

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2025-47

Approved: July 29, 2025

Re: Christopher E. Buonanno

QUESTION PRESENTED:

The Petitioner, a member of the Cranston City Council, a municipal elected position, requests an advisory opinion regarding whether he is prohibited by the Code of Ethics from participating in the city council's discussion and voting to accept or reject as a whole the collective bargaining agreement reached between the Cranston School Committee and the Cranston teachers' union, given that his spouse is employed by the Cranston School District and is a member of the union.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the Petitioner, a member of the Cranston City Council, a municipal elected position, is not prohibited by the Code of Ethics from participating in the city council's discussion and voting to accept or reject as a whole the collective bargaining agreement reached between the Cranston School Committee and the Cranston teachers' union, notwithstanding that his spouse is employed by the Cranston School District and is a member of the union, provided that his spouse is impacted by the agreement as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class.

The Petitioner is a member of the Cranston City Council, having been elected to that position in November 2024. He represents that his spouse is employed as a teacher in the Cranston School District and is a member of the Cranston teacher's union. The Petitioner states that the Cranston School Committee recently approved a collective bargaining agreement with the Cranston teachers' union. He informs that he had no role in negotiating that agreement and that the city council will soon meet to decide whether to ratify it. The Petitioner explains that the members of the city council will vote "yea" or "nay" as to the ratification proposal and not discuss, or entertain suggestions for, potential edits or amendments to the agreement. Given this set of facts, the Petitioner seeks guidance from the Ethics Commission regarding whether he may participate in the city council's vote to accept or reject as a whole the collective bargaining agreement.

Under the Code of Ethics, a public official may not participate in any matter in which he has an interest, financial or otherwise, that is in substantial conflict with the proper discharge of his duties or employment in the public interest. R.I. Gen. Laws § 36-14-5(a). A public official will have an interest that is in substantial conflict with his official duties if he has reason to believe or expect that a direct monetary gain or a direct monetary loss will accrue, by virtue of his public activity, to the public official, any person within his family, his business associate, or any business by which he is employed or which he represents. R.I. Gen. Laws § 36-14-7(a). Further, § 36-14-5(d) prohibits a public official from using his public position or confidential information received through his public position to obtain financial gain, other than that provided by law, for himself, any person within his family, his business associate, or any business by which he is employed or which he represents.

Additionally, 520-RICR-00-00-1.3.1 Prohibited Activities-Nepotism (36-14-5004) (Regulation 1.3.1) contains specific regulations aimed at curbing nepotism. Regulation 1.3.1(B)(4)(a) specifically addresses participation in collective bargaining/employee agreements and provides that “[n]o person subject to the Code of Ethics shall participate in negotiations relative to an employee contract or collective bargaining which addresses or affects the employment, compensation or benefits of any person within his [] family or a household member.” This blanket prohibition against involvement in contract negotiations is based on an understanding that, during negotiations, the impact of decisions as to individual components of a contract can be difficult to predict. For that reason, a public official’s participation in a contract issue that is seemingly unrelated to a family member can have a resulting impact on other areas of the contract that would directly affect the family member.

However, Regulation 1.3.1(B)(4)(b) provides that a person subject to the Code of Ethics may participate in a decision to accept or reject an entire employee contract or collective bargaining agreement that has been negotiated by others, provided that the person within his or her family or household member is impacted by the contract or agreement as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class. The basis for allowing such participation is an assumption that a vote on an entire contract, once negotiated by others, is sufficiently remote from individual contract issues impacting a family member so as not to constitute a substantial conflict of interest in violation of the Code of Ethics.

The Ethics Commission has issued numerous advisory opinions interpreting Regulation 1.3.1. For example, in Advisory Opinion 2019-19, the Ethics Commission opined that a member of the Warwick School Committee was prohibited from participating in the negotiation of the teachers’ union contract, given that his mother was a member and officer of the teachers’ union. However, that petitioner could participate in the school committee’s discussion and decision-making relative to approving or rejecting the contract in its entirety once it had been negotiated by others. See also A.O. 2018-49 (opining that a member of

the Cumberland School Committee was prohibited from participating in the negotiation of the teachers' union contract, given that his spouse was a teacher with the Cumberland School Department and a member of the local teachers' union, but could participate in the vote to ratify the contract in its entirety, provided that his spouse would be impacted by the contract as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class).

Here, the Petitioner's spouse is a "person within his . . . family," as that term is defined in Regulation 1.3.1(A)(2), and a member of the Cranston teachers' union that is a party to the collective bargaining agreement. For that reason, the Petitioner would have been prohibited from participating in the negotiation of that agreement. As the Petitioner states, however, the collective bargaining agreement was negotiated by the Cranston School Committee and the Cranston teachers' union without the involvement of the city council. Accordingly, based on the facts as represented, the relevant provisions of the Code of Ethics, and prior advisory opinions issued, it is the opinion of the Ethics Commission that the Petitioner is not prohibited by the Code of Ethics from participating in the city council's discussion and voting to accept or reject as a whole the collective bargaining agreement reached between the Cranston School Committee and the Cranston teachers' union, provided that his spouse is impacted by the agreement as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class.

Finally, although the Petitioner is permitted to participate in the discussion to approve or reject as a whole the collective bargaining agreement, the Ethics Commission is aware that a general discussion can quickly devolve into a more narrow review of specific contractual provisions. The Petitioner must be vigilant to identify such instances where a general discussion to approve the agreement begins to focus on individual agreement provisions that are likely to financially impact his spouse. In such circumstances, the Petitioner must recuse from participating in such discussion consistent with the provisions of R.I. Gen. Laws § 36-14-6 of the Code of Ethics or seek further guidance from the Ethics Commission.

This Advisory Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. Under the Code of Ethics, advisory opinions are based on the representations made by, or on behalf of, a public official or employee and are not adversarial or investigative proceedings. Finally, this Commission offers no opinion on the effect that any other statute, regulation, agency policy, ordinance, constitutional provision, charter provision, or canon of judicial or professional ethics may have on this situation.

Code Citations:

§ 36-14-5(a)

§ 36-14-5(d)

§ 36-14-6

§ 36-14-7(a)

520-RICR-00-00-1.3.1 Prohibited Activities – Nepotism (35-14-5004)

Related Advisory Opinions:

A.O. 2019-19

A.O. 2018-49

Keywords:

Collective Bargaining

Negotiations

Nepotism