

RHODE ISLAND COUNCIL 94, AFSCME, AFL-CIO LOCALS: BOYS & GIRLS TRAINING SCHOOL, LOCAL 314, AFSCME, COUNCIL 94, AFL-CIO; UNIVERSITY OF RI, LOCAL 528, AFSCME, COUNCIL 94, AFL-CIO; VETERANS HOME, LOCAL 904, AFSCME, COUNCIL 94, AFL-CIO; NBC/BLACKSTONE VALLEY FACILITY, LOCAL 1010, AFSCME, COUNCIL 94, AFL-CIO; DEPARTMENT OF TRANSPORTATION, LOCAL 1245, AFSCME, COUNCIL 94, AFL-CIO; RI CLASS, LOCAL 1293, AFSCME, COUNCIL 94, AFL-CIO; MEDICAL CENTER, LOCAL 1350, AFSCME, COUNCIL 94, AFL-CIO; RI FAMILY COURT, LOCAL 2203, AFSCME, COUNCIL 94, AFL-CIO; MED. CTR. PHYSICAL PLANT & MGMT. SERVICES, LOCAL 2392, AFSCME, COUNCIL 94, AFL-CIO; DEPUTY SHERIFFS, LOCAL 2409, AFSCME, COUNCIL 94, AFL-CIO; DEPARTMENT OF ADMINISTRATION, LOCAL 2448, AFSCME, COUNCIL 94, AFL-CIO; DEPARTMENT OF LABOR & TRAINING, LOCAL 2869, AFSCME, COUNCIL 94, AFL-CIO; DEPARTMENT OF HEALTH, LOCAL 2870, AFSCME, COUNCIL 94, AFL-CIO; DEPARTMENT OF EDUCATION, LOCAL 2872, AFSCME, COUNCIL 94, AFL-CIO; RHODE ISLAND AIRPORT CORPORATION, LOCAL 2873, AFSCME, COUNCIL 94, AFL-CIO; REGISTRY OF MOTOR VEHICLES, LOCAL 2874, AFSCME, COUNCIL 94, AFL-CIO; DEPT. OF CHILDREN, YOUTH & FAMILIES, LOCAL 2876, AFSCME, COUNCIL 94, AFL-CIO; URI PROFESSIONAL/TECHNICAL ADMINISTRATIVE, LOCAL 2877, AFSCME, COUNCIL 94, AFL-CIO; RHODE ISLAND COLLEGE SECURITY & FACILITIES, LOCAL 2878, AFSCME, COUNCIL 94, AFL-CIO; RHODE ISLAND COLLEGE CLERICAL, LOCAL 2879, AFSCME, COUNCIL 94, AFL-CIO; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, LOCAL 2881, AFSCME, COUNCIL 94, AFL-CIO; DEPARTMENT OF HUMAN SERVICES, LOCAL 2882, AFSCME, COUNCIL 94, AFL-CIO; MHRH (SUPERVISORY), LOCAL 2883, AFSCME, COUNCIL 94, AFL-CIO; AMALGAMATED, LOCAL 2884, AFSCME, COUNCIL 94, AFL-CIO; EXECUTIVE/MILITARY STAFF, LOCAL 2886, AFSCME, COUNCIL 94, AFL-CIO;

