



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: Thursday, December 2, 2010
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

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

OTHERS PRESENT: Robyn H. Golden, Administrator
Lisa L. Ribezzo, Labor Board Case Agent

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

All Board Members present reviewed the Open Minutes of the October 12, 2010 Board Meeting. A Motion was made by Frank Montanaro 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:

UNIT CLARIFICATION/ACCRETION CASES:

1. Case No. EE- 1712
City of Warwick & RI Council 94, AFSCME, AFL-CIO
(Administrative Council Clerk)

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 **Administrative Council Clerk** into the bargaining unit defined in Case No. EE-1712. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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2. Case No. EE- 1715
City of Warwick & RI Council 94, AFSCME, AFL-CIO
(Chief Data Operations)

After review of the Investigator's Report, 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 **Chief Data Operations** into the bargaining unit defined in Case No. EE-1715. After discussion, all Board Members voted in favor of the Motion. Motion passed.

3. Case No. EE- 3265
City of Warwick & RI Council 94, AFSCME, AFL-CIO
(Conflict Resolution Specialist)

After review of the Investigator's Report and the Employer's response, a Motion was made by Ellen Jordan and seconded by John Capobianco 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.

CONSENT AGREEMENTS & AFFIDAVITS:

1. Case No. EE-3710
RI Family Court & RI Council 94, AFSCME, AFL-CIO
(Supervising Deputy Clerks)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Elizabeth Dolan and seconded by Gerald Goldstein to acknowledge and accept the parties' signed agreement; that the position(s) of **Supervising Deputy Clerks**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3710. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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CONCLUDED CASES:

1. Case No. EE- 1707A
Providence School Committee & RI Council 94, AFSCME, AFL-CIO

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

After review of the above-entitled matter, a preliminary Motion was made by Frank Montanaro and seconded by John Capobianco to **accrete** the position of **Confidential Executive Secretary** into the bargaining unit as defined in Case No. EE-1707A; 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 and Gerald Goldstein voted in favor of the Motion. Ellen Jordan and Elizabeth Dolan opposed the Motion. Motion passed.

DRAFTED DECISION AND ORDERS:

1. Case No. ULP- 5827
State of RI – Department of Administration, Department of Education, Department of Health & RI Council 94, AFSCME, AFL-CIO

A Motion was made Elizabeth Dolan 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- 5955
Board of Governors for Higher Education - URI & URI/AAUP Part-Time Faculty United (PTFU)

A Motion was made Elizabeth Dolan 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.



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MISCELLANEOUS MATTERS:

1. Case No. EE-3573
Tiogue Fire District & International Association of Fire Fighters (IAFF)

After review of the request submitted by the Union to close the above-entitled matter as a result of the Fire District's disbandment, a Motion was made by John Capobianco and seconded by Ellen Jordan to grant the closure of the matter. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No. EE-3534
Washington Fire District & Lighting District & International Association of Fire Fighters (IAFF)

After review of the request submitted by the Union to close the above-entitled matter as a result of the Fire District's disbandment, a Motion was made by John Capobianco and seconded by Ellen Jordan to grant the closure of the matter. After discussion, all Board Members voted in favor of the Motion. Motion passed.

3. Case No. EE- 3574
Harris Fire & Lighting District & International Association of Fire Fighters (IAFF)

After review of the request submitted by the Union to close the above-entitled matter as a result of the Fire District's disbandment, a Motion was made by John Capobianco and seconded by Ellen Jordan to grant the closure of the matter. After discussion, all Board Members voted in favor of the Motion. Motion passed.

4. Case No. EE- 3270A
State of RI – Department of Labor and Training & RIESA, Local 401,
Service Employees International Union (SEIU)

After review of the correspondence submitted in this matter, a Motion was made by Ellen Jordan and seconded by John Capobianco to grant the request for an amendment to the Certification of Representatives in the above-entitled matter; thus, to reflect the name change of State of RI – Department of Labor and Training and Rhode Island Employment Security Alliance, Local 401, SEIU. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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John Capobianco made a Motion for the Board to go into Closed Session for the purpose of reviewing the Unfair Labor Practice Charges and the Minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. Gerald Goldstein 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 9:40 a.m.

The meeting resumed in open session at 9:45 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- 5959
RI School for the Deaf, Board of Trustees & RI School for the Deaf Teachers' Association /NEARI

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

2. Case No. ULP- 6009
Town of Coventry & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: matter passed.

3. Case No. ULP- 6017
State of RI – Department of Education & RIDE Professional employee's Union, Local 2012, AFT

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

4. Case No. ULP- 6020
Town of North Providence & International Association of Fire Fighters (IAFF)

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



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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A Motion to adjourn was made by Ellen Jordan and seconded by Elizabeth Dolan and it was unanimously,

VOTED: to adjourn the meeting at 9:50 a.m.