



We Make Rhode Island Happen

## AFSCME Rhode Island Council 94

American Federation of State, County & Municipal Employees, AFL-CIO

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### PRESS RELEASE

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#### *Council 94 Applauds Judge Taft-Carter's Refusal of State's Attempt to Dismiss Court Case*

North Providence – Today, Rhode Island Council 94, American Federation of State, County, and Municipal Employees, AFL-CIO applauded Judge Taft-Carter's decision to deny the state's motion for summary judgment.

J. Michael Downey, president, explained, "Council 94 and other state employee/teacher unions have argued all along that pensions are not simply gratuities. We have to work long and hard to earn a pension. The state should not simply be able to take away or make changes to our pensions whenever they want. The state's motion for summary judgment attempted to have our case thrown out of court before a trial was even held. We are grateful that Judge Taft-Carter's decision will allow Council 94 and impacted employees to have a full hearing and trial upon these very important issues."

Some key quotes of the decision include:

- "...the major purposes underlying public pensions are to induce people to enter public employment and continue faithful and diligent employment and to furnish public employees with employment stability and financial security." (pg. 33)
- "The benefits provided pursuant to the ERSRI are not gratuities that may be taken away at the whim of the state." (pg. 25)
- "Defendants envision an ERSRI under which the State may, with or without justification, significantly alter or completely terminate a public employee's pension benefits at any time- even just one day-before retirement.....such a construction of the ERSRI is untenable." (pg. 38)

President Downey concluded, "Council 94 recognizes that this decision, while important, does not represent a full victory. Judge Taft-Carter's decision that an implied contract exists will ideally allow for a full hearing on the merits of our case. Council 94 looks forward to our day in court."

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RI Council 94 AFSCME, AFL-CIO represents over 4,000 state employees, 4,000 municipal employees, and 2,500 retirees.