P.C.C.A. No. 12-3168

NATIONAL EDUCATION ASSOCIATION RHODE ISLAND
LOCALS: NEA BARRINGTON, LOCAL 801, NEARI;
BRISTOL/WARREN EA, LOCAL 802, NEARI; BURRILLVILLE EA,
LOCAL 803, NEARI; NEA CHARIHO, LOCAL 898, NEARI;
CUMBERLAND TEACHERS, LOCAL 808, NEARI; DAVIES
FACULTY, LOCAL 875, NEARI; EAST GREENWICH ED. ASSOC.,
LOCAL 809, NEARI; EAST PROVIDENCE ED. ASSOC., LOCAL
810, NEARI; EXETER/WEST GREENWICH TCH. ASSOC., LOCAL
897, NEARI; FOSTER TEACHERS ASSOC., LOCAL 812, NEARI;
GLOCESTER TEACHER ASSOC., LOCAL 813, NEARI;
JAMESTOWN TEACHERS ASSOC., LOCAL 815, NEARI; LITTLE
COMPTON TEACHERS ASSOC., LOCAL 818, NEARI; NEA
MIDDLETOWN, LOCAL 819, NEARI; NEA NARRAGANSETT,
LOCAL 820, NEARI; TEACHERS ASSN. OF NEWPORT, LOCAL
821, NEARI; NEW SHOREHAM TEACHER ASSOC., LOCAL 822,
NEARI; NEA NORTH KINGSTOWN, LOCAL 823, NEARI; NORTH
SMITHFIELD TEACHER ASSOC., LOCAL 825, NEARI; NEA
PONAGANSETT, LOCAL 899, NEARI; NEA PORTSMOUTH,
LOCAL 827, NEARI; RI SCHOOL FOR THE DEAF TEACHER
ASSOC., LOCAL 841, NEARI; SCITUATE TEACHERS ASSOC.,
LOCAL 830, NEARI; NEA SMITHFIELD, LOCAL 831, NEARI; NEA
SOUTH KINGSTOWN, LOCAL 832, NEARI; NEA TIVERTON,
LOCAL 833, NEARI; WESTERLY TEACHERS ASSOC., LOCAL 836,
NEARI; CCRI/NEARI ESPA, LOCAL 852, NEARI; CCRI FACULTY
ASSN., LOCAL 872, NEARI; CCRI/PSA, LOCAL 893, NEARI; RI
DEPT OF HEALTH PSA, LOCAL 859, NEARI; URI/ACT, LOCAL
879, NEARI; URI PHYSICIANS, LOCAL 877, NEARI; URI/PSA,
LOCAL 888, NEARI; RI SCHOOL FOR THE DEAF TEACHER ASST.,
LOCAL 884, NEARI ; DAVIES TEACHER ASST., LOCAL 867,
NEARI ;

RHODE ISLAND FEDERATION OF TEACHERS AND HEALTH PROFESSIONALS LOCALS: WARWICK TEACHERS UNION, LOCAL 915, RIFTHP; NORTH PROVIDENCE FEDERATION OF TEACHERS, LOCAL 920, RIFTHP; PAWTUCKET TEACHERS ALLIANCE, LOCAL 930, RIFTHP; WOONSOCKET TEACHERS GUILD, LOCAL 951, RIFTHP; PROVIDENCE TEACHERS UNION, LOCAL 958, RIFTHP; WEST WARWICK TEACHERS ALLIANCE, LOCAL 1017, RIFTHP; COVENTRY TEACHERS ALLIANCE, LOCAL 1075, RIFTHP; LINCOLN TEACHERS ASSOCIATION, LOCAL 1461, RIFTHP; CENTRAL FALLS TEACHERS UNION, LOCAL 1567, RIFTHP; JOHNSTON FEDERATION OF TEACHERS, LOCAL 1702, RIFTHP; CRANSTON TEACHERS ALLIANCE, LOCAL 1704, RIFTHP; NORTHERN RHODE ISLAND COLLABORATIVE EDUCATIONAL UNION, LOCAL 4940, RIFTHP; HOWARD UNION OF TEACHERS, LOCAL 1171, RIFTHP; RI COURT REPORTERS ALLIANCE, LOCAL 4829, RIFTHP; RI DEPT OF EDUCATION, LOCAL 2012, RIFTHP;

RHODE ISLAND BROTHERHOOD OF CORRECTIONAL OFFICERS; INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS LOCAL 400; NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES/INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS LOCAL 79; RHODE ISLAND EMPLOYMENT SECURITY ALLIANCE, LOCAL 401; and RHODE ISLAND ALLIANCE OF SOCIAL SERVICE EMPLOYEES, LOCAL 580

v.

LINCOLN CHAFEE, IN HIS CAPACITY AS GOVERNOR OF THE STATE OF RHODE ISLAND; GINA RAIMONDO, IN HER CAPACITY AS GENERAL TREASURER OF THE STATE OF RHODE ISLAND; AND THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF RHODE ISLAND, BY AND THROUGH THE RHODE ISLAND RETIREMENT BOARD, BY AND THROUGH GINA RAIMONDO, IN HER CAPACITY AS CHAIRMAN OF THE RETIREMENT BOARD, and FRANK J. KARPINSKI, IN HIS CAPACITY AS SECRETARY OF THE RETIREMENT BOARD

VERIFIED COMPLAINT

Jurisdiction

1. This is an action for injunctive and other equitable relief and for declaratory judgment to prohibit the unconstitutional and otherwise unlawful implementation of Public Law 2011,

chapters 408 and 409, otherwise known as the Rhode Island Retirement Security Act of 2011 (“RIRSA”), as it relates to employees of the State of Rhode Island and public school teachers.

