



# Rhode Island State Labor Relations Board

1511 Pontiac Avenue  
Building 73, 2<sup>nd</sup> floor  
Cranston, Rhode Island 02920-4407  
Website: [www.dlt.ri.gov/lrb](http://www.dlt.ri.gov/lrb)

## OPEN MINUTES BOARD MEETING

**TIME:** 9:00 a.m.  
**DATE:** Tuesday, January 11, 2011  
**PLACE:** 1511 Pontiac Ave., Building #73, 2<sup>nd</sup> 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  
Margaret L. Hogan, Esq.

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Chairman Lanni called the meeting to order in Open Session at 9:10 a.m.  
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All Board Members present reviewed the Open Minutes of the October 28, 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.

All Board Members present reviewed the Open Minutes of the December 2, 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:  
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Page 2  
Open Minutes  
Board Meeting 1/11/11

## **UNIT CLARIFICATION/ACCRETION CASES:**

1. Case No. EE- 3152  
State of RI – Department of Labor and Training & RI Council 94, AFSCME, AFL-CIO  
**(Chief of Labor & Training Operations (2))**

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 of Labor & Training Operations**, held by Carol Gibson, into the bargaining unit defined in Case No.EE-3152; and that the position of **Chief of Labor & Training Operations**, held by Vivian Alves, be preliminarily **excluded** from the bargaining unit defined in Case No. EE-3152. After discussion, all Board Members voted in favor of the Motion. Motion passed.

## **AFFILIATION/MERGER CASES:**

1. Case No. EE-3720/EE-3197  
Warwick School Committee & Warwick Independent School Employees' Union (WISE) & RI Council 94, AFSCME, AFL-CIO

After review of the Petition for Affiliation/Merger of Bargaining Unit Representatives, as well as all the documentation 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 **Affiliation/Merger** between the Warwick Independent School Employees' Union (WISE) and RI Council 94, AFSCME, AFL-CIO shall be and is hereby granted to the bargaining unit as defined by Certification No. EE-3720. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

Additionally, after discussion of the aforementioned matter, a Motion was made by Frank Montanaro and seconded by John Capobianco to amend the Board Meeting Agenda to reflect the closure of Certification No. EE-3197; thus, resulting with the emulation of the bargaining unit listed within Certification No. EE-3197 into Certification No. EE-3720.



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Page 3  
Open Minutes  
Board Meeting 1/11/11

## **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 Ellen Jordan and seconded by Frank Montanaro 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 Ellen Jordan and seconded by Frank Montanaro to table this matter until the next monthly Board Meeting. After discussion, all Board Members voted in favor of the Motion. Motion passed.

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

A Motion was made Ellen Jordan and seconded by Frank Montanaro 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. RI Disability Determination Services/RI ORS/RI HHS & RI Disability Determination Services Medical Consultants Association

After review of the Petition for Investigation of Controversies as to Representation, as well as all the documentation submitted by the Petitioner, in the above-entitled matter, a Motion was made by Elizabeth Dolan and seconded by John Capobianco to table the matter for further clarification, from the Petitioner, regarding the individuals status as to their employment. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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Page 4  
Open Minutes  
Board Meeting 1/11/11

- 2. Case No. EE-3679  
Town of West Warwick & NEARI

A Motion to Dismiss was filed by John L.P. Breguet, Esq., representing the Town of West Warwick, as well as an Objection to the Motion to Dismiss, with a request for a thirty (30) day continuance for submission of an answer to the Motion to Dismiss, by Vincent Santaniello, Esq., on behalf of NEARI.

After review of all documentation, a Motion was made by Gerald Goldstein and seconded by Ellen Jordan to grant the Petitioner’s request to submit a supporting memorandum, within thirty (30) days, in the above-entitled matter. After discussion, all Board Members voted in favor of the Motion. Motion passed.

- 3. Governor Chafee’s Executive Order 11-01

This matter was on the Board’s Agenda solely for informational purposes.

Ellen Jordan 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. John Capobianco 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 9:50 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. Case No. ULP- 5999  
State of RI – Department of Environmental Management & John Langlois,  
Local 400, IFPTE

**DETERMINATION:** matter administratively dismissed.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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Page 5  
Open Minutes  
Board Meeting 1/11/11

2. Case No. ULP- 6021  
City of East Providence & United Steelworkers, Local 15509

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

3. Case No. ULP- 6022  
State of RI – Department of Health & National Association of Government Employees,  
Local 79

**DETERMINATION:** matter administratively dismissed.

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A Motion to adjourn was made by Elizabeth Dolan and seconded by Frank Montanaro and it was unanimously,

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