



Department of Corrections

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The Honorable Marvin L. Abney
House Committee on Finance
82 Smith Street
Providence, RI 02903

April 25, 2024

Re: H7481 - Relating to Public Officers and Employees - Retirement System- Contributions and Benefits

Dear Chairperson Abney:

This evening the House Finance Committee will consider House Bill #7481. The passage of this legislation will add the positions of Deputy Chief Inspector and Inspector to RIGL § 36-10-9.2 to include these positions in the correctional officer pension schedule. The Rhode Island Department of Corrections (RIDOC) believes this legislation is essential to ensure retirement benefits of correctional officers are not adversely impacted if hired as an Inspector or Deputy Chief Inspector, which presently necessitates a move from one pension schedule to another.

This legislation would not have a retroactive effect. Currently, we have one individual with 18 years in the CO system who is now an inspector and has been so for about three years therefore the impact would be minimal. The Department's other inspectors are retired from outside law enforcement agencies, with no previous state service and are unlikely to achieve 25 years of service. Should an employee already in the CO pension decide to pursue the position of inspector in the future when there is a vacancy, there would be an impact, though it would be inestimable without knowing the particulars of that individual's years of service. The intent of this legislation is to remove a barrier to potential promotion from within the Department.

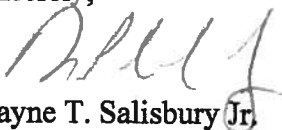
When the statute (§ 36-10-9.2) was written, the RIDOC was a much smaller department, with a smaller workforce. At that time, only a Chief Inspector was needed to address employee misconduct and/or criminal violations. The Department has grown, and issues of employee misconduct and security have become much more complex. Some issues that did not exist when the statute was written such as computer misuse, cell phone conveyance, and newer kinds of drugs, must now be investigated to ensure that our workforce is professional, law-abiding, accountable for their misconduct, and our facilities safe and secure. Therefore, the Office of Inspections, which is the RIDOC's internal affairs unit, now includes (4) four Inspectors and a Deputy Chief Inspector as well as the Chief Inspector. The four Inspectors do the very same work that was previously performed by the Chief Inspector alone. It is reasonable to assume that the legislature would have included the Inspectors in the retirement statute had the position existed at the time.

The position of Inspector is well-regarded among staff; however, correctional officers are reluctant to seek promotion to this prestigious position if a collateral consequence is the loss of benefits they accrued while working their way up the ranks. This is of great detriment to the RIDOC, as the expertise gained by a correctional officer is crucial to being able to effectively investigate staff misconduct. If a correctional officer decided nevertheless to accept such a promotion, that could present an administrative nightmare if personnel move in and out of differing retirement systems. For example, the state must move a correctional officer (a member of the correctional officer retirement pension schedule) who accepts a promotion to Inspector into the traditional state retirement system pension schedule. If that Inspector is later promoted to Chief Inspector, the state will have to move them back into the correctional officer retirement pension schedule.

Despite the name of the statute "Retirement on service allowance – Correctional Officers", not all the original titles in the statute are members of the Rhode Island Brotherhood of Correctional Officers (RIBCO) and have always included some titles who are not or never were correctional officers. Except for the last two Chief Inspectors, no Chief Inspector at the RIDOC had previously been a correctional officer. Furthermore, there are other job titles within the statute that are not within the correctional officer hierarchy: Associate Director, and Classification Counselor. Most of these Associate Director positions have little to no inmate contact, none are in RIBCO, and none of them require graduation from the correctional officer training academy. Therefore, excluding an Inspector from the system simply because an Inspector is not a correctional officer is illogical and inconsistent.

Thank you for the opportunity to comment on this legislation.

Sincerely,



Wayne T. Salisbury Jr.
Acting Director

cc: Honorable Members of the House Finance Committee
The Honorable Representatives Dawson, Knight, and McEntee
Nicole McCarty, Esq., Chief Legal Counsel to the Speaker of the House