



# 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, November 26, 2013  
**PLACE:** 1511 Pontiac Ave., Building #73, 3<sup>rd</sup> Floor, Cranston, RI 02920

**BOARD MEMBERS IN ATTENDANCE:** Walter Lanni  
Frank Montanaro  
Elizabeth S. Dolan  
Marcia B. Reback  
Scott G. Duhamel  
Bruce A. Wolpert

**BOARD MEMBERS ABSENT:** Gerald S. Goldstein

**OTHERS PRESENT:** Robyn H. Golden, Administrator  
Lisa L. Ribezzo, Labor Board Case Agent  
Margaret Hogan, Esq.

---

Chairman Lanni called the meeting to order in Open Session at 10:05 a.m.

---

All Board Members present reviewed the Open Minutes of the October 8, 2013 Board Meeting. A Motion was made by Marcia B. Reback and seconded by Elizabeth S. 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.

---

### MISCELLANEOUS MATTERS:

1. Case No. EE-3732  
Nasonville Fire District & Burrillville Professional Fire Fighters, International Association of Fire Fighters (IAFF) (*Motion to Recuse*)

After review of the Motion to Recuse submitted by the Employer's Representative, it was determined that in matters of this nature, it is not within the Board's jurisdiction to rule on such Motions; likewise, Board Member, Frank J. Montanaro, declined to recuse himself from this matter.



# 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)

Page 2  
Open Minutes  
Board Meeting 11/26/13

## **REPRESENTATION CASES:**

1. Case No. EE-3732  
Nasonville Fire District & Burrillville Professional Fire Fighters, International Association of Fire Fighters (IAFF)

After review of the informal notes, a Motion was made by Frank J. Montanaro and seconded by Bruce A. Wolpert to proceed to formal hearing. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

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

1. Case No. EE-1714  
State of Rhode Island – Department of Administration – Planning Division & RI Council 94, AFSCME, AFL-CIO (**Executive Assistant**)

After review of the Investigator's Report, a Motion was made by Elizabeth S. Dolan and seconded by Scott G. Duhamel to accept the Investigator's report as written; thus, to **preliminarily accrete** the position(s) of **Executive Assistant** into the bargaining unit defined in Case No. EE-1714. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

## **CONCLUDED CASES:**

1. Case No. ULP-6007  
Town of Scituate & International Association of Fire Fighters (IAFF),  
Local 4777 (**Re-opener – Stipulation**)

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

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

A Motion was made by Bruce A. Wolpert and seconded by Marcia B. Reback to move the aforementioned matter to the end of the Agenda. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



# 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)

Page 3  
Open Minutes  
Board Meeting 11/26/13

3. Case No. ULP-6102  
Town of North Smithfield & RI Council 94, AFSCME, AFL-CIO, Local 937

Walter Lanni, Frank Montanaro, Gerald S. Goldstein, Elizabeth Dolan, Scott G. Duhamel, and Bruce A. Wolpert heard this matter formally and reviewed the transcripts and briefs, as well as all the evidence submitted therein. Marcia B. Reback abstained from participation in this matter.

After review of the above-entitled matter, a preliminary Motion was made by Elizabeth S. Dolan and seconded by Bruce A. Wolpert to dismiss the Complaint, as it relates to Section 28-7-13 (6) and (10); and that this matter be referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect. Elizabeth S. Dolan and Bruce A. Wolpert voted in favor of the Motion. Frank Montanaro, Scott G. Duhamel, and Walter Lanni opposed the Motion. Marcia B. Reback abstained from participation in this matter. Motion failed.

Subsequently, a preliminary Motion was made by Frank J. Montanaro and seconded by Scott G. Duhamel to uphold the violation as stated in the Board's Complaint and find that the Employer had committed an Unfair Labor Practice; 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 J. Lanni, Frank J. Montanaro, and Scott G. Duhamel voted in favor of the Motion. Elizabeth S. Dolan and Bruce A. Wolpert opposed the Motion. Marcia B. Reback abstained from participation in this matter. Motion passed.

