



# 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, February 28, 2012  
**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  
Elizabeth Dolan  
Gerald Goldstein

**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 9:15 a.m.  
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All Board Members reviewed the Open Minutes of the January 10, 2012 Board Meeting. A Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to accept the Open Minutes as written, and it was unanimously

**VOTED:** by Walter Lanni, Frank Montanaro, John Capobianco, Ellen Jordan, Elizabeth Dolan to accept the minutes as written. Gerald Goldstein abstained from voting. Motion passed.  
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### CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-3315  
Narragansett Bay Commission & RI Laborers' District Council, Local 1033

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 **Senior Electronics and Instrumentation Technician**, shall be and is hereby **accreted** into 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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2. Case No. EE-3719  
Hopkins Hill Fire District & International Association of Fire Fighters (IAFF) –  
Hopkins Hill Fire Fighters, Local 4824

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 **Assistant Deputy Chief**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3719. After discussion, all Board Members voted in favor of the Motion. Motion passed.

## UNIT CLARIFICATION CASES:

1. Case No. EE-3161  
State of RI – Department of Administration & Association of Department of Administration Supervisors (ADAS) (**Supervising Geographic Information System (GIS) Specialist**)

After review of the Investigator's Report, a Motion was made by Gerald Goldstein and seconded by Elizabeth Dolan to **preliminarily exclude** the position of **Supervising Geographic Information System (GIS) Specialist** from the bargaining unit defined in Case No. EE-3161. After discussion, all Board Members voted in favor of the Motion. Motion passed.

## TRANSFER CASES:

1. Case No. EE- 1714/3133/3161  
State of RI – RI Judiciary & RI Council 94, AFSCME, AFL-CIO  
Request for Transfer of Bargaining Units – Jurisdictional

After review of all the documentation submitted, as well as the transcript(s) and the evidence submitted therein, a Motion was made by Frank Montanaro and seconded by John Capobianco to deny the Motion for Transfer of the positions within Certification Case No. EE- 1714/3133/3161, from the Administrative Branch to the Judiciary Branch. After discussion, Walter Lanni voted in favor of the Motion. Ellen Jordan, Elizabeth Dolan, and Gerald Goldstein opposed the Motion. Motion failed. Subsequently, a Motion was made Ellen Jordan and Elizabeth Dolan to grant the Motion for Transfer. After discussion Gerald Goldstein voted in favor of the Motion. Frank Montanaro, John Capobianco, and Walter Lanni opposed the Motion. Motion failed.

Accordingly, since neither a Motion to deny the request for Transfer, nor a Motion to grant the request for Transfer has carried, the within matter must be dismissed based on procedural grounds.



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## **CONCLUDED CASES:**

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

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

After review of the above-entitled matter, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to Dismiss the Complaint. Gerald Goldstein voted in favor of the Motion. Frank Montanaro, John Capobianco, and Walter Lanni opposed the Motion. Motion failed based on procedural grounds. The matter has been referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect.

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

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

After review of the above-entitled matter, a Motion was made by Frank Montanaro and seconded by John Capobianco to uphold the Complaint. Walter Lanni voted in favor of the Motion. Ellen Jordan, Elizabeth Dolan, and Gerald Goldstein opposed the Motion. Motion failed. Subsequently, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to Dismiss the Complaint. Gerald Goldstein voted in favor of the Motion. Frank Montanaro, John Capobianco, and Walter Lanni opposed the Motion. Motion failed based on procedural grounds. The matter has been referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect.

## **DECISION AND ORDERS:**

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

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

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.

3. Case No. EE- 3265  
East Providence School Committee & East Providence Teachers Assistant  
Association/NEARI (**Conflict Resolution Specialist**)

This case was heard formally by Walter Lanni, John Capobianco, Gerald Goldstein, Elizabeth Dolan, and Ellen Jordan. 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 Ellen Jordan 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 petition to accrete the position of Conflict Resolution Specialist to the bargaining unit certified by Case No. EE-3265 is hereby denied and dismissed.

## **MISCELLANEOUS MATTERS:**

1. Case No. EE- 3719A  
Hopkins Hill Fire District & International Association of Fire Fighters (IAFF) –  
Hopkins Hill Fire Fighters, Local 4824

The International Association of Fire Fighters (IAFF) petitioned this Board for an amendment of the Certification of Representatives; hence, reflecting a name change of International Association of Fire Fighters (IAFF) - Hopkins Hill Fire Fighters, Local 4824.

Upon review of all documentation submitted by the parties, a Motion was made by Frank Montanaro and seconded by John Capobianco to acknowledge and approve the amended Certification of Representatives reflecting a name change to International Association of Fire Fighters (IAFF) - Hopkins Hill Fire Fighters, Local 4824. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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Gerald Goldstein 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 R.I.G.L. 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 10:05 a.m.

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The meeting resumed in open session at 10:10 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- 6068  
City of Providence & United Public Safety Officers of Rhode Island

**DETERMINATION:** matter administratively dismissed.

2. Case No. ULP- 6069  
City of Providence & United Public Safety Officers of Rhode Island

**DETERMINATION:** matter administratively dismissed.

3. Case No. ULP- 6071  
Town of North Kingstown & North Kingstown Fire Fighters, Local 1651

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

4. Case No. ULP- 6072  
Narragansett Bay Commission & RI Laborers' District Council, Local 1033

**DETERMINATION:** matter administratively dismissed.

5. Case No. ULP- 6073  
State of RI – Department of Corrections & RI Probation and Parole Association

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



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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6. Case No. ULP- 6075  
State of RI – Department of Corrections & RI Probation and Parole Association

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

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A Motion to adjourn was made by Elizabeth Dolan and seconded by John Capobianco, and it was unanimously,

**VOTED:** to adjourn the meeting at 10:15 a.m.