



Legislative/Retirement Update

March 31, 2008

The House and Senate acted recently on several pieces of legislation of importance to our members. Here is where things stand on those of greatest importance:

Retirement:

HB 1643, an act that will allow teachers who otherwise qualify for the post-retirement medical subsidy to retire after July 1, 2008, passed the House and is now in the Senate.

The House amended this bill so that the extended retirement date is only one year and not three. At the public hearing in the House, the New Hampshire Retirement System testified that this bill would cost the system an additional \$7 million.

NEA-NH strongly disagreed with this and told legislators that there were no additional costs to passing the bill. In the end, legislators did want to address the problem of "teacher drain," but not for three years.

The Senate committee hearing this bill has been told it must act soon or the extended time frame will be moot, as teachers must notify their employers of their status regarding their retirement. Already the notice deadline has passed for many teachers. I expect the Senate to take this bill up shortly.

HB 1645, an act that reforms the retirement system, also passed the House. That bill contains many good provisions that NEA-NH has favored in the past. It also contains language that the association does not support.

In its present form, the bill protects the healthcare subsidy and establishes a commission to examine ways to extend a post-retirement subsidy to those who retire after the 2008 deadline. A second commission is established to look at how COLAs are provided in the future.

There is a question that must be answered as to whether or not retirement incentives are included as compensation to determine a member's retirement benefit. Currently they are included, and the retirement commission that met this summer wanted to keep it that way. Language that is to be stricken from current law, however, may do more than was intended by its removal.

Provisions to remove labor representation on the NHRS board of trustees are problematic as well. The bill will provide for minority labor representation with employers and public members being the majority. Those legislators who have tried for years to limit the role of employees on the board are seizing on the current crisis to press their cause.

The Senate Executive Departments and Administration Committee will hold four public hearings, one each Wednesday for four consecutive Wednesdays beginning April 9, 2008, to receive impute on the bill.

Until the House, Senate and governor agree, House Bills 1643 and 1645 are not law and the current laws pertaining to qualifications for the healthcare subsidy and retirement benefits remain in effect.

Nonrenewal and Bargaining Legislation:

HB 1330 passed the House with a 70-vote majority. The bill repeals the law signed by former governor Craig Benson that removed the right for teachers to bargain binding arbitration in nonrenewal cases. The Senate passed a similar bill. Given that both bodies have acted favorably on some form of repeal; I suspect this will be the year when teachers regain due process rights regarding nonrenewal.

Of great significance is the passage by the House of HB 1436. This legislation will allow for the payment of step increases if the school board and the local have not agreed to a new contract by the time the prior contract expires. This provision is called an "evergreen clause." If passed, this law will remove the unfair practice of employees continuing to work after a contact has expired without getting a step increase in salary.

School Funding:

The school funding bill is slated for a public hearing this week in the House Education Committee. As NEA-NH believes the universal figure for an adequate education is entirely insufficient and based on arbitrary standards, we will testify against that legislation

The constitutional amendment that will jeopardize the Supreme Court rulings in favor of a state-funded adequate education for every child gets a work over in the House Finance Committee. NEA-NH has fought this bill vigorously and will continue to do so. Despite its passage in the Senate, we hope, with your help, to kill a constitutional amendment bill for the second time in two years in the House.

Legislative action is furious this year and events shaping legislation change from minute to minute. I will keep you posted on these and other bills as the session winds down.

Stay tuned, and please do not hesitate to send your comments, questions or concerns to me at RTrombly@NHNEA.org.

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