

Bond Case Briefs

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PENSIONS - RHODE ISLAND

City of Cranston v. International Broth. of Police Officers, Local 301.

Supreme Court of Rhode Island - May 29, 2015 - A.3d - 2015 WL 3451962

City filed motion to vacate an arbitration award in favor of police officer on ground that arbitrator exceeded his authority in enforcing round-up rule contained in collective bargaining agreement (CBA), whereby officer's employment for 19 years, six months, and one day was treated as 20 years for purposes of pension eligibility, despite requirement of the Municipal Employee Retirement System (MERS) that employees complete a full 20 years of employment to be eligible. The Superior Court granted city's motion. Police union appealed.

The Supreme Court of Rhode Island held that round-up rule was in direct contravention of state law, and thus arbitrator exceeded his authority in enforcing it.

Round-up rule employed by collective bargaining agreement (CBA) and city ordinance, whereby 19 years, six months, and one day was treated as a full 20 years for calculation of pension eligibility, was in direct contravention of statute governing pension eligibility for members of Municipal Employee Retirement System (MERS), which required a complete 20 years of employment, and thus arbitrator exceeded his authority in deciding that a MERS member could utilize rule. Neither union nor city had authority to adopt a contract provision or ordinance in conflict with state law, but, rather, the authority to define a year of service remained with the retirement board.