



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, January 26, 2010
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

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

OTHERS PRESENT: Robyn H. Golden, Administrator
Lisa L. Ribezzo, Labor Board Case Agent
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 November 19, 2009 Board Meeting. A Motion was made by Frank Montanaro and seconded by Elizabeth Dolan to accept the Open Minutes as written, and it was unanimously

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

All Board Members reviewed the Open Minutes of the December 1, 2009 Board Meeting. A Motion was made by Frank Montanaro and seconded by Elizabeth Dolan 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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REPRESENTATION CASES:

1. Case No. EE- 3717
Central Falls Detention Facility Corporation & Fraternal Order of Police, Lodge 50

After review of the informal notes and attachments, a Motion was made by Ellen Jordan and seconded by Gerald Goldstein to proceed to formal hearing. After discussion, all Board Members voted in favor of the Motion. Motion passed.

UNIT CLARIFICATION CASES:

1. Case No. EE- 1707A
Providence School Committee & RI Council 94, AFSCME, AFL-CIO
(Confidential Executive Assistant)

After review of the Investigator's Report and the Employer's response, a Motion was made by John Capobianco and seconded by Frank Montanaro to accept the Investigator's report as written; thus, to proceed to formal hearing. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No. EE- 3133
State of RI –Office of Health Insurance Commissioner & RI Council 94, AFSCME, AFL-CIO
(Administrative Officer)

After review of the Investigator's Report, a Motion was made by Frank Montanaro and seconded by Ellen Jordan to accept the Investigator's report as written; thus, to proceed to formal hearing. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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3. Case No. 3152
State of RI – Department of Labor and Training & RI Council 94, AFSCME, AFL-CIO
(Fiscal Management Officer)

After review of the Investigator's report, a Motion was made by Frank Montanaro and seconded by John Capobianco to accept the Investigator's report as written; thus, to **preliminarily accrete** the position(s) of **Fiscal Management Officer** into the bargaining unit defined in Case No. EE-3152. After discussion, all Board Members voted in favor of the Motion. Motion passed.

4. Case No. 3459
State of RI – Department of Revenue & RI Laborers' District Council, Local 808
(Chief Implementation Aide)

After review of the Investigator's report, a Motion was made by Frank Montanaro and seconded by John Capobianco to accept the Investigator's report as written; thus, to **preliminarily accrete** the position(s) of **Chief Implementation Aide** into the bargaining unit defined in Case No. EE-3459. After discussion, all Board Members voted in favor of the Motion. Motion passed.

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE- 3315
Narragansett Bay Commission & Warwick Independent School Employees' Union (WISE)
(Laboratory Technician)

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 **Laboratory Technician** shall be and is hereby **accreted** to the bargaining unit as defined by Certification No. EE-3315. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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CONCLUDED CASES:

1. Case No. ULP- 5941
Warwick School Committee & Warwick Independent School Employees' Union (WISE)

Ellen Jordan, Elizabeth Dolan, John Capobianco, and Gerald Goldstein heard this matter formally; Walter Lanni and Frank Montanaro reviewed the transcript(s) and briefs, as well as the evidence submitted therein.

After review of the above-entitled matter, a preliminary Motion was made by Ellen Jordan and seconded by Gerald Goldstein to dismiss the Complaint; and that this matter be referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect. After discussion Elizabeth Dolan voted in favor of the Motion. Walter Lanni, Frank Montanaro, and John Capobianco voted in opposition to the Motion. Motion failed.

A preliminary Motion was then 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 matter be referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect. After discussion, Walter Lanni voted in favor of the Motion. Elizabeth Dolan, Ellen Jordan, and Gerald Goldstein voted in opposition to the Motion. Motion failed.

DRAFTED DECISION AND ORDERS:

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

A Motion was made Frank Montanaro 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.

2. Case No. EE- 3690
Town of West Greenwich & RI Laborers District Council, Local 1322

A Motion was made Frank Montanaro 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.



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MISCELLANEOUS MATTERS:

1. Motion for Excusal from Appearance
(Submitted in Case No. ULP- 5899/5906)

Upon review of the Motion for Excusal submitted in above-entitled matter, in accordance with the Board's Rules and Regulations, §5.01.4, submitted by Kenneth B. Chiavarini, Esq., a Motion was made by Frank Montanaro and seconded by Ellen Jordan to grant the Motion for Excusal from Appearance, set down for formal hearing on February 23, 2010. All Board Members voted in favor of the motion. Motion passed.

Elizabeth Dolan 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. Ellen Jordan seconded the Motion 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 11:30 a.m.

The meeting resumed in open session at 11:35 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- 5977
Town of Scituate/Scituate Fire & Rescue Engineering Board & International Association of Fire Fighters (IAFF)

DETERMINATION: matter tabled.



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2. Case No. ULP- 5984
Town of Westerly & RI Laborers' District Council, Local 808

DETERMINATION: matter tabled.

3. Case No. ULP- 5992
Tiverton School Department & NEA Tiverton /NEARI

DETERMINATION: uphold the charge, issue a Complaint, and proceed to formal hearing.

5. Case No. ULP- 5994
Town of Johnston & International Association of Fire Fighters (IAFF)

DETERMINATION: uphold the charge, issue a Complaint, and proceed to formal hearing.

6. Case No. ULP- 5996
Portsmouth School Department & NEA Portsmouth /NEARI

DETERMINATION: uphold the charge, issue a Complaint, and proceed to formal hearing.

7. Case No. ULP- 5997
Tiverton School Department & NEA Tiverton /NEARI

DETERMINATION: matter dismissed.

8. Case No. ULP- 5998
Lincoln Water Commission Union & RI Laborers' District Council, Local 1033

DETERMINATION: uphold the charge, issue a Complaint, and proceed to formal hearing.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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MISCELLANEOUS MATTERS:

1. Closed Minutes – February 26, 2008; March 11, 2008; May 27, 2008; April 21, 2009

DETERMINATION: to open and post the Closed 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 11:40 a.m.