



Mayor of Providence

David N. Cicilline

August 12, 2008

The Honorable Members
The Retirement Board or the
Employee's Retirement System of the
City of Providence
City Hall
Providence, Rhode Island 02903

Re: Frank Corrente
Pension Revocation

Dear Honorable Members:

It is the position of this Administration that a serious transgression of the public trust is grounds for full pension revocation. The business of government is unlike any other. Government in our democracy embodies the will of the people. As government employees, our decisions and actions are our own but they are made on behalf of the thousands of people we serve. This has two major consequences with regard to our standard for honorable conduct.

First, it means that trust and transparency are fundamental. If the basic trust between residents and their government is broken, then the actions of government become illegitimate. It loses the consent of its "employers." Without trust, government can't do its job.

Second, it means the actions of government employees have a multiplier effect. Our transgressions aren't just a detriment or disgrace to our organization. They are a detriment or disgrace to a city of hundreds of thousands of full-time residents, daytime residents, and visitors.

A high standard for honorable service is absolutely critical to effective government. It must not be compromised. We cannot undermine our shared belief that government service is an honor and a privilege.

In addition, the more responsibility and seniority employees have, the more seriously we must regard their transgressions of the public trust. Leaders must always be held to a higher standard since they set the example for their reports. Additionally, their decisions and actions carry greater weight and consequence.

Pension awards have always been contingent on honorable conduct, a fact that was confirmed by ordinance of the City Council.

Every pension given to a retired employee confers with it a kind of certification from the City that the retiree served the City honorably. Clearly, when an employee violates the public trust in a serious way, his or her service must be deemed dishonorable.

I am aware that you will soon consider whether to revoke or reduce the pension of Frank E. Corrente pursuant to the City's Honorable Service Ordinance, Code of Ordinances § 17-189.1 (the "Honorable Service Ordinance"). I want to share with you the position of this Administration regarding the recommendation of your hearing officer that you separate out periods of "dishonorable" and "honorable" service to the City.

As you know, Mr. Corrente had two separate periods of City employment. Eventually, Mr. Corrente was convicted on five criminal counts, including bribery, conspiracy and attempted extortion involving, among other things, the extortion of money from a City heating and air-conditioning contractor and from towing companies dependent on the City for work.

Your hearing officer suggests that Mr. Corrente's two periods of City employment are "severable" and "suggest a division that should be recognized under the Ordinance." I could not disagree more. The Administration sees no legal or practical justification for making such a distinction.

First, a City pension is based upon total years of service, whenever rendered and regardless of periodic disruption. That is just the opposite of a "severable contract," the generally accepted definition of which is an agreement "the nature and purpose of which is susceptible of division and apportionment."

Second, the idea of taking into account separate periods of service is not even mentioned among the many factors you are to consider under the law in deciding whether to revoke a City pension under the Honorable Service Ordinance.

Third, even if you were to consider a break in City service relevant, The analysis of the hearing officer elevates the significance of that break in service effectively diluting the discretionary powers of the Board." You should be free to consider the relative importance of the various factors without undue emphasis placed on the mere fact that there may have been a break in City employment.

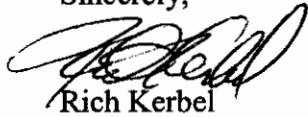
Fourth, in the case of Mr. Corrente – as could be true in any given case – the severity of the dishonorable conduct more than outweighs the length of time during which the conduct occurred.

To adopt the distinction between periods of "dishonorable" and "honorable" service would take the Board down the slippery slope of attempting the impossible task of parsing the conduct of employees during specific time periods.

In the meantime, you would ignore the larger objective of the Honorable Service Ordinance, which requires honorable service throughout an *entire* career with the City.

Revoking an employee's pension is a very serious action, and one which should only be taken in very serious circumstances. Employees should rest assured that there is no threat to their retirement security unless they are involved in an extraordinary breach of trust by engaging in serious misconduct. However, government employees do indeed carry extraordinary responsibilities, and when conduct breaches the public trust in a serious way, this Administration believes that revocation of pension must be one of the consequences.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich Kerbel", written in a cursive style.

Rich Kerbel

Director of Administration