2. The jurisdiction of this Court is invoked pursuant to R.I. Gen. Laws §§ 8-2-13, 9-30-1, as well as the general jurisdiction of the Superior Court.

Plaintiffs

3. The Plaintiff Local Unions identified in this paragraph, hereinafter referred to collectively as “the Council 94 State Locals”, are each local affiliates of Rhode Island Council 94, AFSCME, AFL-CIO, a statewide labor organization devoted to providing representation and advocacy for its membership. The Council 94 State Locals serve as certified bargaining unit representatives for Rhode Island state employees, for purposes of collective bargaining and advocating for the interests of bargaining unit members. The Council 94 State Locals represent employees of the State of Rhode Island. The Council 94 State Locals are: BOYS & GIRLS TRAINING SCHOOL, LOCAL 314, AFSCME, COUNCIL 94, AFL-CIO; UNIVERSITY OF RI, LOCAL 528, AFSCME, COUNCIL 94, AFL-CIO; VETERANS HOME, LOCAL 904, AFSCME, COUNCIL 94, AFL-CIO; NBC/BLACKSTONE VALLEY FACILITY, LOCAL 1010, AFSCME, COUNCIL 94, AFL-CIO; DEPARTMENT OF TRANSPORTATION, LOCAL 1245, AFSCME, COUNCIL 94, AFL-CIO; RI CLASS, LOCAL 1293, AFSCME, COUNCIL 94, AFL-CIO; MEDICAL CENTER, LOCAL 1350, AFSCME, COUNCIL 94, AFL-CIO; RI FAMILY COURT, LOCAL 2203, AFSCME, COUNCIL 94, AFL-CIO; MED. CTR. PHYSICAL PLANT & MGMT. SERVICES, LOCAL 2392, AFSCME, COUNCIL 94, AFL-CIO; DEPUTY SHERIFFS, LOCAL 2409, AFSCME, COUNCIL 94, AFL-CIO; DEPARTMENT OF ADMINISTRATION, LOCAL 2448, AFSCME, COUNCIL 94, AFL-CIO; DEPARTMENT OF LABOR & TRAINING,

LOCAL 2869, AFSCME, COUNCIL 94, AFL-CIO; DEPARTMENT OF HEALTH, LOCAL 2870, AFSCME, COUNCIL 94, AFL-CIO; DEPARTMENT OF EDUCATION, LOCAL 2872, AFSCME, COUNCIL 94, AFL-CIO; RHODE ISLAND AIRPORT CORPORATION, LOCAL 2873, AFSCME, COUNCIL 94, AFL-CIO; REGISTRY OF MOTOR VEHICLES, LOCAL 2874, AFSCME, COUNCIL 94, AFL-CIO; DEPT. OF CHILDREN, YOUTH & FAMILIES, LOCAL 2876, AFSCME, COUNCIL 94, AFL-CIO; URI PROFESSIONAL/TECHNICAL ADMINISTRATIVE, LOCAL 2877, AFSCME, COUNCIL 94, AFL-CIO; RHODE ISLAND COLLEGE SECURITY & FACILITIES, LOCAL 2878, AFSCME, COUNCIL 94, AFL-CIO; RHODE ISLAND COLLEGE CLERICAL, LOCAL 2879, AFSCME, COUNCIL 94, AFL-CIO; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, LOCAL 2881, AFSCME, COUNCIL 94, AFL-CIO; DEPARTMENT OF HUMAN SERVICES, LOCAL 2882, AFSCME, COUNCIL 94, AFL-CIO; MHRH (SUPERVISORY), LOCAL 2883, AFSCME, COUNCIL 94, AFL-CIO; AMALGAMATED, LOCAL 2884, AFSCME, COUNCIL 94, AFL-CIO; EXECUTIVE/MILITARY STAFF, LOCAL 2886, AFSCME, COUNCIL 94, AFL-CIO.

