



FOR IMMEDIATE RELEASE

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STATEMENT OF THE EAST GREENWICH TOWN COUNCIL REGARDING SETTLEMENT OF VARIOUS LITIGATION MATTERS

EAST GREENWICH, RHODE ISLAND – Upon taking office last November, the East Greenwich Town Council inherited 59 pending lawsuits, arbitrations, and Unfair Labor Practice complaints initiated during the prior administration. Prosecuting and defending these actions has cost the Town hundreds of thousands of dollars in legal fees and exposed the Town to significant damages. Since taking office, the Council has worked diligently to resolve these matters to limit the financial risks to the taxpayers and the associated legal fees necessary to defend and maintain these actions. At the Council meeting on 7/22/19, the Council acted to resolve some of the most significant matters pending against the Town. As a result of this action, in conjunction with grievances and arbitrations settled by the Council earlier this year, the Council has reduced the Town's pending litigation to 7 lawsuits, all of which are being defended by the Town's insurance carrier, and one grievance/arbitration matter which is likely to resolve soon. The following is a summary of the matters settled on 7/22/19. The settlement agreements will be available upon request from the Town Clerk's office. For more information, please contact Town Solicitor Andrew Teitz at 401-331-2222.

- In *William Perry, et al., v. East Greenwich*, the Town was faced with a significant federal claim of violation of the Fair Labor Standards Act for firefighters working in certain collateral duties, such as fire dispatch work. The plaintiffs in that case sought over four years of backpay, statutory double damages, attorneys' fees, and interest. Considering all of these factors, if the plaintiffs had pushed this matter all the way through to trial, the Town could have foreseeably been faced with a judgment approaching \$1,000,000. Instead, the Town negotiated a settlement of these claims for approximately \$296,000. Further, the Council successfully negotiated to have this sum dispersed over four fiscal years, substantially decreasing the impact on taxpayers.
- In *Laurie Perry v. East Greenwich*, the Town was faced with a lawsuit based upon the former administration's decision to layoff a Town employee, for what the employee alleged was an illegal purpose and in an illegal manner. The Town negotiated to rehire the employee to an open position with the Town, similar to the one that she had previously held, with leave time restored for the period when the employee was laid off. The settlement did not cost the taxpayers any cash outlay, as the Town negotiated to have the employee's claim for damages paid entirely by the Town's insurance carrier. By law, the employee must have 21 days from the date of the written settlement offer to accept it and an additional 7 days to rescind it, so this settlement must officially be regarded as tentative.



- In an arbitration involving the 7/23/18 termination of firefighter Robert Warner (AAA 01-18-0003- 9032), the Town agreed to settle by bringing Warner back after a one-year suspension, without pay, and subject to a one-year probationary period upon return. Warner was charged in 2018 with destroying certain Town computer files. The charge was amended to a misdemeanor, Warner pled no contest, and the matter was placed on file for one year by the Court. Factors the Council considered in reaching this settlement are:(1) the prior administration affirmatively waived the substance of the criminal charge as grounds for dismissal; (2) both the EG Police Department and the RI Attorney General's office advised that they could not conclude that Warner's actions put residents at risk; (3) Mr. Warner's actions took place in a highly unusual time in our community where emotions were running high; and (4) by settling the matter, the Town avoided a potential for a substantial backpay, including interest, award. For these reasons and given Warner's 17-year career as an EG firefighter with no other infractions, the Town settled in the manner outlined above.
- In East Greenwich v. IAFF Local 3328, the prior administration had sued the firefighters union seeking, among other things, a declaration that the Town could unilaterally change its contract with Town firefighters, altering the platoon structure, in the middle of the contract term. The Court summarily rejected the prior administration's argument on that accord. This Council was able to settle this case by negotiating a new fire contract, minimizing the Town attorneys' fees and other litigation expenses in prosecuting the case, and saving the Town substantial money in the new contract, as well. Accordingly, this litigation is being dismissed.
- In Unfair Labor Practice complaints Nos. 6217, 6220 and 6226, the prior administration was subject to charges before the State Labor Relations Board of over thirty unfair labor practices in dealing with the firefighters union. The new Council, as a result of better management practices, better relations with employees, and the above-referenced settlements, convinced the union to withdraw all the Unfair Labor Practices pending against the Town. In addition to saving the Town significant and certain litigation expenses, the Town also avoided the potential for an award of attorneys' fees to the union, if the union was ultimately successful before the Board.

In reaching these settlements, the Council has protected the financial interests of the taxpayers and has taken a significant step towards restoring our community.

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