



Rhode Island State Labor Relations Board

1511 Pontiac Avenue
Building 73, 2nd floor
Cranston, Rhode Island 02920-4407
Website: www.dlt.ri.gov/lrb

AMENDED
OPEN MINUTES
BOARD MEETING

TIME: 9:00 a.m.
DATE: Wednesday, July 31, 2013
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter Lanni
Frank Montanaro
Gerald Goldstein
Marcia B. Reback
Scott G. Duhamel
Bruce A. Wolpert

ABSENT BOARD MEMBERS: Elizabeth Dolan

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 9:05 a.m.

Walter J. Lanni and Frank J. Montanaro reviewed the Open Minutes of the June 11, 2013 Board Meeting. A Motion was made by Frank Montanaro and seconded by Walter J. Lanni to accept the Open Minutes as written, and it was unanimously

VOTED: by Walter J. Lanni and Frank J. Montanaro to accept the minutes as written. Motion passed. **NOTE:** Board Members Gerald S. Goldstein, Marcia B. Reback, Scott G. Duhamel, and Bruce A. Wolpert did not participate in the vote.

REPRESENTATION CASES:

1. Case No. EE-3717
Central Falls Detention Facility Corporation & Fraternal Order of Police (FOP), Lodge 50
Note: the Board addressed position by position in this matter.

Sergeants:

A Motion was made Frank J. Montanaro and seconded by Scott G. Duhamel to define the bargaining unit to include Sergeants; thus, granting the position of Sergeants to hold an election and vote as to Representation for collective bargaining. After discussion, Walter J. Lanni, Frank J. Montanaro, Marcia B. Reback, Scott G. Duhamel, and Bruce A. Wolpert voted in favor of the Motion. Gerald S. Goldstein opposed the Motion. Motion passed.



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Lieutenants:

A Motion was made Frank J. Montanaro and seconded by Scott G. Duhamel to define the bargaining unit to include Lieutenants; thus, granting the position of Lieutenants to hold an election and vote as to Representation for collective bargaining. After discussion, Frank J. Montanaro, and Scott G. Duhamel voted in favor of the Motion. Walter J. Lanni, Gerald S. Goldstein, Marcia B. Reback, and Bruce A. Wolpert opposed the Motion. Motion failed.

Subsequently, a Motion was made Gerald S. Goldstein and seconded by Marcia B. Reback to exclude the position of Lieutenants from eligibility in voting in an election process. After discussion, Walter J. Lanni, Gerald S. Goldstein, Marcia B. Reback, and Bruce A. Wolpert voted in favor of the Motion. Frank J. Montanaro and Scott G. Duhamel opposed the Motion. Motion passed.

Captains:

A Motion was made Gerald S. Goldstein and seconded by Bruce A. Wolpert to exclude the position of Captains from eligibility in voting in an election process. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

Investigator:

A Motion was made Marcia B. Reback and seconded by Bruce A. Wolpert to exclude all Investigators from eligibility in voting in an election process. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

This matter has been referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect.

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-3446
State of Rhode Island – RI Higher Education Assistance Authority &
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 Marcia B. Reback and seconded by Frank Montanaro to acknowledge and accept the parties' signed Agreement; that the position(s) of **Assistant Administrative Officer, Programmer Analyst I, Programmer Analyst II**, shall be and is hereby accreted into the bargaining unit as defined by Certification No. EE-3446. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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MISCELLANEOUS MATTERS:

1. Case No. ULP- 6088
Town of North Kingstown & North Kingstown Fire Fighters, Local 1651, International Association of Fire Fighters (IAFF) (**Motion to Strike/Objection to Motion to Strike**)

After review of the documentation submitted by the parties, a Motion was made by Marcia B. Reback and seconded by Frank Montanaro to deny the Employer's Motion to Strike, as the Board is capable of reviewing the record in the case, as well as disregarding inappropriate arguments. Furthermore, the Motion to Strike is, in actuality, more of a reply brief, which was not requested by the Employer nor sanctioned by the Board. Additionally, the Chairman of the Board determined that the Employer's Reply to the Union's Objection to the Employer's Motion to Strike, which was submitted to the Board on July 30, 2013, at 3:56 p.m., would not be entertained due to its untimely submission. After discussion, Walter J. Lanni, Frank J. Montanaro, Gerald S. Goldstein, Marcia B. Reback, and Scott G. Duhamel voted in favor of the Motion. Bruce A. Wolpert did not participate in the matter. Motion passed.

CONCLUDED CASES:

1. Case No. EE- 3039-3042
City of Providence & RI Laborers' District Council, Local 1033
(**Program Manager**)

Walter Lanni, Frank J. Montanaro, Ellen Jordan, and Elizabeth Dolan heard this matter formally; Gerald S. Goldstein, Marcia B. Reback, and Scott G. Duhamel reviewed the transcript(s) and briefs, as well as the evidence submitted therein.

After review of the above-entitled matter, a preliminary Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro to **accrete** the position(s) of **Program Manager** into the bargaining unit as defined in Case No. EE-3039-3042; 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, Gerald S. Goldstein, Marcia B. Reback, and Scott G. Duhamel voted in favor of the Motion. Bruce A. Wolpert did not participate in the matter. Motion passed.



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

Walter Lanni, Frank Montanaro, Gerald Goldstein, Ellen L. Jordan, and Elizabeth S. Dolan heard this matter formally. Marcia B. Reback and Scott G. Duhamel reviewed the transcript(s) and briefs, as well as the evidence submitted therein.

After review of the above-entitled matter, a preliminary Motion was made by Marcia B. Reback 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, Gerald S. Goldstein, Marcia B. Reback, and Scott G. Duhamel voted in favor of the Motion. Bruce A. Wolpert did not participate in the matter. Motion passed.

3. Case No. ULP- 6088
Town of North Kingstown & North Kingstown Fire Fighters, Local 1651, International
Association of Fire Fighters (IAFF)
(Elizabeth S. Dolan recused herself in this matter)

Walter Lanni, Frank Montanaro, Gerald Goldstein, Ellen L. Jordan, and John R. Capobianco heard this matter formally. Marcia B. Reback and Scott G. Duhamel reviewed the transcript(s) and briefs, as well as the evidence submitted therein.

After review of the above-entitled matter, a preliminary Motion was made by Marcia B. Reback 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, Gerald S. Goldstein, Marcia B. Reback, and Scott G. Duhamel voted in favor of the Motion. Bruce A. Wolpert did not participate in the matter. 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 Miscellaneous matters, pursuant to R.I.G.L. 42-46-5(a) (2) (4) of the Open Meetings Law. Bruce A. Wolpert seconded the Motion and it was unanimously



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VOTED: for the meeting to go into closed session and to close the minutes.

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

The meeting resumed in open session at 10:15 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-6107
Providence School Board & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: Matter administratively dismissed.

2. Case No. ULP-6108
State of Rhode Island – Department of Health & RI Council 94, AFSCME, AFL-CIO

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

3. Case No. ULP- 6109
Chariho Regional School Department & NEA Chariho

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

4. Case No. ULP- 6110
Town of North Kingstown & International Association of Fire Fighters (IAFF), Local 1651

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

MISCELLANEOUS MATTERS:

1. Case No. ULP-6071
Town of North Kingstown & North Kingstown Fire Fighters, Local 1651, International Association of Fire Fighters (IAFF)
(Motion to Dismiss)

DETERMINATION: Motion denied.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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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 10:20 a.m.