

SUPREME COURT OF RHODE ISLAND

Alan MacQuattie et al. v. Ralph A. Malafronte et al.

779 A.2d 633 (R.I. 2001) · No. No. 99-278-Appeal · Decided June 14, 2001

SUMMARY

The Supreme Court of Rhode Island affirmed summary judgment for school officials and union representatives in an action brought by two custodians concerning performance checklists, termination, unfair labor practices, and unfair union representation. The court held that the plaintiffs offered no evidence supporting their retaliation claim and that the use of the checklists did not violate the collective bargaining agreement. The court also concluded that the union-representation claim failed because the employer had not breached the agreement.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Per Curiam; Williams, C.J.; Lederberg, J.; Bourcier, J.; Flanders, J.; Goldberg, J.
JURISDICTION	Rhode Island
DECIDED	June 14, 2001
DOCKET	No. 99-278-Appeal
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed from the Superior Court's grant of summary judgment to the school defendants and union defendants.
STANDARD OF REVIEW	Summary judgment is reviewed de novo under the same criteria applied by the trial court; judgment is proper when the admissible evidence, viewed in the light most favorable to the nonmoving party, reveals no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion; precedential.
PARTIES	Alan MacQuattie, Robert Sousa v. Ralph A. Malafronte, Superintendent of Schools in the Town of Barrington, Members of the Town of Barrington School Committee, Officers of the United Steelworkers of America

TOPICS

unfair labor practices

summary judgment

exhaustion of remedies

appellate procedure

employment law

PRACTICE AREAS

employment law

labor law

administrative law

civil procedure

QUESTIONS PRESENTED

1. Whether summary judgment was proper on the plaintiffs' claim that the school committee terminated them in retaliation for attempting to grieve the use of performance checklists, in violation of Rhode Island's unfair-labor-practice statute.
2. Whether summary judgment was proper on the plaintiffs' claim that the union breached its duty of fair representation by declining to pursue their grievance concerning the performance checklists.
3. Whether the Superior Court properly exercised jurisdiction despite the general requirement that unfair-labor-practice claims be presented first to the State Labor Relations Board.

HOLDINGS

1. Summary judgment was proper because the plaintiffs presented no evidence that the school committee terminated them because they attempted to grieve the use of the performance checklists; allegations in the pleadings alone were insufficient to create a genuine issue of material fact.
2. Summary judgment was proper on the unfair-representation claim because, in a hybrid claim involving an alleged collective-bargaining-agreement violation and unfair union representation, a plaintiff cannot prevail on the fair-representation claim if the employer did not violate the collective bargaining agreement. The plaintiffs presented no evidence that the performance checklists violated the agreement.
3. The Supreme Court affirmed the motion justice's determination that the case fell within an exception to the exhaustion-of-administrative-remedies requirement because the union had repudiated the collective bargaining agreement by preventing the plaintiffs from pursuing their grievance independently.

KEY QUOTATIONS

“Only when a review of the admissible evidence viewed in the light most favorable to the nonmoving party reveals no genuine issues of material fact, and the moving party is entitled to judgment as a matter of law, will this Court uphold the trial justice’s grant of summary judgment.” (636)

“In such cases a plaintiff cannot prevail on an unfair representation claim if the employer did not contravene the collective bargaining agreement.” (636)

FACTUAL BACKGROUND

Alan MacQuattie and Robert Sousa were union-member janitors working the evening shift at Barrington Middle School. The school department required them and another evening custodian to complete daily performance checklists because no supervisor worked that shift, and the plaintiffs unsuccessfully challenged the checklists through the union. After the superintendent notified them that their termination would be considered because of poor performance and failure to respond to warnings and counseling, the plaintiffs filed suit alleging unfair labor

practices and unfair union representation. Their employment was terminated, and a union grievance challenging the termination was denied in arbitration.

PROCEDURAL HISTORY

Plaintiffs filed a Superior Court action alleging unfair labor practices by the school committee, unfair representation by the union, overtime-related claims, and improper use of performance checklists. Their request for a restraining order was denied, their employment was terminated, and a union grievance concerning the termination was denied in arbitration. The Superior Court granted summary judgment to both groups of defendants, and plaintiffs appealed. The Supreme Court summarily decided the appeal after oral argument and affirmed.

DISPOSITION

affirmed

CASES CITED

- Carlson v. Town of Smithfield, 723 A.2d 1129, 1131 (R.I. 1999) (per curiam)
- Bourg v. Bristol Boat Co., 705 A.2d 969, 971 (R.I. 1998)
- Belanger v. Matteson, 115 R.I. 332, 337-38, 346 A.2d 124, 129 (1975)
- DelCostello v. International Brotherhood of Teamsters, 462 U.S. 151, 163-65, 103 S. Ct. 2281, 2290-91, 76 L. Ed. 2d 476, 488-89 (1983)
- Paton v. Poirier, 109 R.I. 401, 406, 286 A.2d 243, 245 (1972)
- Vaca v. Sipes, 386 U.S. 171, 185, 87 S. Ct. 903, 914, 17 L. Ed. 2d 842, 854-55 (1967)
- Almeida v. Plasters' and Cement Masons' Local 40 Pension Fund, 722 A.2d 257, 259 (R.I. 1998) (per curiam)