



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, February 25, 2014
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE:

Walter Lanni
Frank Montanaro
Gerald S. 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 Hogan, Esq.

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

All Board Members reviewed the Open Minutes of the January 14, 2014 Board Meeting. A Motion was made by Frank J. Montanaro and seconded by Marcia B. Reback to accept the Open Minutes as written, and it was unanimously

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

All Board Members reviewed the Open Minutes of the January 17, 2014 Board Meeting. A Motion was made by Frank J. Montanaro and seconded by Marcia B. Reback to accept the Open Minutes as written, and it was unanimously

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

REPRESENTATION CASES:

1. Case No. EE-3732
Nasonville Fire District & Burriville Professional Fire Fighters, International Association of Fire Fighters (IAFF) (Motions)

Motion to Dismiss – After review of the documentation submitted in the aforementioned matter, a Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro to deny the Motion to Dismiss. After discussion, Frank J. Montanaro, Gerald S. Goldstein, Marcia B. Reback, Scott G. Duhamel and Walter J. Lanni voted in favor of the Motion. Elizabeth S. Dolan and Bruce A. Wolpert opposed the Motion. Motion passed.



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Motion to Amend the Union's Representation Petition - After review of the documentation submitted in the aforementioned matter, a Motion was made by Frank J. Montanaro and seconded by Scott G. Duhamel to grant the Union's Motion to Amend the Union's Representation Petition. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No. EE-3733
Newport Public Library & NEARI

After review of the informal hearing report and attachments, a Motion was made by Frank J. Montanaro and seconded by Marcia B. Reback to proceed to Formal Hearing. After discussion, Frank J. Montanaro, Marcia B. Reback, Gerald S. Goldstein, Scott G. Duhamel, and Walter J. Lanni voted in favor of the Motion. Elizabeth S. Dolan opposed the Motion. Bruce A. Wolpert abstained from voting in this matter. Matter passed.

CONCLUDED CASES:

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

A Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro to re-open the matter for further assessment of factual relevancy and review of the Federal District Court Decision and Order. After discussion, all Board Members voted in favor of the Motion. Motion passed.

Subsequently, after review of the Federal District Court Decision & Order submitted to the Board, a Motion was then made by Elizabeth S. Dolan and seconded by Bruce A. Wolpert to deny the Motion to re-open the aforementioned matter. After discussion, Elizabeth S. Dolan, Gerald S. Goldstein, Bruce A. Wolpert, Marcia B. Reback, and Walter J. Lanni voted in favor of the Motion. Frank J. Montanaro and Scott G. Duhamel opposed the Motion. Motion passed.

DRAFTED CASES:

1. Case No. EE- 3039/3040/3041/3042
City of Providence & RI Laborers' District Council, Local 1033

This case was heard formally by Walter Lanni, Frank Montanaro, Ellen Jordan, 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. Bruce A. Wolpert did not participate in the matter.



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After review of the drafted Decision, a Motion was made by Frank J. Montanaro and seconded by Marcia B. Reback 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. After discussion, Walter J. Lanni, Frank J. Montanaro, Elizabeth S. Dolan, Gerald S. Goldstein, 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. Motion passed.

ORDER: The petition to accrete the position of Program Manager into the bargaining unit certified by EE-3039/3040/ 3041/3042 is hereby granted.

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 Elizabeth S. Dolan 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. ULP- 6071
Town of North Kingstown & North Kingstown Fire Fighters, 1651, International Association of Fire Fighters (IAFF) (Directed Election) (Tentative – Review & Adoption of Decision and Order)

This case was heard formally by Walter Lanni, Frank Montanaro, Ellen Jordan, and Gerald S. Goldstein. 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. Elizabeth S. Dolan recused herself from this matter. Bruce A. Wolpert did not participate in the matter.

After review of the drafted Decision, a Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro 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. After discussion, Walter J. Lanni, Frank J. Montanaro, Gerald S. Goldstein, 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. Motion passed.

