

RESOLUTION OF THE CITY COUNCIL

No. 513

Approved November 22, 2017

WHEREAS, Local 799 filed a Fair Labor Standards Act complaint in 2013 in the United States District Court for the District of Rhode Island; and

WHEREAS, Local 799 also filed a series of legal actions and petitions in the Rhode Island Superior Court, including a declaratory judgment action, an injunctive relief action, and a petition to compel arbitration under collective bargaining agreement; and

WHEREAS, On or about October 27, 2017, the parties agreed to the terms of a Memorandum of Understanding (MOU), reflecting the conditions under which the various actions and petitions would be resolved, subject to certain conditions precedent beyond the direct control of the parties; and

WHEREAS, The first condition precedent includes Local 799's ratification of the MOU and the Rhode Island Superior Court's entry of a consent decree in the declaratory judgment case; and

WHEREAS, The second condition precedent includes Local 799's voluntary withdrawal and dismissal with prejudice of its motion to compel arbitration, and the Rhode Island Superior Court's granting of the union's voluntary dismissal of the declaratory judgment action, the injunctive relief action, and the petition to compel arbitration as well as numerous demands for arbitration and underlying grievances, with prejudice and without rights of appeal; and

WHEREAS, The second condition precedent also includes the City's dismissal, with prejudice and without rights of appeal, of its two pending Rhode Island Supreme Court appeals; and

WHEREAS, The MOU provides for certain payments to all active or former members of the Providence Fire Department assigned to one of the three line firefighting and rescue divisions between August 2, 2015 and January 7, 2017 over a period of two fiscal years; and

WHEREAS, The MOU further provides for each active member of the Providence Fire Department assigned to one of the three line firefighting and rescue divisions between August 2, 2015 and January 7, 2017, a bank of restricted leave; and

WHEREAS, The MOU further sets a third condition precedent, requiring Local 799 to file an agreement by which the union agrees to dismiss the FLSA action; and

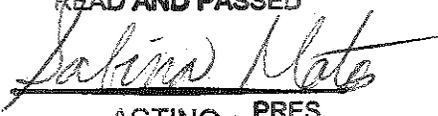
WHEREAS, The MOU further provides for the treatment of various union class members and payments, with various offsets, which payments shall be made over a period of two fiscal years.

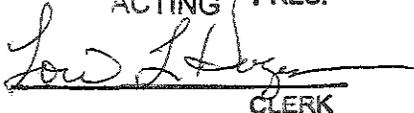
NOW, THEREFORE, BE IT RESOLVED,

SECTION 1. The Providence City Council hereby affirms the Memorandum of Understanding.

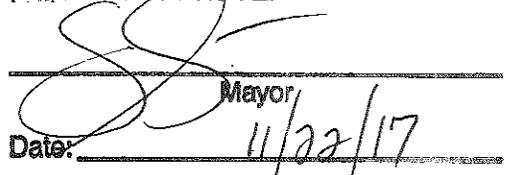
SECTION 2. This resolution shall take effect upon passage.

IN CITY COUNCIL
NOV 16 2017
READ AND PASSED


ACTING PRES.


CLERK

I HEREBY APPROVE.


Mayor
Date: 11/22/17