



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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, June 12, 2012
PLACE: 1511 Pontiac Ave., Building #73, 2nd 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.

Chairman Lanni called the meeting to order in Open Session at 9:15 a.m.

All Board Members reviewed the Open Minutes of the April 10, 2012 Board Meeting. A Motion was made by John Capobianco and seconded by Gerald Goldstein to accept the Open Minutes as written, and it was unanimously

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

UNIT CLARIFICATION/ACCRETION CASES:

1. Case No. EE-1715
State of RI – Department of Labor and Training & RI Council 94, AFSCME, AFL-CIO

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 **Nursing Care Evaluator** into the bargaining unit defined in Case No. EE-1715. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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2. Case No. EE-1732
Tiverton School Committee & RI Council 94, AFSCME, AFL-CIO

After review of the Investigator's Report, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to proceed to formal hearing. After discussion, Ellen Jordan and Gerald Goldstein voted in favor of the Motion. Walter Lanni, Frank Montanaro, John Capobianco, Elizabeth Dolan opposed the Motion. Motion failed.

Subsequently, 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 **System Administrator** into the bargaining unit defined in Case No. EE-1732. After discussion, Walter Lanni, Frank Montanaro, John Capobianco, and Elizabeth Dolan voted in favor of the Motion. Ellen Jordan and Gerald Goldstein opposed the Motion. Motion passed.

3. Case No. EE-3039-3042
State of RI – City of Providence & RI Laborers' District Council, Local 1033

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 **Program Manager** into the bargaining unit defined in Case No. EE-3039-3042. After discussion, all Board Members voted in favor of the Motion. Motion passed.

TRANSFER CASES:

1. Case No. EE-3725
State of RI – RI Judiciary & RI Council 94, AFSCME, AFL-CIO

After review of all documentation submitted, a Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to grant the Consent Agreement and Affidavit and sign the newly created Certification of Representatives as written; and that the position(s) of **Executive Assistants, Court Reporters, Senior Assistant Administrators, Senior Management Analysts, Deputy Clerks, and Data Entry Operators, within the Workers Compensation Court**, shall be transferred from the Executive Branch into the Judiciary Branch now known as the bargaining unit defined in Case No. EE-3725, effective June 12, 2012. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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2. Case No. EE-3726
State of RI – RI Judiciary & RI Council 94, AFSCME, AFL-CIO

After review of all documentation submitted, a Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to grant the Consent Agreement and Affidavit and sign the newly created Certification of Representatives as written; and that the position(s) of **Assistant Building & Grounds Officers, Building Maintenance Supervisors, Senior Janitors, and Janitors, within Facilities and Maintenance**, shall be transferred from the Executive Branch into the Judiciary Branch now known as the bargaining unit defined in Case No. EE-3726, effective June 12, 2012. After discussion, all Board Members voted in favor of the Motion. Motion passed.

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-1715
State of RI – Department of Labor and Training & RI Council 94, AFSCME, AFL-CIO

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to acknowledge and accept the parties' signed agreement; that the position(s) of **Supervisor of Vocational Rehabilitation** shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3064. After discussion, all Board Members voted in favor of the Motion. Motion passed.

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.

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

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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3. 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.

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

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.

MISCELLANEOUS MATTERS:

1. Case No. EE-3399
Lincoln Housing Authority & RI Laborers' District Council, Local 1217
(Application for Leave to Reopen Hearing on Grounds of Newly Discovered Evidence)

After review of the documentation submitted, a Motion was made by Frank Montanaro and seconded by Ellen Jordan to grant the request to reopen the above-entitled matter for the presentation of newly discovered evidence; with the understanding that the individual must be in the position for ninety (90) days prior to the reopening. Additionally, it is the Employer's responsibility to notify this Board upon the hiring of the new employee. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No. EE-3717
Central Falls Detention Facility Corporation & Fraternal Order of Police, Lodge 50
(Stipulation for Taking of Depositions)

After review of the documentation submitted, a Motion was made by Elizabeth Dolan and seconded by Frank Montanaro to grant the parties request to cancel the scheduled formal hearings and proceed to Depositions; with the understanding that the Depositions shall be concluded within sixty (60) days of receipt of notification. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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3. Case No. ULP-5981
City of Providence & International Association of Fire Fighters (IAFF), Local 799
(Stipulation of Facts – Briefing Schedule)

After review of the documentation submitted, a Motion was made by Frank Montanaro and seconded by John Capobianco to grant the Stipulation and issue a briefing schedule of ninety (90) days from date of notification. After discussion, all Board Members voted in favor of the Motion. Motion passed.

