant to G.L. 1956 § 42-35-15.

I

Facts and Travel

On August 1, 2014, Ms. Goss filed an application for accidental disability benefits with ERSRI claiming an injury as the result of an alleged accident on February 6, 2014. Appendix Record (R.) at 00659.¹ Ms. Goss asserted that her injuries consisted of slurred speech, rapid

¹ The Record before the Court was submitted in an appendix form. However, the parties have stipulated that this appendix contains the entire record. Instead of referring to specific exhibits in the record, the Court will refer to the Bates-stamped page numbers.

heartbeat, hyperventilation, confusion, disorientation, and inability to focus. *Id.* At the time of her Application, Ms. Goss was a sixty-one-year old female who had been employed as a teacher in the City of Providence School Department for approximately twenty-five years. *Id.*

Along with her Application Ms. Goss submitted an Employer's Disability Statement dated June 18, 2015. R. at 00551-00553. The document is signed by both D. Johnson and Jennifer Lepre on behalf of the Providence School Department. *Id.* at 00552. In response to the question, "In your opinion, is the member physically or mentally incapacitated from continuing in his/her present position"? D. Johnson wrote, "I don't know." In response to the question, "In your opinion, is the member's disability the natural and proximate result of an accident that allegedly/reportedly occurred during the performance of his/her duties"? D. Johnson wrote, "I don't know." *Id.* at 00552. The Employer's Disability Statement indicates that Ms. Goss began receiving retirement benefits only as of August 2, 2014. *Id.* at 00553.

Ms. Goss further supplemented her Application with physicians' statements for accidental disability forms from her psychiatrist, C. Brandon Qualls, M.D. (Dr. Qualls), her primary care physician, Michael Rosenberg, D.O. (Dr. Rosenberg), and her mental health therapist, Nelson D. Martins, Ph.D. (Dr. Martins). R. at 003-004, 006, 001042; R. at 00128-00130, 00146; R. at 0093-0097. Each doctor opined that Ms. Goss was disabled as the natural and proximate result of the February 6, 2014 on the job accident, that her disability was not the result of age or length of service, that she had reached maximum medical improvement (MMI), and that she was permanently and totally disabled from service as a schoolteacher as well as from any employment. *Id.*

Ronald M. Stewart, M.D. (Dr. Stewart) performed an independent medical examination (IME) of Ms. Goss on September 22, 2016. R. at 00890-00894. Dr. Stewart opined that Ms. Goss

was disabled from her current employment as well as from any employment, and that her disability was a result of the reported accident sustained in the performance of the applicant's job and not the result of age or length of service, and that she had reached MMI. *Id.*

Naureen Attiullah, M.D. (Dr. Attiullah) performed an IME of Ms. Goss on October 6, 2016. R. at 00871-00886. Dr. Attiullah opined that Ms. Goss was disabled from her current employment as a teacher, but was not disabled from any employment, and further felt that her disability was not the result of the reported accident sustained in the performance of the applicant's job. *Id.* at 00881. Dr. Attiullah further opined that Ms. Goss had reached MMI. *Id.* at 872.

John Ruggiano, M.D. (Dr. Ruggiano) performed an IME of Ms. Goss on October 4, 2016 and October 12, 2016. R. at 00864-00866. Dr. Ruggiano opined that Ms. Goss was disabled from her current employment as well as from any employment, but that her disability was not the result of the reported accident sustained in the performance of the applicant's job. *Id.* Dr. Ruggiano further opined that Ms. Goss had reached MMI. *Id.* at 865.

The ERSRI Disability Subcommittee (the Subcommittee) first considered Appellant's Application for accidental disability retirement on January 6, 2017. On that date, the Subcommittee issued its decision recommending denial of Ms. Goss' Application. R. at 00917-00920. Specifically, the Subcommittee found, after reviewing the evidence and reviewing the requirements of R.I. Gen. Laws § 16-16-16 as well as the ERSRI uniform eligibility requirements, standards and criteria for accidental disability benefits set forth in R.I. Admin. Code 29-1-4:9-4 (2013), that Ms. Goss was not physically or mentally incapacitated as a natural and proximate result of an accident while in the performance of duty. *Id.* at 00920. The Subcommittee was persuaded by the conclusions of Dr. Attiullah and Dr. Ruggiano, each concluding that Ms. Goss was not disabled as the result of a workplace accident. *Id.* The Subcommittee also placed great

emphasis on the fact that Ms. Goss had a history of anxiety and depression dating back to her high school days. *Id.* Finally, the Subcommittee concluded that Appellant's disability was not a natural and proximate result of an accident in the workplace. *Id.* On January 11, 2017, the Board voted to accept the recommendation of the Subcommittee to deny Ms. Goss' application for an accidental disability pension. R. at 00914. Ms. Goss was notified of the Board's initial denial by letter dated February 21, 2017. *Id.*

