



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, August 28, 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

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

All Board Members reviewed the Open Minutes of the June 12, 2012 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. Motion passed.

UNIT CLARIFICATION/ACCRETION CASES:

1. Case No. EE-1778
RI Airport Corporation & RI Council 94, AFSCME, AFL-CIO (**Network & System Engineer; Senior System & Network Engineer; IT Analyst**)

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 exclude** the position(s) of **Network & System Engineer; Senior System & Network Engineer; IT Analyst** from the bargaining unit defined in Case No. EE-1778. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-3167
Providence School Department & RI Laborers District Council, Local 1033
(Employee Services Administrator)

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 **Employee Services Administrator** shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3167. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No. EE-3710
State of Rhode Island – Judiciary – RI Family Court & RI Council 94, AFSCME, AFL-CIO
(Domestic Violence Liaison; Administrative Assistant)

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

3. Case No. EE-3353
Town of Hopkinton & International Brotherhood of Police Officers, Local 498
(Chief of Police; Captain)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Elizabeth Dolan and seconded by John Capobianco to acknowledge and accept the parties' signed agreement; that the position(s) of **Chief of Police** and **Captain** shall be and are hereby **excluded** from the bargaining unit as defined by Certification No. EE-3353. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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MISCELLANEOUS MATTERS:

1. Case No. ULP-6038
Portsmouth School Committee & NEA Portsmouth/NEARI
(Motion for Rebuttal Briefs)

After review of the documentation submitted, a Motion was made by Ellen Jordan and seconded by John Capobianco to grant the Employer's Motion to submit Rebuttal Briefs; thus, allowing both parties the opportunity for the submission of the Briefs in the aforementioned matter. 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)
(Motion to Re-Open the Matter)

After review of the documentation submitted, a Motion was made by John Capobianco and seconded by Frank Montanaro to grant the Union's Motion to Re-Open the Matter and proceed to formal hearing. After discussion, all Board Members voted in favor of the Motion. Motion passed.

CONCLUDED CASES:

1. Case No. ULP-6038
Portsmouth School Committee & NEA/Portsmouth/NEARI

A Motion was made Elizabeth Dolan and seconded by Ellen Jordan to table this matter to allow for the submission of Rebuttal Briefs. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No. EE- 3723
State of RI – RI Higher Education Assistance Authority & RI Council 94, AFSCME, AFL-CIO

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

After review of all documentation submitted, a Motion was made by Frank Montanaro and seconded by John Capobianco to proceed with a Directed Election process. After discussion, Walter Lanni voted in favor of the Motion. Elizabeth Dolan, Ellen Jordan, and Gerald Goldstein voted in opposition the Motion. Motion failed based on procedural grounds.



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Subsequently, a Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to dismiss the aforementioned matter. After discussion, Gerald Goldstein voted in favor of the Motion. Walter Lanni, Frank Montanaro, and John Capobianco voted in opposition of 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.

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.

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.



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5. Case No. EE-3724
Town of Tiverton & 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 voted in favor of the Motion. Motion passed.

A Motion was made by Elizabeth Dolan 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 9:40 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- 6081
City of Pawtucket & Pawtucket Fire Fighters, Local 4421/126, IAFF

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

2. 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.

3. Case No. ULP- 6086
RI Board of Governors for Higher Education & University of Rhode Island (URI) /AAUP

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 Frank Montanaro, and it was unanimously,

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