



# 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:** Wednesday, September 18, 2013  
**PLACE:** 1511 Pontiac Ave., Building #73, 3<sup>rd</sup> Floor, Cranston, RI 02920

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

**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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Chairman Lanni began by stating for the record that the "Open Session" of the Board Meeting is open to the public. The public has a right to be in attendance during that "Open Session"; and that any business that is disclosed to the public from the "Open Session" is not to be considered a breach of confidentiality.

Walter J. Lanni, Frank J. Montanaro, and Gerald S. Goldstein reviewed the Open Minutes of the August 2, 2012 Board Meeting. A Motion was made by Frank Montanaro and seconded by Gerald S. Goldstein to accept the Open Minutes as written, and it was

**VOTED:** by Walter J. Lanni, Frank J. Montanaro, and Gerald S. Goldstein to accept the minutes as written. Motion passed. **NOTE:** Elizabeth S. Dolan was not in attendance at this Board Meeting. Board Members Marcia B. Reback, Scott G. Duhamel, and Bruce A. Wolpert had not yet been appointed to the Board.

All Board Members reviewed the Open Minutes of the July 31, 2013 Board Meeting. A Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro to amend the Open Minutes to reflect a change in the Miscellaneous Matters section, regarding 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**) and it was unanimously

**VOTED:** by Walter J. Lanni, Frank J. Montanaro, Gerald S. Goldstein, Marcia B. Reback, Scott G. Duhamel, and Bruce A. Wolpert to amend the Minutes. Motion passed.  
**NOTE:** Elizabeth S. Dolan was not in attendance at the July 31, 2013 Board Meeting.



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Page 2  
Open Minutes  
Board Meeting 9/18/13

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

1. Case No. EE-3459  
State of Rhode Island – Department of Revenue/Division of Motor Vehicles & RI Laborers' District Council, Local 808 (**Chief Implementation Aide (3 Positions)**)

After review of the Investigator's Report, a Motion was made by Gerald S. Goldstein and seconded by Frank J. Montanaro to accept the Investigator's report as written; thus, to **preliminarily exclude** the position(s) of **Chief Implementation Aide (3 Positions)** from the bargaining unit defined in Case No. EE-3459. After discussion, all Board Members voted in favor of the Motion. Motion passed.

## **CONCLUDED CASES:**

1. Case No. EE-3729  
RI Board of Regents/Department of Education & RIDE Legal Counsel/Hearing Officer  
Professional Union

Walter Lanni, Frank J. Montanaro, Gerald S. Goldstein, Elizabeth Dolan, Marcia B. Reback Scott G. Duhamel and Bruce A. Wolpert 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 preliminary Motion was made by Elizabeth S. Dolan and seconded by Gerald S. Goldstein to dismiss the Petition for Representation; and that this matter be referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect. After discussion, Elizabeth S. Dolan and Gerald S. Goldstein voted in favor of the Motion. Walter J. Lanni, Frank J. Montanaro, Marcia B. Reback, and Scott G. Duhamel opposed the Motion. Bruce A. Wolpert did not participate in the matter. Motion failed.

Subsequently, a preliminary Motion was made by Marcia B. Reback and seconded by Scott G. Duhamel to proceed with a Directed Election; 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, Marcia B. Reback, and Scott G. Duhamel voted in favor of the Motion. Elizabeth S. Dolan and Gerald S. Goldstein opposed the Motion. Bruce A. Wolpert did not participate in the matter. Motion passed.



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Page 3  
Open Minutes  
Board Meeting 9/18/13

## **DRAFTED CASES:**

1. Case No. ULP-6086  
RI Board of Governors for Higher Education & URI & Graduate Assistants United Chapter of AAUP (**Tentative – Review & Adoption of Decision and Order**)

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

2. Case No. ULP- 6088 Town of North Kingstown & North Kingstown Fire Fighters, Local 1651, International Association of Fire Fighters (IAFF) **Tentative – Review & Adoption of Decision and Order** (**Elizabeth S. Dolan is recused in this matter**)

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

3. 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 Frank Montanaro and seconded by Bruce A. Wolpert to table this matter until the next applicable monthly Board Meeting. After discussion, all Board Members voted in favor of the Motion. Motion passed.

## **MISCELLANEOUS MATTERS:**

1. Case No. EE- 3731  
State of Rhode Island – Department of Administration & Service Employees International Union (SEIU) (**Letter of Request**)

After review of the documentation submitted by Mike Stenhouse, CEO, RI Center for Freedom & Prosperity, a Motion was made by Marcia B. Reback and seconded by Bruce A. Wolpert that the request submitted herein, shall hereby be denied; that in matters of this nature, it is not the Board's policy to entertain requests from organizations that are not a party to the case, nor have any standing in the matter. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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Page 4  
Open Minutes  
Board Meeting 9/18/13

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A Motion was made by Bruce A. Wolpert 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. Elizabeth S. Dolan 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 10:40 a.m.

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The meeting resumed in open session at 10:45 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-6111  
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-6113  
Town of Cumberland & Cumberland Fraternal Order of Police (FOP), Lodge 14

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

## **MISCELLANEOUS MATTERS:**

A Motion was made by Frank J. Montanaro and seconded by Marcia B. Reback to take the Miscellaneous Matters out of order and proceed with "c" first. After discussion, all Board Members voted in favor of the Motion. Motion passed.

1. Closed Minutes: January 13, 2009; February 10, 2009; August 18, 2009; December 2, 2010; May 10, 2011; December 1, 2011

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



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Page 5  
Open Minutes  
Board Meeting 9/18/13

2. Case No. ULP-6088  
Town of North Kingstown & North Kingstown Fire Fighters, Local 1651, International Association of Fire Fighters (IAFF) (**Potential Litigation—Pursuant to 42-46-5 (a) (2)**)

**DETERMINATION:** Discussion of various potential litigation issues.

3. Case No. ULP-6088 Superior Court Case No. PC 2013-4261 Town of North Kingstown & RI State Labor Relations Board (**Verified Complaint, Memorandum in Support of Objection to Plaintiff's Motion for Temporary Restraining Order**) (**Litigation – Pursuant to 42-46-5 (a) (2)**)

**DETERMINATION:** Discussion of Superior Court Matter.

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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 10:50 a.m.