

March 12, 2009

PRESS RELEASE

Anthony Carcieri, Chairman
East Providence School Committee

The East Providence School Committee announced today that it has filed suit in Providence Superior Court asking the Court to uphold its January 2 decision to rollback teachers' wages by 5% and require contributions of 20% of health insurance premiums. The School Committee points to state education laws that do not allow the district to incur debt.

NEARI, acting for the East Providence Education Association, the union that represents the teachers, filed unfair labor practice charges, with the State Labor Relations Board in January, claiming the School Committee's action violated state labor laws.

"The School Committee obeyed the labor law at every step," Anthony Carcieri, School Committee Chair said. "But, we also have the responsibility to obey the state education laws. The Labor Board just deals with labor law so it just doesn't make sense to waste everyone's time and money at the State Labor Relations Board."

Dan Kinder, the School Committee's attorney, explained, "The education laws required the School Committee to take whatever steps were necessary to avoid debt. The only way to avoid debt this year was to reduce the costs for teachers. The education laws expressly say that they trump any other laws to the contrary. In this case, the education laws trump the labor laws.

The Labor Board has no power to order the School Committee to pay teachers money it doesn't have. The Board has no power to order the Committee to incur debt. We're asking the Court to uphold those principles."

Today the School Committee also asked the Labor Relations Board to postpone its March 19 hearing until the Superior Court has decided whether it has the power to proceed. "If they don't have jurisdiction, why should the public have to pay for them to hold hearings," Carcieri asked. "It doesn't make sense. We have to pay our lawyers and take our administrators out of the schools to testify. The Teachers' Union dues pay for their lawyers and all the other union officials who will go and testify. The Labor Board and its employees all have to get paid. It's all money paid by the public and for what? We did what the law says we have to do, nothing more and nothing less."

The Labor Relations Board gave the East Providence case special treatment, pushing its hearing schedule ahead by six months, and acting unilaterally to combine the Union's charge with another one that was scheduled to be heard in late August.

In court papers filed today, the School Committee asks the Superior Court to declare that the School Committee is given the power under law to decide what actions are necessary to avoid debt and that the only appeal from that decision is to the Rhode Island Department of Education.

“We aren’t saying there’s no appeal from our decision,” Carcieri said. “Of course there is. It’s just a question of what law governs, the education law or the labor law. We obeyed the labor laws in every way, but we took the action required by the education laws.”

The School Committee asks the Court to declare that the Labor Relations Board has no jurisdiction to rule on the case.