4. The Plaintiff Local Unions identified in this paragraph, hereinafter referred to collectively as “the NEARI Locals”, are each local affiliates of National Education Association Rhode Island, a statewide labor organization devoted to providing representation and advocacy for its membership. The NEARI Locals serve as certified bargaining unit representatives for Rhode Island public school teachers and/or state employees, for purposes of collective bargaining and advocating for the interests of bargaining unit members. The NEARI Locals represent public school teachers employed by Rhode Island municipalities and/or employees of the State of Rhode Island. The NEARI Locals are: NEA BARRINGTON, LOCAL 801, NEARI; BRISTOL/WARREN EA, LOCAL 802, NEARI; BURRILLVILLE EA, LOCAL

803, NEARI; NEA CHARIHO, LOCAL 898, NEARI; CUMBERLAND TEACHERS, LOCAL 808, NEARI; DAVIES FACULTY, LOCAL 875, NEARI; EAST GREENWICH ED. ASSOC., LOCAL 809, NEARI; EAST PROVIDENCE ED. ASSOC., LOCAL 810, NEARI; EXETER/WEST GREENWICH TCH. ASSOC., LOCAL 897, NEARI; FOSTER TEACHERS ASSOC., LOCAL 812, NEARI; GLOCESTER TEACHER ASSOC., LOCAL 813, NEARI; JAMESTOWN TEACHERS ASSOC., LOCAL 815, NEARI; LITTLE COMPTON TEACHERS ASSOC., LOCAL 818, NEARI; NEA MIDDLETOWN, LOCAL 819, NEARI; NEA NARRAGANSETT, LOCAL 820, NEARI; TEACHERS ASSN. OF NEWPORT, LOCAL 821, NEARI; NEW SHOREHAM TEACHER ASSOC., LOCAL 822, NEARI; NEA NORTH KINGSTOWN, LOCAL 823, NEARI; NORTH SMITHFIELD TEACHER ASSOC., LOCAL 825, NEARI; NEA PONAGANSETT, LOCAL 899, NEARI; NEA PORTSMOUTH, LOCAL 827, NEARI; RI SCHOOL FOR THE DEAF TEACHER ASSOC., LOCAL 841, NEARI; SCITUATE TEACHERS ASSOC., LOCAL 830, NEARI; NEA SMITHFIELD, LOCAL 831, NEARI; NEA SOUTH KINGSTOWN, LOCAL 832, NEARI; NEA TIVERTON, LOCAL 833, NEARI; WESTERLY TEACHERS ASSOC., LOCAL 836, NEARI; CCRI/NEARI ESPA, LOCAL 852, NEARI; CCRI FACULTY ASSN., LOCAL 872, NEARI; CCRI/PSA, LOCAL 893, NEARI; RI DEPT OF HEALTH PSA, LOCAL 859, NEARI; URI/ACT, LOCAL 879, NEARI; URI PHYSICIANS, LOCAL 877, NEARI; URI/PSA, LOCAL 888, NEARI; RI SCHOOL FOR THE DEAF TEACHER ASST., LOCAL 884, NEARI ; DAVIES TEACHER ASST., LOCAL 867, NEARI .

5. The Plaintiff Local Unions identified in this paragraph, hereinafter referred to collectively as “the RIFTHP Locals”, are each local affiliates of Rhode Island Federation of Teachers and Health Professionals, a statewide labor organization devoted to providing representation and advocacy for its membership. The RIFTHP Locals serve as certified bargaining unit

representatives for Rhode Island public school teachers and/or state employees, for purposes of collective bargaining and advocating for the interests of bargaining unit members. The RIFTHP Locals represent public school teachers employed by Rhode Island municipalities and/or employees of the State of Rhode Island. The RIFTHP Locals are: RHODE ISLAND FEDERATION OF TEACHERS AND HEALTH PROFESSIONALS LOCALS: WARWICK TEACHERS UNION, LOCAL 915, RIFTHP; NORTH PROVIDENCE FEDERATION OF TEACHERS, LOCAL 920, RIFTHP; PAWTUCKET TEACHERS ALLIANCE, LOCAL 930, RIFTHP; WOONSOCKET TEACHERS GUILD, LOCAL 951, RIFTHP; PROVIDENCE TEACHERS UNION, LOCAL 958, RIFTHP; WEST WARWICK TEACHERS ALLIANCE, LOCAL 1017, RIFTHP; COVENTRY TEACHERS ALLIANCE, LOCAL 1075, RIFTHP; LINCOLN TEACHERS ASSOCIATION, LOCAL 1461, RIFTHP; CENTRAL FALLS TEACHERS UNION, LOCAL 1567, RIFTHP; JOHNSTON FEDERATION OF TEACHERS, LOCAL 1702, RIFTHP; CRANSTON TEACHERS ALLIANCE, LOCAL 1704, RIFTHP; NORTHERN RHODE ISLAND COLLABORATIVE EDUCATIONAL UNION, LOCAL 4940, RIFTHP; HOWARD UNION OF TEACHERS, LOCAL 1171, RIFTHP; RI COURT REPORTERS ALLIANCE, LOCAL 4829, RIFTHP; RI DEPT OF EDUCATION, LOCAL 2012, RIFTHP.

