



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, January 14, 2014
PLACE: 1511 Pontiac Ave., Building #73, 2nd 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 9:10 a.m.

All Board Members present reviewed the Open Minutes of the November 26, 2013 Board Meeting. A Motion was made by Elizabeth S. Dolan and seconded by Scott G. Duhamel 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.

CONCLUDED CASES:

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

After review of the Stipulation submitted by the parties, a Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro to reopen the matter for further assessment of factual relevancy. After discussion, all Board Members present voted in favor of the Motion. Elizabeth S. Dolan abstained from the vote. Motion passed.

Subsequently, a Motion was made by Bruce A. Wolpert and seconded by Elizabeth S. Dolan for the parties to submit Briefs as to the relevancy issues within the Stipulation, to be submitted to the Board in thirty (30) days. After discussion, Bruce A. Wolpert, Elizabeth S. Dolan, and Walter J. Lanni voted in favor of the Motion. Frank J. Montanaro, Marcia B. Reback, and Scott G. Duhamel opposed the Motion. Motion failed.



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A Motion was then made by Marcia B. Reback 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, it was determined that the Board was in need of the Federal District Court Decision to make a determination on how to proceed. A Motion was then made by Marcia B. Reback and seconded by Frank J. Montanaro to table the aforementioned Motion until the next applicable monthly Board Meeting; thus, allowing the Administrator of the Board to acquire the Federal Court Decision from the parties. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Case No. ULP-6099
City of Pawtucket & RI Council 94, AFSCME, AFL-CIO

Walter Lanni, Frank Montanaro, Gerald Goldstein, Elizabeth S. Dolan, Scott G. Duhamel, and Bruce A. Wolpert heard this matter formally. The aforementioned Board Members, as well as Marcia B. Reback 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 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, all Board Members present voted in favor of the Motion. 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)

This case was heard formally by Walter Lanni, Frank Montanaro, Ellen Jordan, Gerald S. Goldstein, and Elizabeth S. Dolan. The aforementioned Board Members, as well as Marcia B. Reback and Scott G. Duhamel reviewed the transcript(s) and briefs, as well as the evidence submitted therein.

After review of the drafted Decision, a Motion was made by Frank J. Montanaro and seconded by Scott G. Duhamel to sign the Decision and Order, as written, and to refer the case back to the Administrator of the Board for final proofing; with the direction to issue the same as soon as possible, but no later than Friday, January 17, 2014.



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After discussion, Walter J. Lanni, Frank J. Montanaro, Marcia B. Reback, and Scott G. Duhamel voted in favor of the Motion and did sign the signature page of the Decision and Order, as written. Board Member Dolan signed the Decision and Order as dissent, with a note: that even though she was not present during the original vote on this matter, she would have strongly dissenting in this matter; Board Member Wolpert did not participate in the matter; with a note: that if he was a participating Member of the Board at the time that the matter was current, he would have recused himself from participation in the matter, as a result of his relationship with University of Rhode Island (URI). Motion passed.

ORDER: 1) The Employer is hereby ordered to cease and desist from costing out its proposals after authorizing its Negotiator to offer the same and to recommence good faith bargaining with the Union, herein, for a successor Collective Bargaining Agreement.

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 Scott G. Duhamel 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.

A Motion was then 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. Scott G. Duhamel 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 10:15 a.m.

The meeting resumed in open session at 10:20 a.m. for the purposes of reading into the minutes, the determinations made by the Board in Closed Session.



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UNFAIR LABOR PRACTICE CASES:

1. Case No. ULP-6117
City of Woonsocket & International Brotherhood of Police Officers (IBPO), Local 404

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

2. Case No. ULP-6122
Westerly School Department & RI Laborers' District Council, Local 808

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

3. Case No. ULP-6123
North Providence School Committee & North Providence Federation of Teachers', Local 920

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

MISCELLANEOUS MATTERS:

1. Closed Minutes: June 28, 2011; April 12, 2011

DETERMINATION: Minutes to be opened and posted.

2. 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; Motion to authorize Attorney Hogan to file appropriate Motions with Court.

A Motion to adjourn was made by Scott G. Duhamel and seconded by Frank Montanaro, and it was unanimously,

VOTED: to adjourn the meeting at 10:25 a.m.