

## NUNC PRO TUNC MEMO TO TOWN COUNCIL

**To:** Honorable Town Council

**From:** Gayle A. Corrigan, Town Manager

**Date:** November 21, 2017

**Re:** East Greenwich Firefighters Association v. Corrigan, No. KC-2017-0898.

**Subject:** Reaffirmation of Prior Administrative Actions Taken as Town Manager, retroactive from June 19, 2017, to November 20, 2017.

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Dear Honorable Councilors:

The purpose of this memorandum is to reaffirm selected administrative actions that I took as Town Manager from the time of my initial appointment on June 19, 2017, until the time of my re-appointment on November 20, 2017, retroactive to the date that I originally took each action.

In East Greenwich Firefighters Association, Local 3328 v. Corrigan, No. KC-2017-0898 (R.I. Super. Ct. Nov. 8, 2017), the Rhode Island Superior Court issued a declaratory judgment that rendered null and void my appointment as Town Manager. As you know, the Honorable Council reappointed me as Town Manager on November 20, 2017. I am now taking the step to reaffirm prior administrative actions, retroactive as a curative measure, and to address any concerns that the Town, its staff and citizens, and its vendors may have about the validity of some of my prior administrative actions.

It is my express intent to reaffirm selected administrative actions that I took between June 19, 2017, and November 20, 2017, retroactive to the date that I originally took the administrative action. I use the term "administrative action" to mean functions and duties that the Charter or the Town Ordinances vest in the Town Manager. The administrative actions that I hereby reaffirm retroactively are:

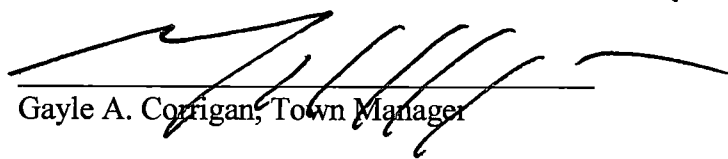
- Reaffirm the appointments of: Kristen Henrickson as chief clerk Fire Department retroactive to 07/24/2017; Daniel MacDonald as laborer for Parks and Grounds Department retroactive to 08/21/2017; Derrick Mong as dispatcher for the Police Department retroactive to 09/11/2017; any and all part-time, seasonal employees retroactive to their respective start dates and end dates.
- Reaffirm the disciplinary action taken against Laurie Perry, retroactive to 08/23/2017.
- Reaffirm the elimination of a financial clerk/aide position in the Finance Department and lay-off of Laurie Perry retroactive to 09/05/2017.
- Reaffirm the step increase and two percent (2%) increase to Matthew Whetzel of the Information Technology Department retroactive to 07/01/2017.

- Reaffirm the authorization of increase of weekly hours for Aaron Lindo of the Planning Department from thirty (30) to thirty-five (35) hours, retroactive to 08/14/2017.
- Reaffirm the actions taken in compliance with Article VII of the East Greenwich Municipal Employees Association (NEARI) in the Finance Department (tax assessor, tax assessor aide) and the Parks and Recreation Department (program coordinator).
- Reaffirm the actions taken in compliance with Ordinance Chapter 72, Courts §72-18, Administration, by Town Manager, retroactive to 06/19/2017
- Reaffirm the investigatory steps taken and investigative conclusions reached in the William Perry sexual harassment claim dated 07/19/2017.
- Reaffirm approval of Town Manager-related expenditures retroactive to 06/19/2017
- Reaffirm signatory status on applicable Town bank accounts retroactive to 06/19/2017
- Reaffirm approval of purchases of items listed on capital budgets retroactive to 06/19/2017
- Reaffirm implementation of consent decree in Dubis vs. Town of East Greenwich retroactive to 07/01/2017.
- Reaffirm the elimination of further compensation time for blood donation retroactive to 06/19/2017
- Reaffirm actions taken in management of on-the-job injury claims retroactive to 06/19/2017
- Reaffirm actions taken in furtherance of educational and training requests retroactive to 06/19/2017
- Reaffirm all actions taken with respect to all labor disputes between the Town and NEARI, the exclusive agent for said municipal employees, including all actions taken on grievances brought pursuant to the collective bargaining agreement between the Town and NEARI, retroactive to 06/19/2017.
- Reaffirm all actions taken with respect to all labor disputes between the Town and the IAFF, Local 3328, the exclusive agent for said Fire Department employees, including all actions taken on grievances brought pursuant to the collective bargaining agreement between the Town and the IAFF, Local 3328, retroactive to 06/19/2017.

It is my understanding that this list of administrative actions comprises duties that the Charter or Town Ordinances vest in the Town Manager.

I am reaffirming these administrative actions with the same level of formality that was required when I originally performed the actions between June 19, 2017, and November 20, 2017. I do not believe that any manifest injustice will result from reaffirmation of these prior administrative actions, retroactive to the date that I originally took the action. Until the Superior Court issued its decision on November 8, 2017, there was no basis to presume that I did not have authority to perform administrative actions in my capacity as Town Manager.

By signing this memorandum, I hereby reaffirm the administrative actions listed above that I took in my capacity as Town Manager from June 19, 2017, to November 20, 2017, retroactive to the date that I originally took each action.



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Gayle A. Corrigan, Town Manager

Dated: November 21, 2017