6. Plaintiff RHODE ISLAND BROTHERHOOD OF CORRECTIONAL OFFICERS, is a statewide labor organization devoted to providing representation and advocacy for its membership. Its members include Rhode Island state employees. It serves as the certified bargaining unit representative for Rhode Island state employees, for purposes of collective bargaining and advocating for the interests of bargaining unit members.
7. Plaintiff INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS LOCAL 400 is a statewide labor organization devoted to providing

representation and advocacy for its membership. Its members include Rhode Island state employees. It serves as the certified bargaining unit representative for Rhode Island state employees, for purposes of collective bargaining and advocating for the interests of bargaining unit members.

8. The Plaintiff Local identified in this paragraph is a Local affiliate of the National Association of Government Employees/International Brotherhood of Police Officers, a national labor organization devoted to providing representation and advocacy for its membership. Its members include Rhode Island state and municipal employees. Plaintiff LOCAL 79 serves as the certified bargaining unit representative for Rhode Island state employees, for purposes of collective bargaining and advocating for the interests of bargaining unit members.
9. Plaintiff RHODE ISLAND EMPLOYMENT SECURITY ALLIANCE, LOCAL 401 is a statewide labor organization devoted to providing representation and advocacy for its membership. Its members include Rhode Island state employees. It serves as the certified bargaining unit representative for Rhode Island state employees, for purposes of collective bargaining and advocating for the interests of bargaining unit members.
10. Plaintiff RHODE ISLAND ALLIANCE OF SOCIAL SERVICE EMPLOYEES, LOCAL 580, is a statewide labor organization devoted to providing representation and advocacy for its membership. Its members include Rhode Island state employees. It serves as the certified bargaining unit representative for Rhode Island municipal and state employees, for purposes of collective bargaining and advocating for the interests of bargaining unit members.
11. Plaintiffs are hereinafter referred to collectively as “the Unions.”

Defendants

12. Defendant Lincoln Chafee (“Governor”) is sued in his official capacity as Governor of the State of Rhode Island.
13. Defendant Gina Raimondo (“Treasurer”) is sued in her official capacity as the General Treasurer of the State of Rhode Island. Pursuant to R.I.Gen.Laws §42-10-11 et seq., the Treasurer has responsibility for and control of state funds and the payment of state and municipal retirement benefits administered through the Employee Retirement System of the State of Rhode Island. Pursuant to R.I.Gen.Laws §36-8-9, the Treasurer shall serve as ex-officio chairperson of the Rhode Island Retirement Board and custodian and treasurer of the funds of the Employee Retirement System.
14. Defendant Employee Retirement System of Rhode Island is established and placed under the management of the Rhode Island Retirement Board pursuant to R.I.Gen.Laws §§36-8-2 and 36-8-3. The Retirement Board is sued by and through its Chair, Gina Raimondo, and its Executive Director, Frank J. Karpinski, who, pursuant to R.I.Gen.Laws §36-8-9, by statute is in charge of administration of the retirement system and serves as Secretary to the Retirement Board. The Employee Retirement System of Rhode Island and the Retirement Board are hereinafter referred to collectively as “the Retirement System.”
15. Defendants are hereinafter referred to collectively as “the State.”

Statement of Facts

16. The State has established a Retirement System which requires employees of the State and certain municipal employees, including public school teachers, to participate. The Retirement System is administered as the Employment Retirement System of Rhode Island. The program, as it relates to State employees and public school teachers, is hereinafter referred to as “the ERS.”

