



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, October 9 2012
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter Lanni
Frank Montanaro
Ellen Jordan
Elizabeth Dolan

MEMBERS ABSENT: Gerald Goldstein
John R. Capobianco

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 August 28, 2012 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 present to accept the minutes as written. Motion passed.

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-3694
State of RI – Department of Administration – Division of Sheriffs & International Brotherhood of Police Officers (IBPO)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Elizabeth Dolan and seconded by Frank Montanaro to acknowledge and accept the parties' signed Agreement; that the position(s) of Chief Deputy Sheriff, shall be and is **revoked**; and that the Certification of Representatives is hereby null and void, and shall cease to exist as of July 1, 2012, as defined by Certification No. EE-3694. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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UNIT CLARIFICATION/ACCRETION CASES:

1. Case No. EE-1783
City of Warwick & RI Council 94, AFSCME, AFL-CIO (**Paralegal, Community Service Assistant, Communication Support, Fire Code Technician**)

After review of the Investigator's Report, a Motion was made by Ellen Jordan and seconded by Frank Montanaro to accept the Investigator's report as written; thus, to **preliminarily accrete** the position(s) of **Community Service Assistant** and **Fire Code Technician** into the bargaining unit defined in Case No. EE-1783; as well as **preliminarily exclude** the position(s) of **Paralegal** from the bargaining unit defined in Case No. EE-1783. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

DECISION AND ORDERS:

1. Case No. ULP-5996
Portsmouth School Department & NEA Portsmouth

This case was heard formally by Walter Lanni, Frank Montanaro, John Capobianco, and Gerald Goldstein. Elizabeth Dolan and Ellen Jordan reviewed the transcript(s) 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 Frank Montanaro to sign the Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written.

- ORDER:**
- 1) The charge of violation of R.I.G.L. 28-7-13 (3) is hereby dismissed.
 - 2) The Employer is hereby ordered to cease and desist from requiring MCAS certifications as a term and condition of employment without first bargaining said requirement with the Union.
 - 3) The Employer is hereby ordered to reimburse any computer teacher for any funds he/she may have expended in securing the MCAS certifications to date, including but not limited to study guides, courses, materials and mileage for travel to any course taken to prepare for the MCAS certification.
 - 4) The Employer is hereby ordered to post a copy of this decision on all common area bulletin boards within the Portsmouth High School for a period no less than sixty (60) days and to provide an actual physical copy of this decision to every teacher in the Portsmouth High School.



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2. Case No. ULP-6007
Town of Scituate & International Association of Fire Fighters (IAFF)

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

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

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

After review of the drafted Decision, a Motion was made by Frank Montanaro and seconded by Elizabeth Dolan to sign the Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written.

ORDER: The Employer is hereby ordered to post a copy of this decision on all common area bulletin boards within the Department for a period no less than thirty (30) days.

4. Case No. ULP-6056
Town of Portsmouth & National Association of Government Employees, Local 280

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

5. Case No. EE-3723
State of RI – RI Higher Education Assistance Authority & 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 present voted in favor of the Motion. Motion passed.



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6. Case No. EE-3724
Town of Tiverton & RI Council 94, AFSCME, AFL-CIO

This case was heard formally by Walter Lanni, Frank Montanaro, John Capobianco, Elizabeth Dolan, Ellen Jordan, and Gerald Goldstein. All Board Members reviewed the transcript(s) 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 Frank Montanaro to sign the Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written.

ORDER: The Petition for Investigation of Controversies as to Representation, filed by RI Council 94, AFSCME, AFL-CIO, in regard to the positions of: Tax Assessor, Wastewater Collections Superintendent, Building/Zoning Official, Town Planner, Senior Center Director, Tax Collector, Director of Public Works, is hereby dismissed.

MISCELLANEOUS CASES:

1. Case No. ULP-6086
State of RI – Board of Governors for Higher Education – University of Rhode Island (URI) & URI/AAUP (**Motions**)

Motion to Amend Complaint: After review of the documentation submitted by the parties, a Motion was made by Elizabeth Dolan and seconded by Frank Montanaro to deny the Union's Motion for an amendment to the Complaint and to proceed with the Complaint as written. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

Motion for Leave to take Discovery: After review of the documentation submitted by the parties, a Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to grant the Union's Motion for Leave to take Discovery. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

Motion for Leave to take Additional Discovery: After review of the documentation submitted by the parties, a Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to grant the Union's Motion to take additional Discovery. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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2. Case No. ULP-6088
Town of North Kingstown & North Kingstown Fire Fighters, Local 1651, International Association of Fire Fighters (IAFF) **(Motions)**
Board Member, Elizabeth Dolan, has recused herself from participation in this matter.

Motion for Recusal: After review of the documentation submitted by the Employer, a Motion was made by Ellen Jordan and seconded by Walter Lanni to deny the Employer's Motion, to wit: failure to state a specific claim upon which relief may be granted under this Board's jurisdiction. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

Motion to Dismiss: After review of the documentation submitted by the parties, a Motion was made by Frank Montanaro and seconded by Walter Lanni to deny the Employer's Motion to Dismiss. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

Motion to Stay: After review of the documentation submitted by the parties, a Motion was made by Frank Montanaro and seconded by Walter Lanni to deny the Employer's Motion to Stay. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

A Motion was made by Frank Montanaro 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 R.I.G.L. 42-46-5(a) (2) (4) of the Open Meetings Law. Elizabeth Dolan 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 10:45 a.m.

The meeting resumed in open session at 10:55 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- 6082
RI Public Transit Authority & RI Laborers' District Council, Local 808

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



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2. Case No. ULP-6089
North Kingstown School Committee & North Kingstown ESPA/NEARI/NEARI
Board Member, Elizabeth Dolan, has recused herself from participation in this matter.

DETERMINATION: Matter tabled.

3. Case No. ULP- 6090
North Kingstown School Committee & North Kingstown ESPA/NEARI/NEARI

DETERMINATION: Matter tabled.

4. Case No. ULP-6091
North Kingstown School Committee & North Kingstown ESPA/NEARI/NEARI

DETERMINATION: Matter tabled.

5. Case No. ULP-6082
Chariho Regional School Committee & NEA Chariho

DETERMINATION: Matter tabled.

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

VOTED: to adjourn the meeting at 11:00 a.m.