



# Rhode Island State Labor Relations Board

1511 Pontiac Avenue  
Building 73, 2<sup>nd</sup> floor  
Cranston, Rhode Island 02920-4407  
Website: [www.dlt.ri.gov/lrb](http://www.dlt.ri.gov/lrb)

## OPEN MINUTES BOARD MEETING

**TIME:** 9:00 A.M.  
**DATE:** Tuesday, March 10, 2015  
**PLACE:** 1511 Pontiac Ave., Building #73, 3<sup>rd</sup> Floor, Cranston, RI 02920

**BOARD MEMBERS IN ATTENDANCE:** Walter Lanni  
Frank Montanaro  
Elizabeth S. Dolan  
Marcia B. Reback  
Scott G. Duhamel  
Bruce A. Wolpert

**MEMBERS ABSENT:** Peder A. Schaefer

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

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Chairman Lanni called the meeting to order in Open Session at 9:10 a.m.  
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All Board Members reviewed the Open Minutes of the December 16, 2014 Board Meeting. A Motion was made by Bruce A. Wolpert and seconded by Marcia B. Reback to accept the Open Minutes as written, and it was

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

1. Case No. ULP-6137  
Town of North Kingstown & North Kingstown Fire Fighters, International Association of Fire Fighters (IAFF), Local 1651  
**(Elizabeth S. Dolan is recused from participation in this matter)**

As a result of Ms. Dolan recusing herself from participation in the aforementioned matter, a Motion was made by Marcia B. Reback and seconded by Scott G. Duhamel to move this matter to the end of the Agenda to allow Ms. Dolan to participate in the rest of the Agenda prior to leaving the Board meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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## **DRAFTED CASES:**

1. Case No. ULP- 6142  
City of Pawtucket & Pawtucket Fraternal Order of Police (FOP), Lodge #4  
(A Dissenting Opinion has been submitted by Peder A. Schaefer and Elizabeth S. Dolan in this matter and has been attached to the Decision and Order)

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

After review of the drafted Decision and Order, 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, all Board Members present voted in favor of the Motion and did sign the signature page of the Decision and Order, as written. Board Members Peder A. Schaefer and Elizabeth S. Dolan dissented in the matter. Peder A. Schaefer was absent to sign the Decision and Order as written. Motion passed.

**ORDER:** 1) The Employer is hereby ordered to cease and desist from implementing the COLA freeze, as it pertains to current bargaining unit members who may retire prior to the execution of a new Collective Bargaining Agreement for the years subsequent to 2012-2013. 2)The Employer is hereby ordered to maintain all the terms and conditions of employment set forth in the 2012-2013 CBA, including all post-employment benefits described therein, until such time as a new CBA has been either negotiated or litigated to finality. 3) The Employer is ordered to cease applying the unilateral change to now-retired Police Officers, Roy Clary and Robert Winsor, both of whom were in employment status when the City enacted the unilateral change to the pension benefits afforded under Article XVIII of the CBA. 4)The Employer is ordered to make now-retired Police Officers, Roy Clary and Robert Winsor, whole by paying them a 3% COLA, effective July 1, 2014, together with interest at the rate of 12% per annum. 5) The Employer is hereby ordered to publish this Decision and Order on all common area bulletin boards within its municipal buildings and on its website for a period of no less than sixty (60) days, and to e-mail a copy of this decision to current employees of the Police Department who are members of the Union. The Employer shall also mail a copy of this decision to every member of the Union who retired since February 24, 2014.



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## **MISCELLANEOUS MATTERS:**

1. Case No. EE-3161A  
State of Rhode Island – Department of Administration &  
Association of Department of Administration Supervisors (**Union Name Change**)

After review of the correspondence submitted by the President, Kevin Nelson, representing the Association of Department of Administration Supervisors, referencing a request for a name change of the bargaining unit, a Motion was made by Frank J. Montanaro and seconded by Marcia B. Reback to acknowledge and accept the Union's request; thus, amending the current Certification of Representatives to reflect the identity change of the bargaining unit Representative, to read: Association of Rhode Island State Supervisors, to be reflected within the Certification of Representatives, Case Number EE-3161A. 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**)

After review of the amended Decision and Order of Remand, in the aforementioned matter, a Motion was made by Elizabeth S. Dolan and seconded by Marcia B. Reback to sign the amended Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the signature page of the amended Decision and Order for Remand, as written. 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 Closed Minutes, Unfair Labor Practice Cases, and Miscellaneous Matters, 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 9:45 a.m.

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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, as well as reviewing, determining, and voting on the Concluded Cases.  
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## **UNFAIR LABOR PRACTICE CASES:**

1. Case No. ULP-6156  
Town of Coventry & RI Council 94, AFSCME, AFL-CIO

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

## **MISCELLEANOUS MATTERS:**

1. Appointment of Legal Counsel 7-1-15 to 6-30-16

**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, 2015 to June 30, 2016.

2. Closed Minutes: June 12, 2007; March 19, 2009; January 10, 2012; October 9, 2012; October 8, 2013; January 14, 2014; and February 25, 2014 **(To be opened and posted)**

**DETERMINATION:** Minutes to be opened and posted.

**Elizabeth S. Dolan left the Board meeting.**

## **UNFAIR LABOR PRACTICE CASES:**

1. Case No. ULP-6155  
Town of North Kingstown & North Kingstown Fire Fighters Association,  
International Association of Fire Fighters (IAFF), Local 1651

**DETERMINATION:** A Motion to uphold the charge, issue a Complaint, and proceed to Formal Hearing was made by Marcia B. Reback and seconded by Scott G. Duhamel. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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## **CONCLUDED CASES:**

1. Case No. ULP-6137  
Town of North Kingstown & North Kingstown Fire Fighters, International Association of Fire Fighters (IAFF), Local 1651  
**(Elizabeth S. Dolan is recused from participation in this matter)**

Walter J. Lanni, Frank J. Montanaro, Gerald S. Goldstein, Marcia B. Reback, Scott G. Duhamel, Bruce A. Wolpert, and Peder A. Schaefer heard this matter formally. All Board Members 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 Frank J. Montanaro and seconded by Scott G. Duhamel to uphold the violation as it relates to Section 28-7-13 (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, all Board Members present voted in favor of the Motion. Motion passed.

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A Motion to adjourn was made by Marcia B. Reback and seconded by Frank J. Montanaro, and it was unanimously,

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