

STATE OF RHODE ISLAND  
BEFORE THE STATE LABOR RELATIONS BOARD

In the MATTER of :  
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RHODE ISLAND STATE LABOR RELATIONS BOARD :  
:  
-and- :  
:  
COVENTRY FIRE DISTRICT :  
:  
:

CASE NO. ULP-4328

A M E N D E D  
D E C I S I O N  
A N D  
O R D E R

The above-matter came before this Board on an Unfair Labor Practice charge filed with this Board on June 29, 1989 by the Coventry Fire Fighters, International Association of Fire Fighters, AFL-CIO, hereinafter referred to as the "Petitioner". Said charge contains allegations that the employer, Coventry Fire District, hereinafter referred to as the "Respondent", terminated an employee, Paul Hanlon, for union activity in violation of R.I.G.L. 28-7-12 and 28-7-13.

Upon receipt of said Unfair Labor Practice and after investigation thereof, the Rhode Island State Labor Relations Board, hereinafter referred to as the "Board", issued its Unfair Labor Practice Complaint on August 7, 1989.

Subsequently, the Board held a full evidentiary hearing whereat both parties were given an opportunity to present testimony in support of their respective positions. All testimony relative to this matter concluded on April 27, 1990.

The facts indicate that Paul Hanlon was employed by the Respondent from July, 1987 to July, 1989 as a fire fighter/ambulance attendant, said position being permanent in nature. Mr. Hanlon was given notice of termination by Chief Stanley J. Mruk of the Coventry Fire District on or about July 26, 1989. The Chief indicated that financial problems and low activity in the non-emergency ambulance service was the reason for his termination of employment and the termination of his position.

The Petitioner, through the testimony of various witnesses, argue that the reason for termination of employment are not related to budgetary constraints, as cited by the Coventry Fire District, but are a direct result of one employee's union activity.

Mr. Paul Hanlon testified that he was involved in organizing a union for the Coventry Fire District; in fact, Mr. Hanlon testified that he distributed cards to its members for the purpose of having a union election, and that he encouraged certain members to vote for the organization of a union.

The thrust of the Petitioner's charge that Mr. Hanlon was fired as a result of union activity, however, is brought forth through the testimony of other employees of the Coventry Fire District. Petitioner's witness, Lee Hudson, a fire dispatcher, testified that (1) the Chief was adamantly opposed to union organization in any form; (2) the Chief indicated to him that he would get a raise if he voted against the Union; and (3) the Chief told him that the Anthony Fire District had plenty of money to legally fight any threat of union organization. This testimony was never refuted by the Respondent.

Petitioner's witness, Gary Johnson, testified that he too had conversations with Chief Mruk wherein the Chief stressed that there was no need for a union and subsequently asked him how he was going to vote. Additionally, said witness testified that the Chief said that after the election was over, there would be vacancies within the Fire District and actually pointed in the direction of three (3) employees, one of which was Paul Hanlon.

The Respondent's defense to the Petitioner's Unfair Labor Charge is based on the Coventry Fire District, Board of Engineers' decision to eliminate one full time position to help trim its budget. Mr. John Golomb, Clerk of the Board of Engineers and Chief Mruk testified that the Board of Engineers, at its June 26, 1989 meeting, directed the Chief to lay off one ambulance train with the least seniority, namely, Paul Hanlon. Thereafter, Paul Hanlon was formally notified of his termination of employment. Budgetary restrictions, change in procedure, and lower activity were the reasons for the termination of his position.

The Petitioner, on the other hand, indicated that the reasons set forth by the Board of Engineers relating to the lay off of said employee, do not disclose the actual circumstances which led to Paul Hanlon's termination of employment.



It is also important to note that the duties of the Chief of the Fire District are broad in nature. The Chief is responsible for the day to day operations of the Fire District which include providing fire protection and rescue service for the residents of the Town of Coventry. In addition, the Chief has administrative duties which includes preparing the budget with the Planning Board and the Board of Engineers where he serves as its Chairman.

