

*Town of East Greenwich
Town Manager's Office*

August 7, 2018

Dear President William Perry,

This letter is to notify you that the 2016-2019 collective bargaining agreement between the East Greenwich Firefighters' Association, IAFF Local 3328 and the Town of East Greenwich is unconstitutional.

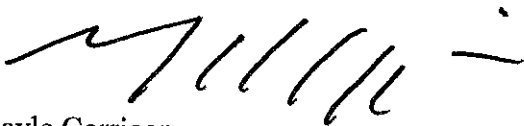
The CBA contains an unlawful union security provision in Section 49-1 that requires all employees of the Fire Department, except for the Fire Chief, to become and remain members of the Union as a condition of employment. This provision mandates an unlawful closed shop and thereby strips each employee of his or her fundamental right, guaranteed by the First and Fourteenth Amendment of the United States Constitution, to refrain from joining the Union.

The CBA also contains an unlawful dues checkoff requirement in Sections 49-2 and 49-3. These provisions, along with Section 49-1, obligate the Town to deduct union dues and assessments from each employee's paycheck based on the employees' forced membership in the Union and to remit these improperly detained wages to the Union without the employees' voluntary authorization. This violates the Constitutional rights of every employee in the bargaining unit, and it forces the Town to violate the Constitution as well as state wage and hour laws.

The Town can no longer recognize and enforce the unlawful CBA as written. Moreover, because these unlawful provisions are central to the CBA's purpose, and in the absence of a savings or separability provision, the Town must repudiate and disclaim the validity of the CBA. To do otherwise would be to commit and perpetuate a knowing and willful violation of the United States Constitution and the Rhode Island wage and hour laws.

The Town does, however, stand ready and willing to meet with the Union in order to negotiate a new contract that conforms to the United States Constitution and all state and federal laws.

Very truly yours,



Gayle Corrigan
Town Manager