



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# Rhode Island State Labor Relations Board

Building 73  
1511 Pontiac Avenue  
Cranston, Rhode Island 02920-4407  
Website: [www.dlt.state.ri.us/lrb](http://www.dlt.state.ri.us/lrb)

## OPEN MINUTES BOARD MEETING

**TIME:** 9:00 a.m.  
**DATE:** Tuesday, September 13, 2005  
**PLACE:** 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

**BOARD MEMBERS IN ATTENDANCE:** Walter J. Lanni, Chairman  
Frank J. Montanaro  
Joseph V. Mulvey  
John R. Capobianco  
Elizabeth S. Dolan  
Gerald S. Goldstein  
Ellen L. Jordan

**OTHERS PRESENT:** Robyn H. Golden, Acting Administrator  
Linda L. Esposito, Secretary  
Margaret Hogan, Esquire

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Chairman Lanni called the meeting to order in Open Session at 9:27 a.m.

All members reviewed the Open Minutes of the August 9, 2005 Board Meeting. A Motion was made by Gerald Goldstein and seconded by John Capobianco to accept the Open Minutes as written, and it was unanimously

**VOTED:** by all Board Members to accept the minutes as written.

The meeting continued in open session

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### CASES CONCLUDED:

1 Case No. ULP-5706  
Department of MHRH & RI Council 94, AFSCME

This case was heard formally by Walter Lanni, Joseph Mulvey, John Capobianco, Gerald Goldstein and Elizabeth Dolan. Frank Montanaro and Ellen Jordan reviewed the transcript and briefs in this matter.

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After review, a Motion was made by Joseph Mulvey and seconded by Capobianco to uphold the charge and find that an Unfair Labor Practice has been committed by the Employer. After discussion, Walter Lanni, Gerald Goldstein, and Frank Montanaro voted in favor of the Motion. Ellen Jordan and Elizabeth Dolan voted against the Motion. Motion passed.

2. Case No. ULP-5567  
RIBCO & Department of Corrections

A Motion was made by Frank Montanaro and seconded by Ellen Jordan to table this matter until the next Board Meeting on October 18, 2005. After discussion, all Board Members voted in favor of the Motion.

**DRAFTED DECISIONS:**

- 1 Case No. ULP-5689 (*Employer*)  
State of Rhode Island & RI Council 94, AFSCME

A Motion was made by Frank Montanaro and seconded by Elizabeth Dolan to table this matter until the next Board Meeting on October 18, 2005. After discussion, all Board Members voted in favor of the Motion.

2. Case No. ULP-5704  
RI Airport Corporation & RI Council 94, AFSCME

A Motion was made by Frank Montanaro and seconded by Elizabeth Dolan to table this matter until the next Board Meeting on October 18, 2005. After discussion, all Board Members voted in favor of the Motion.

3. Case No. ULP-5731  
RI Veteran's Home & United Nurses Allied Personnel

This case was heard formally by Walter Lanni, Joseph Mulvey, John Capobianco, and Ellen Jordan. Frank Montanaro, Gerald Goldstein and Elizabeth Dolan reviewed the transcript and briefs in this matter.

**ORDER:** The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

After review of the drafted decision, a Motion was made by Gerald Goldstein and seconded by Elizabeth Dolan to sign the Decision and Order, as written. After discussion, all Board Members voted in favor of the Motion and did sign the Decision and Order, as written. Frank Montanaro, Joseph Mulvey and John Capobianco signed the Decision and Order as dissenting.

**MISCELLANEOUS MATTERS:**

- 1 Case No. ULP-5711  
State of RI, Dept. of Business Regulations, Racing & Athletics & Laborers'

**Gerald Goldstein, Frank Montanaro and Joseph Mulvey abstained from voting in this matter.**

After review of the Employer's Answer to the Amended Complaint, and the Motion of the Respondent, Department of Business Regulation, For Leave to Submit a Supplemental Brief in Response to the Amended Complaint, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to grant the Motion and allow the Employer thirty (30) days, from date of notification, to file a Supplemental Brief; the Union shall also be notified and allowed thirty (30) days from receipt by the Board of the Employer's Supplemental Brief to file a response. After discussion, all participating Board Members voted in favor of the Motion.

- 2 Drafted Rules And Regulations:

All Board Members reviewed the proposed Amended changes to the Board's Rules and Regulations submitted by the Acting Administrator of the Board, as well as the proposed Amended changes for the Rules and Regulations submitted by Attorney Gerard Cobleigh. A Motion was made by Gerald Goldstein and seconded by Elizabeth Dolan to accept the proposed Amended changes by the Acting Administrator as written. After discussion, all Board Members voted in favor of the Motion. A Motion was made by Frank Montanaro and seconded by Ellen Jordan to schedule the public hearing on the proposed Amended changes for November 17, 2005 in accordance with the R.I. General Laws Section 42-35-3. After discussion, all Board Members voted in favor of the Motion.

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Ellen Jordan made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practice Charges and Miscellaneous Matters and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by John Capobianco, and it was unanimously

**VOTED:** for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 10:20 a.m

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The meeting resumed in open session at 10:25 a.m. for the purposes of reading into the minutes the determinations made by the Board in Closed Session.

**UNFAIR LABOR PRACTICES:**

1. Case No. ULP-5724  
Providence & Local 799, IAFF

**Frank Montanaro recused himself from participation in this matter.**

**DETERMINATION:** Hold this matter in abeyance pending the outcome of the Superior Court appeal in Case No. EE-1445.

- 2 Case No. ULP-5761  
Cranston & Laborers'

**DETERMINATION:** issue Complaint and proceed to formal hearing

**MISCELLANEOUS MATTERS**

- 1 Case No. ULP-5753  
Administration & RI Council 94, AFSCME  
***(Discussion of whether Maggie can represent the Board in this issue)***

**DETERMINATION:** table this matter until the next Board Meeting on October 18, 2005.

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A Motion to adjourn was made by Frank Montanaro, and it was seconded by Gerald Goldstein, and it was unanimously,

**VOTED:** to adjourn the meeting at 10:31 a.m.