



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island State Labor Relations Board

1511 Pontiac Avenue
Building 73, 2nd floor
Cranston, Rhode Island 02920-4407
Website: www.dlt.ri.gov/lrb

OPEN MINUTES BOARD MEETING

TIME: 9:00 a.m.
DATE: Tuesday, February 10, 2009
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

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

OTHERS PRESENT: Robyn H. Golden, Administrator
Lisa L. Ribezzo, Labor Board Case gent
Margaret L. Hogan, Esq.

Chairman Lanni called the meeting to order in Open Session at 9:20 a.m.

All Board Members reviewed the Open Minutes of the January 13, 2009 Board Meeting. A Motion was made by Frank Montanaro and seconded by Gerald Goldstein 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:

REPRESENTATION CASES:

1. Case No. EE- 3709 (1-RC-21039)
Central Falls Detention Facility Corporation & Teamsters, Local 251
(Decertification)

Pursuant to the Board's Rules and Regulations, §8.03.2, Teamsters Local 251 had submitted to this Board, documentation requesting a "Voluntary Revocation" of their representation rights in respect to Certification Case No. 1-RC-21039 (an NLRB Certification). After review of the correspondence, a Motion was made by Elizabeth Dolan, and seconded by Frank Montanaro to accept the request for Voluntary

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Revocation in the above-entitled matter. After discussion, all Board Members voted in favor of the Motion. Motion passed.

UNIT CLARIFICATION CASES:

1. Case No. EE- 3595
Jamestown School Committee & Jamestown Educational
Support Personnel Association /NEARI

After review of the Investigator's report and responses submitted by all parties, a Motion was made by John Capobianco and seconded by Frank Montanaro to accept the Investigator's report as written; thus, to **preliminarily accrete** the position(s) of **School Secretary** into the bargaining unit defined in Case No. EE-3595. After discussion, all Board Members voted in favor of the Motion. Motion passed.

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE- 3565
State of RI – Department of Labor and Training & RIASSE, Local 580
(Implementation Aide)

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 **Implementation Aide**, shall be and is hereby **accreted** to the bargaining unit as defined by Certification No. EE-3565. After discussion, all Board Members voted in favor of the Motion. Motion passed.

CONCLUDED CASES:

1. Case No. ULP- 5901
Newport School Committee & RI Council 94, AFSCME, AFL-CIO

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

After review, a Motion was made by Frank Montanaro and seconded by John Capobianco to uphold the charge and find that the Employer had committed an Unfair Labor Practice; and that this Board shall draft a Decision and Order to that effect. After discussion, all Board Members voted in favor of the Motion. Motion passed.

DRAFTED DECISION AND ORDERS:

1. Case No. EE- 1679
Middletown School Committee & NEARI

A Motion was made by Ellen Jordan and seconded by John Capobianco to table this matter until the next monthly Board Meeting. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No. ULP- 5833
State of RI – Department of Elderly Affairs & RI Council 94, AFSCME, AFL-CIO

This matter was included on the February Agenda in error. A motion was made by Elizabeth Dolan, and seconded by John Capobianco to remove this item from the Agenda. All Board Members voted in favor of the Motion. Motion passed.

3. Case No. ULP- 5868
Middletown School Committee & NEA Middletown /NEARI

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

After review of the drafted decision, a Motion was made by Ellen Jordan and seconded by Gerald Goldstein 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.

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

4. Case No. ULP- 5872
State of RI – Department of Health & NEARI

A Motion was made by John Capobianco and seconded by Ellen Jordan to table this matter until the next monthly Board Meeting. After discussion, all Board Members voted in favor of the Motion. Motion passed.

5. Case No. ULP- 5880
City of Pawtucket & RI Council 94, AFSCME, AFL-CIO

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

After review of the drafted decision, a Motion was made by John Capobianco and seconded by Frank Montanaro 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.

ORDER: 1) The Employer is hereby ordered to cease and desist from the unilateral implementation of any terms which were set forth in the Tentative Agreement, unless and until the Tentative Agreement is ratified in its' entirety by the City Council. 2) The Employer is also hereby ordered to recommence good faith bargaining with the Union for a successor agreement within thirty (30) days from the date of this decision.

6. Case No. ULP- 5896
City of Warwick & RI Laborers' District Council, Local 1033

A Motion was made by John Capobianco and seconded by Ellen Jordan to table this matter until the next monthly Board Meeting. After discussion, all Board Members voted in favor of the Motion. Motion passed.

MISCELLANEOUS MATTERS:

1. Case No. EE- 3365/EE- 3710
State of RI – Judiciary – RI Family Court & RI Laborers' District Council, Local 808
& RI Council 94, AFSCME, AFL-CIO
(Consent Agreement & Affidavit & Representative Petition)

After review of the documentation submitted by all parties, a Motion was made by John Capobianco and seconded by Frank Montanaro, to place the Consent Agreement & Affidavit filed by the RI Laborers' District Council, Local 808, Case No. EE- 3365, on hold in accordance with the said procedures of this Board's Rules and Regulations, Section 8.01.5; and that this matter shall be set down for determination on the next applicable monthly Board meeting pending the outcome of said election in Case No. EE- 3710; that the RI Laborers' District Council, Local 808 shall be allowed to intervene in the Representation matter in accordance with the Board's Rules and Regulations §8.01.1; and that an election by secret ballot, shall be conducted under the supervision of the Board or its Agent, at a date, time, and place to be determined by the Board. Said election shall include all individuals' party to said Petition in Case No. EE- 3710. After discussion, all Board members voted in favor of the Motion.

John Capobianco 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 Frank Montanaro 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 10:45 a.m.

The meeting resumed in open session at 10:50 a.m. for the purposes of reading into the Minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CASES:

1. Case No. ULP- 5951
East Providence School Committee & East Providence Education Association
/NEARI

DETERMINATION: issue a Complaint and proceed to formal hearing.

2. Case No. ULP- 5952
Northern Rhode Island Collaborative & Northern Rhode Island Collaborative
Union

DETERMINATION: issue a Complaint and proceed to formal hearing.

3. Case No. ULP- 5954
Northern Rhode Island Collaborative & Northern Rhode Island Collaborative
Union

DETERMINATION: Motion to Dismiss.

MISCELLANEOUS MATTERS:

1. Case No. ULP- 5939
Warwick School Committee & Warwick Independent School Employees' Union
(WISE)

DETERMINATION: matter tabled.

2. Case No. ULP- 5947
RI Board of Governors for Higher Education – University of Rhode Island &
URI/AAUP Part-Time Faculty United (PTFU)

DETERMINATION: matter tabled.

3. Closed Minutes

DETERMINATION: publish minutes.

A Motion to adjourn was made by John Capobianco and seconded by Frank Montanaro,
and it was unanimously,

VOTED: to adjourn the meeting at 10:55 a.m.