17. Prior to the enactment of RIRSA and its effective date of July 1, 2012, state employee participants are required to contribute 8.75% of each year's compensation pursuant to R.I.Gen.Laws §36-10-1 to the Retirement System and public school teachers are required to contribute 9.5% of each year's compensation pursuant to R.I.Gen.Laws §16-16-22 to the ERS "as his or her share of the cost of annuities, benefits, and allowances."
18. Prior to the enactment of RIRSA and its effective date of July 1, 2012, employees who make ten (10) years of payments to the Retirement System are thereby "vested" pursuant to R.I.Gen.Laws §36-10-9 (state employees) and §16-16-12 (public school teachers) and entitled to the benefits of retirement upon reaching statutorily-defined age and/or service requirements for retirement, hereinafter referred to as "the standards for retirement."
19. Among the membership of each of the Unions are state employees and public school teachers who, on the date of enactment of RIRSA and/or as of June 30, 2012, had at least ten (10) years of contributory service and entitled to the benefits of retirement upon reaching the standards for retirement, including state employees and public school teachers who on the date of enactment of RIRSA and/or as of June 30, 2012, (a) did not satisfy the standards for retirement as they existed on either said date, and (b) did satisfy the standards for retirement as they existed on either said date but have not elected to retire and continue in active employment. The Unions bring this action in their representative capacity on behalf of these employees, hereinafter referred to as "the vested employees."
20. In 2011, the General Assembly of the State of Rhode Island enacted Public Law 2011, chapters 408 and 409, entitled the Rhode Island Retirement Security Act of 2011 and hereinafter "RIRSA," which, upon information and belief, substantially altered the standards for retirement for the vested employees, to their substantial injury. Among other things, RIRSA:

- a. changes the structure of the retirement program from a traditional defined benefit plan to a “hybrid plan” designed with a smaller defined benefit plan and a supplemental defined contribution plan;
- b. forces vested employees eligible to retire but not retiring on June 30, 2012, to elect either to receive no further accrual towards retirement in their defined benefit plan, notwithstanding continued mandatory contributions, or to receive a reduced value for further services, thereby reducing the total maximum percentage benefit achievable for some of the vested employees and requiring more years of service to achieve this reduced maximum;
- c. reduces the value of the defined benefit plan for vested employees not eligible to retire on June 30, 2012 and requires them either to work longer to receive the monthly pension benefit available before RIRSA or to accept a reduced pension benefit, thereby reducing the total maximum percentage benefit achievable for some of the vested employees and/or requiring more years of service to achieve the previous benefit level;
- d. permanently reduces all cost of living adjustments (“COLA”) to apply only to the first \$25,000 of a person’s retirement allowance, thereby substantially reducing the value of the COLA for vested employees;
- e. substantially postpones the commencement of the COLA for some of the vested employees;
- f. suspends all cost of living adjustments (“COLA”) except every five years, until the ERS reaches 80 percent funding, which, upon information and belief, with other changes by RIRSA, is projected to take at least 16 years, thereby substantially postponing the commencement of the COLA for vested employees and substantially

- reducing the value of the achievable COLA for vested employees;
- g. does not allow, at any time, for the full restoration of the COLAs in the amounts originally promised to vested employees.
21. A COLA is a “living pension” that serves to maintain the real value of a person’s pension in light of changes in the cost of living that occur over the life of a retirement.
 22. In enacting RIRSA, the State directed that the majority of the contributions of the vested employees and other participants in the ERS be diverted from the ERS and, as of July 1, 2012, instead invested in a separate “defined contribution” plan, to which the State will also contribute on behalf of the employees.
 23. Upon information and belief, amounts invested in the so-called “defined contribution” plan will, in the absence of court intervention, not be available to or invested in the ERS. Upon information and belief, in establishing the “defined contribution” plan, the State directed substantial resources out of the ERS at the same that RIRSA substantially reduced retirement benefits.
 24. RIRSA was intended to substantially reduce and diminish the value of retirement benefits achievable by the vested employees.
 25. RIRSA Act will substantially reduce and diminish the value of retirement benefits achievable by the vested employees.
 26. RIRSA substantially impairs contractual rights vested in the vested employees, denies and deprives vested employees of property rights and interests without due process of law, and constitutes a taking of property without just compensation.
 27. Plaintiffs are entitled to a declaratory judgment pursuant to R.I.Gen.Laws §9-30-1 that RIRSA is unconstitutional and in violation of Article I Section 12 (Contract Clause), Section 2 (Due Process Clause), and Section 16 (Takings Clause) of the Rhode Island Constitution.

