

Labor & Employment

Overview

AP&S attorneys assist public and private-sector employers, both unionized and union-free, in complying with complex laws and avoiding litigation by dealing with employees effectively, fairly and legally. In addition to providing day-to-day employment counseling, we also handle the ever-changing array of matters facing employers today, including:

- National Labor Relations Board matters
- Collective bargaining
- Defending against unfair labor practice and other charges under FLSA, Title VII, ADA, FMLA, OSHA and other laws
- Representing employers before government agencies and tribunals
- Dealing with virtually every aspect of employment relationships

We work hand-in-hand with employers to anticipate and short-circuit issues before they become major problems, drafting smart policies and useful employee handbooks, counseling employers on various federal and state statutes, conducting management and employee training, assisting in force reductions and plant closings, and negotiating and drafting employment agreements.

Areas of Concentration

- Employment discrimination litigation
- Union contract negotiations and administration
- Employee relations consultation
- Labor/management relations
- Federal and state compliance, including wage and hour law and OSHA
- Non-compete litigation

Experience

- Prevailed in a class action wage and hour case in which the plaintiff class was seeking a multi-million dollar recovery. Syripannho, et al. v. Twin River Casino, C.A. No. PC-2022-692, 2023 WL 4858507 (R.I. Super. July 25, 2023).
- Won summary judgment on behalf of client, Bally's Twin River Lincoln Casino Resort. A former table games supervisor for Bally's brought

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claims against Bally's for alleged violations of the Family Medical Leave Act and its Rhode Island counterpart, the Rhode Island Parental and Family Medical Leave Act, and for alleged disability discrimination in violation of the Rhode Island Civil Rights Act. AP&S moved for summary judgment on Bally's behalf. In granting the motion, U.S. District Court Judge Mary S. McElroy rendered a complete and resounding victory for Bally's, entering summary judgment in Bally's favor on all of the plaintiff's claims. Brian Ingraham v. UTGR, Inc. d/b/a Bally's Twin River Lincoln Casino Resort, 66 NDLR P 80, 2022 WL 16961386 (D.R.I. Nov. 16, 2022).

- Won summary on behalf of client, Bally's Twin River Lincoln Casino Resort, in case in which the plaintiff-employee alleged numerous claims, including defamation, malicious prosecution, false imprisonment, and intentional inflection of emotional distress. The U.S. District Court for the District of Rhode Island issued a resounding victory for Bally's, finding no merit in any of plaintiff-employee's claims. Elizabeth Sankey v. UTGR, Inc. d/b/a Twin River, 565 F.Supp.3d 319 (D.R.I. 2021).
- Won summary judgment on behalf of client, Cox Communications, in an age discrimination case. Michael Jardin v. CoxCom, LLC d/b/a Cox Communications New England, 320 F.Supp.3d 373 (D.R.I. 2018).
- Represented the Rhode Island Department of Education and the Rhode Island Commissioner of Education in collective bargaining negotiations with the Providence Teachers' Union following the Commissioner of Education's takeover of the Providence Public School District. Served as chief negotiator and lead spokesman in the successful negotiation of a 3-year agreement which included numerous concessions aimed at improving teacher performance and improving student educational outcomes.
- Retained by the Governor's Office and the Department of Administration to represent the Governor's COVID-19 Task Force to respond to all COVID-related legal issues including litigation, employment, construction, health care, regulatory, executive orders and dealing with the other federal, state and municipal officials and the Legislature.
- Representing Rhode Island College in re-negotiating collective bargaining agreements with its unions representing the College faculty, adjunct professors, technical and teaching assistants and physical plant and cafeteria staffs due to severe budget shortfalls caused by COVID-19 pandemic.
- ***United Steelworkers, Local 12431 and National Grid*** Successfully represented one of the largest investor-owned energy companies in the world, National Grid, which provides gas and electric service to customers in Massachusetts, New York and Rhode Island in a grievance arbitration with United Steelworkers, Local 12431 in defense of the company's decision to terminate an employee for using an inappropriate racial epithet when referring to a co-worker.
- ***Hall v. City of Newport, RIPTA, et al.*, C.A. No. 07-0243** Successfully argued for entry of summary judgment in favor of a quasi-public entity on a claim of negligent retention of an employee.
- ***Twin River Security Officers' Union and Twin River Casino*, AAA Case No. 11 300 01556 13** : Prevailed in a grievance arbitration in a case where the union contended that Twin River violated the collective bargaining agreement by involuntarily holding employees over to work a second shift after the conclusion of the employees' regular shift. This victory was significant in that it allowed Twin River to maintain flexibility and discretion over staffing and scheduling decisions.
- ***Local Union 310, Utility Workers Union of America and National Grid*, AAA Case No. 11 576 00906 13** : Successfully defended a grievance arbitration on behalf of one of the largest investor-owned energy companies in the world which provides gas and electric service to customers in Massachusetts, New York and Rhode Island. The union representing a design engineer with 22 years of seniority who had been terminated for running an outside business from his company computer sought the employee's reinstatement, along with back pay and benefits. The arbitrator determined that the employee's termination was for just cause, and that the employee's termination, despite the lack of any prior discipline, was justified under the circumstances.
- ***Fisher v. Sojourner House*, C.A. No.13-5503 (R.I. Super. Ct.)**: Prevailed on consecutive motions to dismiss employment claims, including a whistleblower claim, against a nonprofit entity and its officers and directors.
- ***Frito-Lay, Inc. v. Rhode Island Department of Labor and Training, et al.*, C.A. No. PC-2012-1488, 2013 R.I. Super. LEXIS 71 (R.I. Super. Ct.)**: Successfully argued in Rhode Island Superior Court that an agency decision that would have likely resulted in over $1 million of overtime pay liability against our client should be reversed.
- ***Kaczorowski v. Town of North Smithfield*, C.A. No. 12-327-M (D.R.I.)**: Successfully advocated for entry of summary judgment in an employment termination case that interpreted a municipal charter and determined the powers of a town council to terminate an