CONCLUDED CASES:

1. Case No. EE-3399
Lincoln Housing Authority & RI Laborers' District Council, Local 1217

Based upon the aforementioned request, a Motion was made Elizabeth Dolan and seconded by John Capobianco to table this matter to allow for the matter to be reopened for presentation of newly discovered evidence. After discussion, all Board Members voted in favor of the Motion. Motion passed.

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

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

After review of the above-entitled matter, a determination was made by the Board to decide each position individually. Therefore, the Board made the following resolve:

A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to **preliminary exclude** the position of **Tax Assessor**, held by **David Robert**, from the bargaining unit as defined in Case No. EE-3724; 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. Frank Montanaro and John Capobianco opposed the Motion. Motion passed.



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A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to **preliminary exclude** the position of **Waste Water Collections Superintendent**, held by **John Lincourt**, from the bargaining unit as defined in Case No. EE-3724; 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. Frank Montanaro and John Capobianco opposed the Motion. Motion passed.

A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to **preliminary exclude** the position of **Building/Zoning Officer**, held by **Garth Eames**, from the bargaining unit as defined in Case No. EE-3724; 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. Frank Montanaro and John Capobianco opposed the Motion. Motion passed.

A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to **preliminary exclude** the position of **Senior Center Director**, held by **Janice Gomes**, from the bargaining unit as defined in Case No. EE-3724; 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. Frank Montanaro and John Capobianco opposed the Motion. Motion passed.

A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to **preliminary exclude** the position of **Tax Collector**, held by **Toni Lynn McGowan**, from the bargaining unit as defined in Case No. EE-3724; 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. Frank Montanaro and John Capobianco opposed the Motion. Motion passed.

A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to **preliminary exclude** the position of **Director of Public Works**, held by **Stephen Berlucchi**, from the bargaining unit as defined in Case No. EE-3724; 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. Frank Montanaro and John Capobianco opposed the Motion. Motion passed.

A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to **preliminary exclude** the position of **Town Administrator**, held by **James Goncalo**, from the bargaining unit as defined in Case No. EE-3724; 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. Frank Montanaro and John Capobianco opposed the Motion. Motion passed.



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A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to **preliminary exclude** the position of **Town Planner**, held by **Christopher Spencer**, from the bargaining unit as defined in Case No. EE-3724; 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. Frank Montanaro and John Capobianco opposed the Motion. Motion passed.

A Motion was made by Gerald Goldstein 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. 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 9:55 a.m.

The meeting resumed in open session at 10:00 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- 6081
City of Pawtucket & Pawtucket Fire Fighters, Local 4421/126, IAFF

DETERMINATION: Matter tabled.

2. Case No. ULP- 6082
RI Public Transit Authority & RI Laborers' District Council, Local 808

DETERMINATION: Matter tabled.

3. Case No. ULP- 6087
Town of North Providence & RI Laborers' District Council, Local 1033

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



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MISCELLANEOUS MATTERS:

1. Case No. ULP- 6071
Town of North Kingstown & North Kingstown Fire Fighters, Local 1651, IAFF
(Board Member Elizabeth Dolan is recused from participating in this matter)

DETERMINATION: Amendment to the original charge is not granted.

2. Closed Minutes: March 8, 2011
(To be opened and posted)

DETERMINATION: Open and publish minutes.

A Motion to adjourn was made by Ellen Jordan and seconded by John Capobianco, and it was unanimously,

VOTED: to adjourn the meeting at 10:05 a.m.