



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

OPEN MINUTES BOARD MEETING

TIME: 9:00 a.m.
DATE: Tuesday, August 14, 2007
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni, Chairman
Frank J. Montanaro
Elizabeth Dolan
John R. Capobianco
Ellen L. Jordan

MEMBERS ABSENT: Joseph Mulvey
Gerald S. Goldstein

OTHERS PRESENT: Robyn H. Golden, Administrator
Dianalynn Saccoccio, Case Agent
Margaret Hogan, Esquire

Chairman Lanni called the meeting to order in Open Session at 9:11 a.m.

All members reviewed the Open Minutes of the June 12, 2007 Board Meeting. A Motion was made by John Capobianco and seconded by Frank Montanaro to accept the Open Minutes as written, and it was unanimously

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

The meeting continued in open session:

CONSENT AGREEMENT AND AFFIDAVITS:

1. Case No. EE-3133
State of RI – State of RI – Child Advocates Office & RI Council 94,
AFSCME, AFL-CIO

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank Montanaro and seconded by John Capobianco to acknowledge and accept the parties' signed agreement; that the position(s) of **Chief Field Investigator**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3133. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Case No. EE- 3133
State of RI – Mental Health, Retardation and Hospitals –
Mental Health Advocates Office & RI Council 94,
AFSCME, AFL-CIO

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank Montanaro and seconded by John Capobianco to acknowledge and accept the parties' signed agreement; that the position(s) of **Administrative Assistant**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3133. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

UNIT CLARIFICATION / ACCRETION CASES:

1. Case No. EE-1652
Burrillville School Department & Burrillville Teachers Association/NEARI

After review of the Investigator's report and the Union's response, a Motion was made by Frank Montanaro and seconded by John Capobianco to proceed to Formal Hearing, in lieu of a preliminary determination. After discussion, all Board members present voted in favor of the Motion. Motion passed.

2. Case No. EE- 3535
Town of Warren & IBPO, Local 470

After review of the Investigator's report, a Motion was made by John Capobianco and seconded by Ellen Jordan to proceed to Formal Hearing, in lieu of a preliminary determination. After discussion, all Board members present voted in favor of the Motion. Motion passed.

TRANSFER PETITIONS:

1. Case No. EE- 3095
State of RI – Mental Health, Retardation and Hospitals &
RI Council 94, AFSCME, AFL-CIO
(Carpenter Supervisor)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank Montanaro and seconded by John Capobianco to acknowledge and accept the parties' signed agreement; that the position(s) of **Carpenter Supervisor**, shall be and is hereby **transferred** into the bargaining unit as defined by Certification No. EE-3095. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Case No. EE- 3591
State of RI – Department of Transportation &
RI Laborers' District Council, Local 808
(Communications Systems Operator – 7 Positions)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by John Capobianco and seconded by Frank Montanaro to acknowledge and accept the parties' signed agreement; that the position(s) of **Communications Systems Operator**, shall be and is hereby **transferred** into the bargaining unit as defined by Certification No. EE-3591. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

CONCLUDED CASES:

1. Case No. ULP- 5832
City of East Providence & USW, Local 15509

This case was heard formally by Walter Lanni, Gerald Goldstein, Elizabeth Dolan, and Ellen Jordan. Frank Montanaro and John Capobianco reviewed the transcript and briefs, as well as the evidence submitted therein.

After review, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to dismiss the charge. After discussion, Walter Lanni, Frank Montanaro, and John Capobianco voted in favor of the motion. Staff will contact Gerald Goldstein to ascertain his vote in this matter.

Staff contacted Gerald Goldstein for his vote in this matter. Mr. Goldstein voted in favor of the motion. Motion passed.

Joseph Mulvey did not participate in this matter.

MISCELLANEOUS MATTERS:

1. Case No. ULP-5759
Town of North Smithfield & RI Council 94, AFSCME, AFL-CIO

This case was heard formally by Walter Lanni, Frank Montanaro, John Capobianco, and Elizabeth Dolan. Joseph Mulvey, Gerald Goldstein and Ellen Jordan reviewed the transcript and briefs, as well as the evidence submitted therein.

A Decision and Order was rendered by this Board. The matter went up to Superior Court and then was remanded back to this Board. The matter was placed on the September 13, 2006 Board Meeting Agenda for discussion per the Court remand. After further review by this Board, the Board Clarified and amended the Decision and Order and signed as written; however, a Motion was made by John Capobianco and seconded by Walter Lanni to hold the submission of the Clarification and Decision and Order until Attorney Hogan spoke with the Representative for the Union regarding their determination on how this case will proceed. After several attempts by the Union's Attorney to contact the Union Representative, this matter was placed back on this Agenda for determination on how to further proceed. Based on additional review and discussion, a Motion was made by Frank Montanaro and seconded by John Capobianco to stand on the Board's amended clarification and signed Decision and Order. All Board Members present voted in favor of the Motion. Staff will contact Gerald Goldstein to ascertain his vote in this matter.

Staff contacted Gerald Goldstein for his vote in this matter. Mr. Goldstein voted in favor of the motion. Motion passed.

Joseph Mulvey did not participate in this matter.

Ellen Jordan made a Motion for the Board to go into Closed Session for the purpose of reviewing the Unfair Labor Practice Charges, 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 Elizabeth Dolan, 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 9:35 a.m.

The meeting resumed in open session at 9:55 a.m. for the purposes of reading into the Minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CASES:

1. ULP- 5848
State of RI – CCRI & CCRI ESPA/NEARI

DETERMINATION: issue a Complaint and proceed to formal hearing.

2. ULP- 5851
Foster/Glocester Regional School & Ponagansett/NEARI

DETERMINATION: Motion to Dismiss

3. ULP- 5862
Providence School Department & Providence Teachers' Union

DETERMINATION: issue a Complaint and proceed to formal hearing.

A Motion to adjourn was made by Frank Montanaro and seconded by Ellen Jordan, and it was unanimously,

VOTED: to adjourn the meeting at 10:00 a.m.