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employee in a charter-based position. The case was chosen as one of the most important decisions of 2013 by *Lawyers Weekly*.

- ***Richardson v. Whitmarsh Corporation*, 2009 WL 5178075 (D.R.I.)**: Won summary judgment for employer-client in the U.S. District Court for the District of Rhode Island with respect to all claims asserted against it, including alleged violations of federal and state disability discrimination statutes and various education laws.
- Successfully represented Rhode Island's largest gaming facility in collective bargaining negotiations with the various unions that represent its employees.

Seminars/Publications

Seminars

- Robert P. Brooks, Virtual Hearings: Best Practices and Lessons Learned, 21st Annual Labor Arbitration Conference, November, 2020.
- Robert P. Brooks, Solving the Puzzle of Just Cause in Labor Arbitrations, American Arbitration Association, July, 2020.
- Robert P. Brooks, Marijuana and Your Workforce: What You Need to Know, Occupational and Environmental Health Center of RI, June 2019.
- Michael D. Chittick, Cloudy with a Chance of Negotiations: An Updated Forecast on Mandatory, Permissive, and Prohibited Subjects of Bargaining, July 2015.
- Robert P. Brooks, Government Relations and Business, Providence Business News Summit, November 2014.
- Robert P. Brooks and Andrew C. Spacone, Providence Business News Nonprofit Summit, December 2013.
- Robert P. Brooks, Social Media in the Workplace – What's an Employer to Do?, Newport Chamber of Commerce Human Resources Roundtable, November 2013.
- Robert P. Brooks, 15th Annual Legislative & Employment Law Conference, Rhode Island State Council Society for Human Resources Management, April 2013.

Publications

- Robert P. Brooks, Co-Author, Leave Laws: Rhode Island, Practical Law Labor & Employment, Thomson Reuters, 2018.
- Robert P. Brooks, Co-Author, Independent Contractors: Rhode Island, Practical Law Labor & Employment, Thomson Reuters, 2018.
- Robert P. Brooks, Co-Author, Background Check Laws: Rhode Island, Practical Law Labor & Employment, Thomson Reuters, 2018.
- Robert P. Brooks, Co-Author, Non-Compete Laws: Rhode Island, Practical Law Labor & Employment, Thomson Reuters, 2018.
- Michael D. Chittick, Contributing editor, How To Take A Case Before The NLRB, BNA, 7th and 8th editions.
- Robert P. Brooks, Inside The Minds Series, Complying With Employment Regulations, "Understanding Key New Employment Regulations," Aspatore Books, 2012.

Awards

- Ranked top among law firms in Rhode Island in Chambers USA.
- Rated Tier 1 Metropolitan "Best Law Firm" by Best Lawyers®.

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