



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: Wednesday, November 5, 2014
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter Lanni
Frank Montanaro
Elizabeth S. Dolan
Marcia B. Reback
Bruce A. Wolpert
Peder A. Schaefer

MEMBERS ABSENT: Scott G. Duhamel

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 reviewed the Open Minutes of the October 1, 2014 Board Meeting. A Motion was made by Marcia B. Reback and seconded by Bruce A. Wolpert to accept the Open Minutes as written, and it was

VOTED: by all Board Members present to accept the minutes as written. Motion passed.

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-3250A
Cumberland Fire District & Cumberland Professional Fire Fighters, Local 2722, International Association of Fire Fighters (IAFF) (Merger/Name Change)

After review of the Consent Agreements and Affidavits executed and presented by the parties, a Motion was made by Elizabeth S. Dolan and seconded by Frank J. Montanaro to acknowledge and accept the parties' signed Agreements; thus, the amendment to the current Certification of Representatives, reflecting the identity changes of both the Employer and the bargaining unit Representative, to read: Cumberland Fire District and Cumberland Professional Fire Fighters, Local 2722, International Association of Fire Fighters (IAFF), AFL-CIO; as well as the merger of the Cumberland, North Cumberland, Cumberland Hill, and Valley Falls Fire Districts bargaining unit, to be reflected within the Certifications of Representatives, Case Number EE-3250A, creating the Cumberland Fire District. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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UNIT CLARIFICATION/ACCRETION CASES:

1. Case No. EE-1715
State of Rhode Island – Department of Labor and Training & RI Council 94, AFSCME,
AFL-CIO (**Office Manager**)

After review of the Investigator's Report, (Neither party submitted a response to this matter) a Motion was made by Frank J. Montanaro and seconded by Bruce A. Wolpert to accept the Investigator's report as written; thus, to proceed to formal hearing. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

DECISION AND ORDER CASES:

1. Case No. ULP- 6115
Warwick School Committee & Warwick Teachers' Union, AFT, Local 915

This case was heard formally by Walter Lanni, Gerald S. Goldstein, Marcia B. Reback, Scott G. Duhamel, and Bruce A. Wolpert. Board Members Frank J. Montanaro and Elizabeth S. Dolan reviewed the transcript(s) and briefs, as well as the evidence submitted therein. Board Member Peder A. Schaefer did not participate in this matter. (At the time of the signing of the Decision and Order as written, Board Member Gerald S. Goldstein was no longer a participating Member of the Board.

After review of the drafted Decision and Order, a Motion was made by Bruce A. Wolpert and seconded by Frank J. Montanaro to sign the amended 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. After discussion, Walter J. Lanni, Frank J. Montanaro, Elizabeth S. Dolan, Marcia B. Reback, and Bruce A. Wolpert voted in favor of the Motion and did sign the signature page of the Decision and Order, as written. Board Member Elizabeth S. Dolan dissented in the matter. Peder A. Schaefer did not participate in this matter. Scott G. Duhamel was absent to sign. Motion passed.

ORDER: 1) The Employer is hereby ordered to cease and desist from requiring teachers to post grades via the Aspen Gradebook. 2) The Employer is hereby ordered to bargain with the Union over the implementation of the ASPEN Gradebook. 3) The Employer is hereby ordered to publish this Decision and Order on its website. The Employer shall effect such publication within five (5) days of receipt of this Decision and Order and shall allow the same to remain on the website for a period of no less than thirty (30) days.



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MISCELLANEOUS MATTERS:

1. Case No. EE- 3109
State of Rhode Island – Board of Regents – University of Rhode Island (URI) & Educational Support Professionals – University of Rhode Island (URI)/NEARI (ESP-URI/NEARI) (Union Name Change)

The National Education Association of RI (NEARI) petitioned this Board for an amendment of the Certification of Representatives in the aforementioned matter; hence, reflecting a name change to Educational Support Professionals – University of Rhode Island (URI)/NEARI (ESP-URI/NEARI).

Upon review of all documentation submitted by the parties, a Motion was made by Elizabeth S. Dolan and seconded by Marcia B. Reback to acknowledge and approve the amended Certification of Representatives reflecting a name change from RI Education Association/National Education Association of RI (NEARI) to Educational Support Professionals – University of Rhode Island (URI)/NEARI (ESP-URI/NEARI). After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Superior Court Case No.: PC No. 13-4228 Foster Glocester Regional School Committee & NEA Ponagansett /National Education Association of RI (NEARI) (Order of Remand)

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.