## **DRAFTED CASES:**

1. Case No. ULP-6086  
RI Board of Governors for Higher Education & University of Rhode Island Chapter of American Association of University Professors (AAUP) (Tentative – Review & Adoption of Decision and Order)

A Motion was made Bruce A. Wolpert and seconded by Marcia B. Reback to table this matter until the next applicable monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Case No. EE-3717  
Central Falls Detention Facility Corporation & Fraternal Order of Police (FOP), Lodge 50 (Directed Election) (Tentative – Review & Adoption of Decision and Order)

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



# 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)

Page 4  
Open Minutes  
Board Meeting 11/26/13

A Motion was made by Bruce A. Wolpert and seconded by Scott G. Duhamel at 10:20 a.m. to temporarily suspend the Open Session of the Board Meeting and proceed into Executive Session. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

-----  
A Motion was then made by Marcia B. Reback for the Board to go into Closed Session for the purpose of reviewing the Unfair Labor Practice Charges and the Miscellaneous matters, pursuant to R.I.G.L. 42-46-5(a) (2) (4) of the Open Meetings Law. Frank J. Montanaro seconded the Motion and it was unanimously

**VOTED:** by all Board Members present for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 10:50 a.m.

-----  
A Motion was then made by Marcia B. Reback and Frank J. Montanaro to resume the meeting in open session at 10:50 a.m. for the purposes of addressing the Concluded Case(s) from the Open Session, Section #5b, and reading into the minutes the determinations made by the Board in Closed Session. After discussion, Walter J. Lanni, Frank J. Montanaro, Marcia B. Reback, and Scott G. Duhamel voted in favor of the Motion. Elizabeth S. Dolan and Bruce A. Wolpert left the Board Meeting at 10:40 a.m. Motion passed.

## **CONCLUDED CASES:**

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

Walter Lanni, Frank Montanaro, Gerald S. Goldstein, Elizabeth Dolan, Scott G. Duhamel, and Bruce A. Wolpert heard this matter formally and reviewed the transcripts and briefs, as well as all the evidence submitted therein. Marcia B. Reback abstained from participation in this matter.

After review of the above-entitled matter, a preliminary Motion was made by Scott G. Duhamel and seconded by Frank J. Montanaro to uphold the violation as stated in the Board's Complaint and find that the Employer had committed an Unfair Labor Practice; and that this matter be referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect. After discussion, Frank J. Montanaro, Marcia B. Reback, Scott G. Duhamel, and Walter J. Lanni voted in favor of the Motion. Bruce A. Wolpert did not participate in this matter. Motion passed.



# 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)

Page 5  
Open Minutes  
Board Meeting 11/26/13

## **UNFAIR LABOR PRACTICE CASES:**

1. Case No. ULP-6118  
Central Falls Detention Facility Corporation & Fraternal Order of Police (FOP), Lodge 50

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

2. Case No. ULP-6119  
Town of North Providence & Fraternal Order of Police (FOP), Lodge 13

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

3. Case No. ULP-6120  
State of Rhode Island – URI & American Association of University Professors (AAUP)

**DETERMINATION:** Matter administratively dismissed.

## **MISCELLANEOUS MATTERS:**

1. Closed Minutes: August 2, 2012

**DETERMINATION:** Minutes to be opened and posted.

1. Superior Court Case No. School Committee-2013-4261 - Case No. ULP-6088  
Town of North Kingstown & North Kingstown Fire Fighters, Local 1651,  
International Association of Fire Fighters (IAFF) (Litigation)  
(Elizabeth S. Dolan is recused in this matter)

**DETERMINATION:** Board Attorney updated Board Members on status of matter.

-----  
A Motion to adjourn was made by Marcia B. Reback and seconded by Frank Montanaro, and it was unanimously,

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