Without going into a further detailed recitation of the actual transcript, suffice it to say that the facts disclosed that certain employees were afraid of openly supporting the formation of a union for fear of reprisals by the Chief of the Coventry Fire District.

Despite the Chief's general denial, the Board is inclined to believe the testimony of Mr. Hanlon, Mr. Hudson and Mr. Johnson which indicates and infers that Mr. Hanlon was laid off for his union activity. The Board believes that the true reason for the termination of said employee's position was not premised on budgetary constraints as alleged by the Chief; but, in fact, was the result of the Chief's deeply rooted and firm opposition of any organization of same.

The law is clear that employees shall have the right of self organization to form or join a labor organization free from interference, restraint, or coercion from any source. The testimony presented by the Petitioner indicates that the Chief of the Coventry Fire District, directly or at the very least indirectly interfered with, restrained, and on occasion, in fact, coerced certain employees to abandon their attempts of union organization. The aforementioned basic rights granted to employees are the very essence of the Rhode Island State Labor Relations Act. Any attempt to alter or interfere with the rights contained therein is the commitment of an unfair labor practice.

For the foregoing reasons, the Board concludes that the Petitioner has proven by a fair preponderance of the credible evidence that an unfair labor practice charge was committed by the Coventry Fire District when it did terminate an employee, Paul Hanlon, for union activity.

For the foregoing reasons, the Board makes the following findings of fact and orders.

### FINDINGS OF FACT

1. That the Coventry Fire District is a corporation, duly organized under the Constitution and the General Laws of Rhode Island, with its place of business at 371 Washington Street, Coventry, Rhode Island.

2. That the International Association of Fire Fighters, AFL-CIO is a labor organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining and of dealing with employers concerning grievances or other mutual aid or protection.

3. That Paul Hanlon was employed by the Coventry Fire District as a fire fighter/ambulance attendant from July, 1987 to July, 1989

4. That said aforementioned position was permanent in nature.

5. That Paul Hanlon was involved in an activity to help organize a union for the Coventry Fire District.

6. That the Chief of the Fire District at said time indicated to various employees of the Fire District that he was opposed to union organization.

7. That said Fire Chief did coerce and interfere with the Fire District employees' rights to organize a union.

8. That as a result of Paul Hanlon's union activity, he was terminated by the Fire District on or about July 26, 1989.

### CONCLUSIONS OF LAW

1. The Petitioner has proven by a fair preponderance of the credible evidence that the Respondent has committed an unfair labor practice charge in that it violated Rhode Island General Law 28-7-12 in that it did terminate an employee, Paul Hanlon, for union activity.

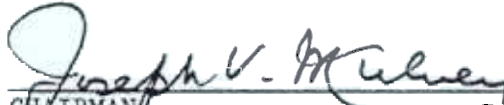
### O R D E R


WHEREFORE, on the basis of the foregoing, it is hereby ORDERED, ADJUDGED and DECREED:

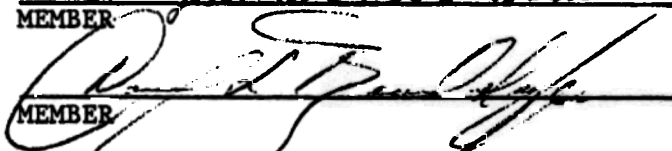
1. The Respondent/Employer shall cease and desist of further practice of this nature.

2. The Respondent/Employer is hereby directed to immediately and forthwith reinstate the employee, Paul Hanlon, and reimburse said employee for all lost wages and benefits retroactive to the date of his layoff.

RHODE ISLAND STATE LABOR RELATIONS BOARD

  
CHAIRMAN


  
MEMBER

  
MEMBER

Daniel L. Beardsley, Jr. dissents

Entered as Order of the  
Rhode Island State Labor Relations Board

DATED: January 14, 1991

BY:   
THOMAS E. SOARES  
ACTING ADMINISTRATOR