28. Enforcement and implementation of RIRSA will cause the vested employees whose interests are represented by the Unions to suffer irreparable harm.

29. Plaintiffs have no adequate remedy at law.

Count I (Contract Clause of the Rhode Island Constitution, Art. I Section 12)

30. Paragraphs 1 through 29 are incorporated herein as if restated in full.

31. RIRSA, in substantially impairing the contract rights of the vested employees contravenes the Contract Clause of the Rhode Island Constitution, Article I Section 12 and should be declared unconstitutional and its operations enjoined.

Count II (Takings Clause of the Rhode Island Constitution, Art. I Section 16)

32. Paragraphs 1 through 29 are incorporated herein as if restated in full.

33. RIRSA, in substantially impairing the contract rights of the vested employees contravenes the Takings Clause of the Rhode Island Constitution, Article I Section 16 and should be declared unconstitutional and its operations enjoined.

Count III (Due Process Clause of the Rhode Island Constitution, Art. I Section 2)

34. Paragraphs 1 through 29 are incorporated herein as if restated in full.

35. RIRSA, in depriving property rights and interests of the vested employees contravenes the Due Process Clause of the Rhode Island Constitution, Article I Section 2 and should be declared unconstitutional and its operations enjoined.

WHEREFORE, Plaintiffs respectfully pray that the Court:

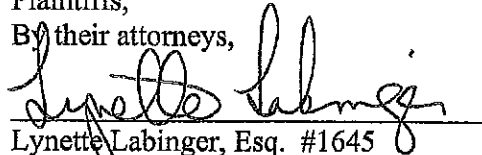
- a. Issue declaratory judgment declaring that Public Law 2011, chapters 408 and 409, insofar as it purports to amend Rhode Island General Laws chapters 16-6 and 36-10, contravenes the Contract, Due Process, and Takings Clauses of the Rhode Island Constitution, Article I Sections 2, 12 and 16;
- b. Issue equitable relief including, but not limited to, a temporary restraining order,

preliminary and permanent injunction prohibiting the State, including the Employee Retirement System and the Retirement Board, from relying upon or applying the provisions of Public Law 2011, chapters 408 and 409, insofar as it purports to amend Rhode Island General Laws chapters 16-6 and 36-10, to state employees or public school teachers with at least ten years of contributory service on June 30, 2012, and to restore and make whole all retirement benefits diminished by application thereof;

- c. Award plaintiffs the costs of the suit;
- d. Award such other and further relief as the Court deems necessary and proper.

Plaintiffs,

By their attorneys,



Lynette Labinger, Esq. #1645

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STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

RHODE ISLAND COUNCIL 94, AFSCME,
AFL-CIO LOCALS: BOYS & GIRLS
TRAINING SCHOOL, LOCAL 314,
AFSCME, COUNCIL 94, AFL-CIO, et al.,
Plaintiffs,

C.A. No. PC 12-

vs.


LINCOLN D. CHAFEE, et al.
Defendants.

VERIFICATION

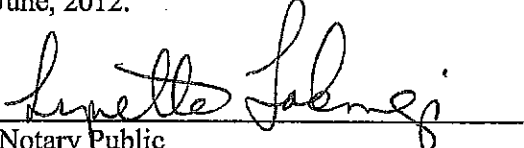
I, Robert A. Walsh, Jr., first being duly sworn, do hereby depose and state as follows:

1. I am the Executive Director of the National Education Association of Rhode Island ("NEARI").
2. NEARI is a statewide labor organization devoted to providing representation and advocacy for its membership. Its members include Rhode Island state employees and public school teachers and municipal employees. Its local affiliates serve as certified bargaining unit representatives for Rhode Island state employees and public school teachers and municipal employees, for purposes of collective bargaining and advocating for the interests of bargaining unit members. Local bargaining unit members participate in the Employee Retirement System of Rhode Island, either through the ERS or the MERS plans.
3. The unions identified in the complaint filed in the above-captioned action as "NEARI" locals are local affiliates of NEARI. I am authorized to make the within verification on their behalf.
4. I have read the complaint filed in the above-captioned action and it is true and correct to

the best of my knowledge, information and belief.


Robert A. Walsh, Jr.

Subscribed and sworn to this 22 day of June, 2012.


Notary Public
Commission expires 6/27/13