



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, December 16, 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
Scott G. Duhamel
Bruce A. Wolpert
Peder A. Schaefer

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

Chairman Lanni called the meeting to order in Open Session at 9:20 a.m.

All Board Members reviewed the Open Minutes of the November 5, 2014 Board Meeting. A Motion was made by Bruce A. Wolpert and seconded by Elizabeth S. Dolan to accept the Open Minutes as written, and it was

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

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-3575
State of Rhode Island – Department of Health & Department of Health Professional Staff Association/National Education Association of RI (NEARI)
(Accretions - Programming Services Officers, Assistant Health Program Administrator, Exclusions - Programming Services Officers, Health Program Administrator)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Bruce A. Wolpert and seconded by Elizabeth S. Dolan to acknowledge and accept the parties' signed Agreement; that the position(s) of **Programming Services Officers and Assistant Health Program Administrator** shall be accreted into the bargaining unit defined in Case Number EE-3575; and that the position(s) of **Programming Services Officers, Health Program Administrator** shall be excluded from the bargaining unit defined in Case No. EE-3575. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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Page 2
Open Minutes
Board Meeting 12/6/14

2. Case No. EE-3227
State of Rhode Island – Department of Business Regulations & RIASSE, Local 580
(Accountant)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Bruce A. Wolpert and seconded by Marcia B. Reback to acknowledge and accept the parties' signed Agreement; that the position(s) of **Accountant**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3227. After discussion, all Board Members voted in favor of the Motion. Motion passed.

MISCELLEANOUS MATTERS:

1. Case No. ULP- 6142
City of Pawtucket & Pawtucket Fraternal Order of Police (FOP), Lodge #4
(Motion to file Reply Brief)

After review of the Motion submitted in the aforementioned matter, a Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro to deny the Union's Motion to File Reply to the City's Brief and the submission of the Brief. After discussion, all Board Members voted in favor of the Motion. Motion passed.

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

After review of the Request for Reconsideration submitted by the Petitioner, a Motion was made by Bruce A. Wolpert and seconded by Marcia B. Reback to deny said request. After discussion, all Board Members voted in favor of the Motion. Motion passed.

3. Case No. ULP- 6152
Town of Cumberland & Cumberland Town Employees' Union
(Motion for Extension of Time to File an Answer to the Complaint)

After review of the Motion for Extension of Time to File an Answer to the Complaint filed by the Employer's Representative, a Motion was made by Bruce A. Wolpert and seconded by Elizabeth S. Dolan to grant the Motion and accept the Answer to the Complaint as written. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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Page 3
Open Minutes
Board Meeting 12/6/14

CONCLUDED CASES:

1. Case No. ULP-6142
City of Pawtucket & Pawtucket Fraternal Order of Police (FOP), Lodge #4

Walter J. Lanni, Elizabeth S. Dolan, Marcia B. Reback, Bruce A. Wolpert and Peder A. Schaefer heard this matter formally. Frank J. Montanaro 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 it relates to Section 28-7-13 (5) (6) and (10) 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, Marcia B. Reback, Scott G. Duhamel, and Bruce A. Wolpert, voted in favor of the Motion. Elizabeth S. Dolan and Peder A. Schaefer opposed the Motion. Motion passed. Peder A. Schaefer stated that he will be submitting a dissent in this matter. Elizabeth S. Dolan stated that she also will be signing a dissent.

A Motion was then made by Bruce A. Wolpert for the Board to go into Closed Session for the purpose of reviewing the Closed Minutes, 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 for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 9:45 a.m.

The meeting resumed in open session at 9:50 a.m. for the purposes of reading into the minutes, the determinations made by the Board in Closed Session.

CLOSED MINUTES OF NOVEMBER 5, 2014

DETERMINATION: Approved as written.

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 9:55 a.m.