Ms. Goss appealed the Board's first denial and on March 17, 2017, Ms. Goss requested a hearing before the Subcommittee in order to present additional evidence in support of her appeal. *See* R.I. Admin. Code 29-1-4:9-6 (2013). The request was granted by the Subcommittee, and on June 8, 2018, Ms. Goss was permitted to present additional evidence to the Subcommittee, including the testimony of Forensic Psychiatrist Barry Wall, M.D. (Dr. Wall). R. at 001217-001254. Dr. Wall testified that Ms. Goss is disabled from the position of teacher, suffering from unspecified trauma disorder, anxiety disorder and recurrent major depressive disorder. R. at 001234. Dr. Wall opined that her disability was likely caused by a workplace accident consisting of a series of events during the 2013-2014 school year at Harry Kizirian School, which lasted until February 6, 2014. *Id.* Dr. Wall further testified that Ms. Goss' disability was not the result of age or length of service. *Id.* He opined that she had reached MMI. R. at 001235. He testified that his opinions were to a reasonable degree of medical certainty. *Id.*

At the June 8, 2018 hearing before the Subcommittee, Ms. Goss, through her attorney, clarified that the workplace accident on which she based her claim for accidental disability was not limited to the events at school on February 6, 2014 but rather, that there were a series of incidents which culminated on February 6, 2014 when she could no longer work. Ms. Goss cites

medical records, police reports, and incident reports describing these incidents, all of which were included in the record before the Subcommittee. R. at 001222-001223.

The Subcommittee issued its second decision on June 8, 2018. R. at 001121-001125. The Subcommittee emphasized once again that Ms. Goss did not describe a specific accident. *Id.* at 001121. After considering the additional evidence submitted by Ms. Goss in support of her Application, the Subcommittee once again recommended denial of Ms. Goss' Application for an accidental disability retirement. *Id.* at 001125. The Subcommittee incorporated the Findings of Fact from its January 6, 2017 decision and found there was no new evidence of a qualifying **accident or accidents** (emphasis added) submitted to justify altering its first decision to recommend denial of Ms. Goss' Application. *Id.* at 001124. The Subcommittee further found that based on the record, Ms. Goss' disability was not the natural and proximate result of an accident **or series of accidents** (emphasis added) which would justify awarding her an accidental disability pension. *Id.* at 001125.

On September 12, 2018, the full Board voted to accept the Subcommittee's second recommendation of denial of Ms. Goss' Application. R. at 001129. Ms. Goss was notified of the Board's second denial by letter dated September 27, 2018. *Id.* Ms. Goss once again timely appealed the Retirement Board's decision on October 16, 2018, pursuant to R.I. Admin. Code 29-1-4:9-11 (2013) (R. at 001136). The Board held a hearing on Ms. Goss' appeal on March 18, 2019. R. at 001340-001360. After considering the full record and any additional arguments raised at that hearing, the Board voted to deny Ms. Goss' Application. *Id.* at 001350-001351. On April 16, 2019, Ms. Goss filed a timely appeal of the Board's decision to this Court.

II

Standard of Review

Pursuant to § 42-35-15, the Superior Court has jurisdiction to review appeals of ERSRI decisions. Specifically, § 42-35-15(g) provides:

“The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings, or it may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- “(1) In violation of constitutional or statutory provisions;
- “(2) In excess of the statutory authority of the agency;
- “(3) Made upon unlawful procedure;
- “(4) Affected by other error of law;
- “(5) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- “(6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.”

When reviewing an ERSRI decision, this Court is limited to an examination of the record in deciding whether the agency’s decision is supported by substantial evidence. *Center for Behavioral Health, Rhode Island, Inc. v. Barros*, 710 A.2d 680, 684 (R.I. 1998) (citations omitted). Substantial evidence is “such relevant evidence that a reasonable mind might accept as adequate to support a conclusion, and means an amount more than a scintilla but less than a preponderance.” *Caswell v. George Sherman Sand & Gravel Co., Inc.*, 424 A.2d 646, 647 (R.I. 1981) (citing *Apostolou v. Genovesi*, 120 R.I. 501, 508, 388 A.2d 821, 824-25 (1978)).

This Court ““must not substitute [its] judgment for that of the agency as to the weight of the evidence on questions of fact,”” and will defer to an agency’s findings as long as they are supported by legally competent evidence. *Endoscopy Associates, Inc. v. Rhode Island Department of Health*, 183 A.3d 528, 532 (R.I. 2018) (quoting *Interstate Navigation Co. v. Division of Public*