

HEARING DATE: JUNE 4, 2013 at 2:00 p.m.

STATE OF RHODE ISLAND
KENT, SC.

SUPERIOR COURT

Girard Bouchard, in his capacity as :
President of the Board of Directors of :
The Central Coventry Fire District, :
 :
Plaintiff, :
 :
v. :
 :
Central Coventry Fire District, :
 :
Defendant. :

K.B. No. 12-1150

CENTRAL COVENTRY FIREFIGHTERS'
MOTION TO ENFORCE SEVERANCE AGREEMENT

Central Coventry Professional Firefighters, Local 3372 (“Union”) hereby submit this Motion to Enforce Severance Agreement between the Central Coventry Fire District (“District”), the Union, and Scott J. Murray (hereinafter collectively referred to as “the parties”). The Severance Agreement is attached hereto as Exhibit 1. As reason therefore, the Union submits as follows:

1. In or about February, 2013, Richard Land, Special Master for the District, indicated to Union President David Gorman that the District needed additional concessions from the Union. Land suggested merging the positions, duties and responsibilities of the Training Division Chief, with the Emergency Medical Service “EMS” Chief in order to reduce the District’s operating expenses.
2. In order to merge the positions, one of the Battalion Chiefs would have needed to retire or resign.
3. Scott J. Murray was, at all relevant times, the Training Division Chief.

4. In or about March, 2013, the parties agreed that Murray would resign from the District effective March 24, 2013. In consideration for his resignation, the District promised to provide Murray with ten (10) years of medical and dental coverage as provided to the active full time members of the bargaining unit.

5. In consideration for the promises made by the District, Murray also agreed to begin exhausting his sick, personal and vacation days.

6. The parties exchanged several drafts of a Memorandum of Agreement, which codified the promises made by the District, as aforesaid. One of the changes proposed by Land was that, after seven years, Murray would pay one-half of the employee co-share for a family plan.

7. On or about March 15, 2013, Union President David Gorman sent an e-mail to Richard Land accepting Land's offer and affirming that Murray was amenable to the agreement. The e-mail provides, "please revise to reflect that changes and I will get him to sign it today."

8. Land made the changes on the same day and forwarded the final draft to Gorman for signature.

9. Both Gorman and Murray signed the agreement. Gorman hand-delivered the signed agreement to the Fire Chief, Andrew Baynes, for Land's signature, on March 15, 2013.

10. In reliance on the Agreement, Murray resigned on March 24, 2013 and began exhausting his sick, personal and vacation days. Murray would not have resigned but for the promises made to him in the Severance Agreement.

11. The District has failed and refused to comply with the terms of the Severance Agreement which requires, among other things, that Murray be paid his longevity payments and clothing allowances no later than April 13, 2013.

12. Based on the foregoing, the Union requests that this Court enter an order requiring the District to comply with the Severance Agreement, as attached hereto.

Respectfully submitted,
Central Coventry Professional Firefighters,
Local 3372,
By its Attorneys,

/s/ Elizabeth Wiens
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CERTIFICATION

A true copy of the foregoing was served on the following via email on June 3, 2013.

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/s/ Elizabeth Wiens