ORDER: 1) The charge of violation of R.I.G.L. 28-7-13 (11) is hereby dismissed. 2) The Employer is hereby ordered to cease and desist from threatening unilateral changes to terms and conditions of employment, including wages, call back pay, vacancies, hours of work, and minimum-manning. 3) The Employer is hereby ordered to re-commence collective bargaining with the Union within thirty (30) days of the issuance of this order. Negotiations shall commence from the point in time



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in which the unlawful activity took place, to wit, December 19, 2011. 4) The Employer is hereby ordered to post a copy of this Decision and Order on all common area bulletin boards within the Town's municipal buildings for a period no less than sixty (60) days; to provide an actual physical copy of this decision to every firefighter in the North Kingstown Fire Department; and to place a link on the home page of its website to the SLRB's published decision. Said electronic link shall remain active for a period of ninety (90) days. 5) The Employer is hereby ordered to pay the Union's costs and expenses, including reasonable attorney's fee for the prosecution of ULP-6071.

4. Case No. ULP-6073

State of Rhode Island – Department of Corrections & Probation and Parole Division & RI Probation & Parole Association (**Directed Election**) (**Tentative – Review & Adoption of Decision and Order**)

This case was heard formally by Walter Lanni, Frank Montanaro, Ellen Jordan, Gerald S. Goldstein, Elizabeth S. Dolan and John R. Capobianco. The aforementioned Board Members 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 Elizabeth S. Dolan 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. After discussion, Walter J. Lanni, Frank J. Montanaro, Gerald S. Goldstein, and Elizabeth S. Dolan voted in favor of the Motion and did sign the signature page of the Decision and Order, as written. Motion passed.

NOTE: Current Board Members Marcia B. Reback, Scott G. Duhamel and Bruce A. Wolpert did not participate in any aspect of this matter; thus, they are refraining from participation in the voting and signing of this Decision and Order as written.

ORDER: 1) The charge of a unilateral change in the work schedule of bargaining unit employees without negotiation with the Rhode Island Probation and Parole Association, the certified bargaining agent, is hereby dismissed. 2) The charges of violation of R.I.G.L. 28-7-13 (3) and (6) are hereby dismissed, on procedural grounds only. 3) The Employer is hereby ordered to cease and desist from threatening retaliation against bargaining unit member Piccoli in response to his exercise of rights protected under the Rhode Island State Labor Relations Act, R.I.G.L. 28-7 et seq. 4) The Employer is hereby ordered to post a copy of this Decision and Order on all common area bulletin boards within its designated state buildings and on its website for a period no less than sixty (60) days. The Employer shall effect such publication on its website within five (5) days of receipt of this Decision and Order.



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MISCELLEANOUS MATTERS:

1. Case No. ULP- 6117
City of Woonsocket & International Brotherhood of Police Officers (IBPO), Local 404 (**Motion to Amend Charge and Complaint**)

After review of the Motion submitted in the above-entitled matter, a Motion was made by Marcia B. Reback and seconded by Scott G. Duhamel to grant the Motion to amend the Charge and Complaint; thus, allowing the addition of the City of Woonsocket's Budget Commission as an Employer. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Drafted Rules and Regulations – 2014

A Motion was made by Scott G. Duhamel and seconded by Bruce A. Wolpert to table the review and amendment of the Board's Rules and Regulations. After discussion, all Board Members voted in favor of the Motion. Motion passed.

A Motion was then made by Frank J. 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. 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 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.

UNFAIR LABOR PRACTICE CASES:

1. Case No. ULP-6125
Newport Public Library & NEARI

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



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2. Case No. ULP-6126
Newport Public Library & NEARI

DETERMINATION: Matter dismissed.

3. Case No. ULP-6127
Newport Public Library & NEARI

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

MISCELLANEOUS MATTERS:

1. Appointment of Legal Counsel 7-1-14 to 6-30-15

DETERMINATION: That Margaret Hogan, Esquire, d/b/a/ Hogan and Hogan LTD, has been re-appointed as the Board's Legal Counsel for Fiscal Year July 1, 2014 to June 30, 2015.

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.