3. Superior Court Case No.: 05-1199/05-1243 (EE-2087) RI Board of Governors for Higher Education & PSA@RIC, Local 3302, AFT, AFL-CIO (Order of Remand)

After review of the amended Decision and Order of Remand, in the aforementioned matter, a Motion was made by Frank J. Montanaro and seconded by Elizabeth S. Dolan to sign the amended Decision and Order, as written. After discussion, Walter J. Lanni, Frank J. Montanaro, and Elizabeth S. Dolan voted in favor of the Motion and did sign the signature page of the amended Decision and Order for Remand, as written. Board Members Marcia B. Reback, Bruce A. Wolpert, Scott G. Duhamel, and Peder A. Schaefer did not participate in this matter. Motion passed.



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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, 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: 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 9:55 a.m.

The meeting resumed in open session at 10:00 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-6147
Cranston School Committee & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: A Motion to uphold the charge, issue a Complaint, and proceed to formal hearing was made by Frank J. Montanaro and seconded by Marcia B. Reback. After discussion, Walter J. Lanni, Frank J. Montanaro, Elizabeth S. Dolan, and Marcia B. Reback voted in favor of the Motion. Bruce A. Wolpert and Peder A. Schaefer opposed the Motion.

2. Case No. ULP-6151
RI Board of Education (RI Board of Regents) & RIDE Legal Counsel/Hearing Officer Professional Union

DETERMINATION: A Motion to Dismiss the matter was made by Marcia B. Reback and seconded by Elizabeth S. Dolan. After discussion, all Board Members present voted in favor of the Motion.

3. Case No. ULP-6152
Town of Cumberland & Cumberland Town Employees Union

DETERMINATION: A Motion to uphold the charge, issue a Complaint, and proceed to formal hearing was made by Frank J. Montanaro and seconded by Bruce A. Wolpert. After discussion, all Board Members voted in favor of the Motion.



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- 4. Case No. ULP-6153
Town of North Providence & Fraternal Order of Police (FOP), Lodge #13

DETERMINATION: A Motion to uphold the charge, issue a Complaint, and proceed to formal hearing was made by Marcia B. Reback and seconded by Frank J. Montanaro. After discussion, Walter J. Lanni, Frank J. Montanaro, Marcia B. Reback, Bruce A. Wolpert, and Peder A. Schaefer voted in favor of the Motion. Elizabeth S. Dolan opposed the Motion.

- 5. Case No. ULP-6150
Town of North Kingstown & International Brotherhood of Police Officers (IBPO), Local 473
(Board Member, Elizabeth S. Dolan, has recused herself from participation in this matter)

DETERMINATION: A Motion to uphold the charge, issue a Complaint, and proceed to formal hearing was made by Frank J. Montanaro and seconded by Marcia B. Reback. After discussion, Walter J. Lanni, Frank J. Montanaro, Marcia B. Reback, and Bruce A. Wolpert voted in favor of the Motion. Peder A. Schaefer opposed the Motion.

A Motion to adjourn was made by Marcia B. Reback and seconded by Bruce A. Wolpert, and it was unanimously,

VOTED: to adjourn the meeting at 10:05 a.m.

Upon adjournment of the Board Meeting, Board Member, Marcia B. Reback moved to re-open the Open Session of the Board Meeting with the intent on voting to convene into Executive Session at 10:10 a.m., to discuss a reconsideration of Case No.: ULP-6150, Town of North Kingstown & International Brotherhood of Police Officers (IBPO), Local 473. Frank J. Montanaro seconded the Motion. 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 reconsideration of the matter in Case No.: ULP-6150, Town of North Kingstown & International Brotherhood of Police Officers (IBPO), Local 473, 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 10:20 a.m.



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The meeting resumed in open session at 10:25 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-6150
Town of North Kingstown & International Brotherhood of Police Officers (IBPO), Local 473
(Board Member, Elizabeth S. Dolan, has recused herself from participation in this matter)

DETERMINATION: A Motion to uphold the charge, issue a Complaint, and proceed to formal hearing was made by Frank J. Montanaro and seconded by Marcia B. Reback. After discussion, all Board Members present voted in favor of the Motion.

A Motion to adjourn was made by Marcia B. Reback and seconded by Bruce A. Wolpert, and it was unanimously,

VOTED: to adjourn the meeting at 10:30 a.m.
