

Bond Case Briefs

Municipal Finance Law Since 1971

COLLECTIVE BARGAINING AGREEMENTS. - RHODE ISLAND

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

Supreme Court of Rhode Island - June 23, 2020 - A.3d - 2020 WL 3423789

City brought action for declaratory relief against police union and former police sergeant seeking to enjoin union from arbitrating grievance it filed alleging that removal of sergeant from injured-on-duty status and from his employment violated collective bargaining agreement.

The Superior Court granted union's motion to compel arbitration after finding that sergeant had not retired and thus remained member of bargaining unit and entered judgment in favor of union and sergeant. City appealed.

The Supreme Court held that:

- Retirement board for Municipal Employees Retirement System (MERS) did not have authority to unilaterally retire sergeant after he applied for ordinary disability retirement;
- Sergeant did not de facto retire; and
- Trial court acted within its discretion when it refused to reopen record to consider affidavit from city employee attesting to amount of termination payment city paid to sergeant.

Retirement board for Municipal Employees Retirement System (MERS) did not have authority to unilaterally retire police sergeant, who had injured-on-duty status, after he applied for ordinary disability retirement; although it was necessary for board to grant employee's application for ordinary disability retirement before employee could retire, board neither retired employee nor terminated employment with employer, statute governing retirement system for public officers and employees did not indicate that General Assembly endowed board with statutory authority to unilaterally retire employee, voluntary retirement required that employee make decision to terminate his own employment, and board required affirmative action by employee before it would process payment of retirement allowance.