



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, June 10, 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 9:10 a.m.

All Board Members reviewed the Open Minutes of the April 29, 2014 Board Meeting. A Motion was made by Frank J. Montanaro and seconded by Elizabeth S. Dolan to accept the Open Minutes as amended, and it was unanimously

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

DRAFTED CASES:

1. Case No. EE-3717
Central Falls Detention Facility Corporation & Fraternal Order of Police (FOP), Lodge 50
(Directed Election)

This case was heard formally by Walter Lanni, Frank Montanaro, Ellen Jordan, Gerald S. Goldstein, Elizabeth S. Dolan and John R. Capobianco.

Walter J. Lanni, Frank J. Montanaro, Gerald S. Goldstein, Elizabeth S. Dolan, Marcia B. Reback, Scott G. Duhamel, and Bruce A. Wolpert reviewed the transcript(s) and briefs, as well as the evidence submitted therein. **NOTE:** as a result of Board Member Ellen L. Jordan no longer representing this Board, as well as the passing of Board Member John R. Capobianco, their names will not appear above as voting Members and as signing the Decision and Order as written.



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After review of the drafted Decision, a Motion was made by Elizabeth S. Dolan, 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. After discussion, all Board Members voted in favor of the Motion and did sign the signature page of the Decision and Order, as written. Motion passed.

ORDER: DIRECTION OF ELECTION By virtue of and pursuant to the power vested in the Rhode Island State Labor Relations Board by the Rhode Island Labor Relations Act, it is hereby: **DIRECTED** that an election by secret ballot shall be conducted within sixty (60) days hereafter, under the supervision of the Board or its Agents, at a time, place and during hours to be fixed by the Board, among the Sergeants employed by the Central Falls Detention Facility who were employed on September 9, 2009 to determine whether they wish to be represented, for the purposes of collective bargaining, as provided for in the Act, by Fraternal Order of Police (FOP), Lodge 50, or by no labor organization.

2. Case No. ULP-6102
Town of North Smithfield & RI Council 94, AFSCME, AFL-CIO

This case was heard formally by Walter Lanni, Frank Montanaro, Gerald S. Goldstein, Elizabeth S. Dolan, Scott G. Duhamel, and Bruce A. Wolpert. All aforementioned Board Members reviewed the transcript(s) and briefs, as well as the evidence submitted therein. Marcia B. Reback abstained from participation in this matter.

After review of the drafted Decision, a Motion was made by Scott G. Duhamel, 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, all participating Board Members voted in favor of the Motion and did sign the signature page of the Decision and Order, as written. Motion passed.

ORDER: 1) The Employer is ordered to cease and desist from abolishing bargaining unit positions without first bargaining with the Union. 2) The Employer is ordered to cease and desist from assigning bargaining unit work to non-bargaining unit personnel. 3) The Employer is ordered to return bargaining unit work previously performed by the Civilian Dispatchers back to the bargaining unit. 4) The Employer is ordered to engage in decisional bargaining with the unit concerning the elimination of the Civilian Dispatchers' positions. 5) The Employer is ordered to post a copy of this Decision and Order on all employee bulletin boards and the Employer's website, if applicable, for period of sixty (60) days.



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

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

After review of the drafted Decision, a Motion was made by Bruce A. Wolpert, 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, all Board Members voted in favor of the Motion and did sign the signature page of the Decision and Order, as written. Motion passed.

ORDER: 1) The Employer is ordered to cease and desist from abolishing a bargaining unit position without first bargaining with the Union. 2) The Employer is ordered to cease and desist from assigning bargaining unit work to non-bargaining unit personnel. 3) The Employer is ordered to return bargaining unit work previously performed by the Police/CD Secretary back to the bargaining unit.

4. Case No. ULP- 6119
Town of North Providence & Fraternal Order of Police (FOP), Lodge 50

This case was heard formally by Walter Lanni, Frank J. Montanaro, Gerald S. Goldstein, Marcia B. Reback, and Bruce A. Wolpert. All aforementioned Board Members, as well as Scott G. Duhamel reviewed the transcript(s) and briefs, as well as the evidence submitted therein. Board Member Elizabeth S. Dolan did not participate in this matter.

After review of the drafted Decision, a Motion was made by Marcia B. Reback, and seconded by Bruce A. Wolpert 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, all participating Board Members voted in favor of the Motion and did sign the signature page of the Decision and Order, as written. Motion passed.

ORDER: 1) The Employer is hereby ordered to negotiate the effects of the elimination of the K-9 Unit with the Union. 2) The Employer is hereby ordered to post a copy of this Decision and Order on all employee bulletin boards and publish it on its website (if applicable) for a period of no less than sixty (60) days. The Employer shall effect such publication within five (5) days of receipt of this Decision and Order.



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MISCELLANEOUS MATTERS:

1. Drafted Rules and Regulations – 2015

All Board Members reviewed the proposed amended changes to the Board's Rules and Regulations, submitted by the Administrator of the Board. A Motion was made by Gerald S. Goldstein and seconded by Scott G. Duhamel to accept the proposed amended changes by the Administrator of the Board, as written. After discussion, all Board Members voted in favor of the Motion. Motion passed.

A Motion was made by Frank J. Montanaro and seconded by Scott G. Duhamel to grant the authority to Chairman Lanni to sign the Public Notice of Promulgation of Rules, as required under the law. After discussion, all Board Members voted in favor of the Motion. Motion passed.

A Motion was made by Elizabeth S. Dolan and seconded by Marcia B. Reback to schedule the Public Hearing, pursuant to R.I.G.L. 42-35-3. 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. Bruce A. Wolpert 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 9:40 a.m.

The meeting resumed in open session at 9:45 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-6131
University of Rhode Island (URI) & American Association of University Professors (AAUP)

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



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2. Case No. ULP-6134
Town of North Providence & Fraternal Order of Police (FOP), Lodge 13

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

3. Case No. ULP-6136
Town of Cumberland & Cumberland Fraternal Order of Police (FOP), Lodge 14

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

4. Case No. ULP-6137
Town of North Kingstown & International Association of Fire Fighters (IAFF), Local 1651

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

MISCELLANEOUS MATTERS:

1. Closed Minutes: April 29, 2008; October 14, 2008; October 27, 2009; April 13, 2010;
August 19, 2010; May 11, 2010; October 12, 2010; April 10, 2012
(To be opened and posted)

DETERMINATION: Minutes to be opened and posted.

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

VOTED: to adjourn the meeting at 9:50 a.m.