

Bond Case Briefs

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Town of North Kingstown v. International Ass'n of Firefighters, Local 1651 AFL-CIO

Supreme Court of Rhode Island - January 9, 2015 - A.3d - 2015 WL 127889

Firefighters union brought declaratory judgment action against town, alleging ordinance reorganizing fire department was invalid, that town had violated the Firefighters Arbitration Act (FFAA) and the State Labor Relations Act (SLRA), and seeking injunctive relief. The Superior Court issued decision finding ordinance invalid, and that unilateral changes to wages, hours, and terms and conditions of employment was improper. Town appealed.

The State Labor Relations Board (SLRB) issued a complaint against town, alleging the manner in which town implemented a three-platoon structure for fire department violated state law. Town appealed. Town brought declaratory judgment action alleging SLRB was without jurisdiction to enforce unfair labor practice charge, that its implementation of the three-platoon system was lawful, and seeking to stay arbitration with firefighters union. The Superior Court found the town's actions in implementing the three-platoon system to be unlawful, that the SLRB had jurisdiction over the unfair labor practice charge, that the arbitration panel had no jurisdiction to decide any unresolved issue between town and union, and ordered town to reinstate wages, hours, and other terms of employment that existed prior to the implementation of the three-platoon system. Town appealed.

Following consolidation of the three appeals, the Supreme Court of Rhode Island held that:

- Town's decision to implement a three-platoon structure for fire department was a lawful management right of the town;
- The 120-day period for the union to provide notice of a request for collective bargaining with regard to any such appropriation began to run 120 days before the first Wednesday in May, the ordinary date for final approval of the town's budget;
- The 30-day period for union to provide notice to town of its demand for arbitration on any unresolved matters began to run on the first date bargaining occurred with regard to matters requiring the appropriation of money; and
- Firefighters union waived its right to demand interest arbitration by failing to provide town with the requisite notice, and thus, the arbitration panel was without jurisdiction to determine the town's decision to implement the new structure, or to decide any unresolved issues between the parties.