



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, May 19, 2015
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter Lanni
Frank Montanaro
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
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 March 10, 2015 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

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

UNIT CLARIFICATION/ACCRETION CASE:

1. Case No. EE-3039-3042
City of Providence & RI Laborers' District Council, Local 1033
(Motion to Dismiss)

Motion to Dismiss: After review of the Motions submitted in the above-entitled matter, a Motion was made by Marcia B. Reback and seconded by Bruce A. Wolpert to deny the Motion to Dismiss, without prejudice. After discussion, Walter J. Lanni, Frank J. Montanaro, Marcia B. Reback, Scott G. Duhamel, and Bruce A. Wolpert voted in favor of the Motion. Peder A. Schaefer opposed the Motion. Motion passed.

Subsequently, a Motion was made by Frank J. Montanaro and seconded by Scott G. Duhamel to have the Board's Agent proceed with the investigations of the seventy-four (74) positions in accordance with the Board's Rules and Regulations. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-2003
State of Rhode Island – Department of Corrections & Rhode Island Brotherhood of Correctional Officers – (Rank and File Unit) **(Accretion – Implementation Aide – Department of Corrections – Business Office; Exclusion – Implementation Aide – Department of Corrections - Policy Unit)**

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank J. Montanaro and seconded by Marcia B. Reback to acknowledge and accept the parties' signed Agreement; that the position(s) of **Implementation Aide – Department of Corrections – Business Office**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-2003; as well as the position(s) of **Implementation Aide – Department of Corrections – Policy Unit**, shall be and is hereby **excluded** from the bargaining unit as defined by Certification No. EE-2003. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No. EE- 3406
State of Rhode Island - Department of Health & RI Council 94, AFSCME, AFL-CIO
(Accretion – Program Planner – Emergency Medical Services Unit)

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 **Program Planner – Emergency Medical; Services Unit**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3406. After discussion, all Board Members voted in favor of the Motion. Motion passed.

3. Case No. EE- 3406
State of Rhode Island - Department of Health & RI Council 94, AFSCME, AFL-CIO
(Accretion – Medical Examiner Investigative Agent – Office of the Medical Examiner)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Scott G. Duhamel and seconded by Marcia B. Reback to acknowledge and accept the parties' signed Agreement; that the position(s) of **Medical Examiner Investigative Agent – Office of the Medical Examiner**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3406. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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4. Case No. EE- 3406
State of Rhode Island - Department of Health & RI Council 94, AFSCME, AFL-CIO
(Accretion – Supervising Medical Examiner Investigator – Office of the Medical Examiner)

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 **Supervising Medical Examiner Investigator – Office of the Medical Examiner**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3406. After discussion, all Board Members voted in favor of the Motion. Motion passed.

5. Case No. EE- 3611
State of Rhode Island – Department of Corrections – Department for Children, Youth and Families & Rhode Island Brotherhood of Correctional Officers (Professional Unit)
(Exclusion – Implementation Aide – Department of Corrections - Policy Unit)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro to acknowledge and accept the parties' signed Agreement; that the position(s) of **Implementation Aide – Department of Corrections - Policy Unit**, shall be and is hereby **excluded** from the bargaining unit as defined by Certification No. EE-3406. After discussion, all Board Members voted in favor of the Motion. Motion passed.

CONCLUDED CASES:

1. Case No. EE-1715
State of Rhode Island – Department of Labor and Training & RI Council 94, AFSCME, AFL-CIO **(Office Manager) (Scott G. Duhamel abstained from voting in this matter)**

Walter J. Lanni, Elizabeth S. Dolan, Marcia B. Reback, Bruce A. Wolpert, and Peder A. Schaefer heard this matter formally. Frank J. Montanaro 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 Bruce A. Wolpert to **exclude** the position of Office Manager from the bargaining unit as defined by Certification No. EE-1715; 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 participating Board Members voted in favor of the Motion. Motion passed.



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MISCELLEANOUS MATTERS:

A Motion was made by Marcia B. Reback and seconded by Bruce A. Wolpert to hold the review and discussion of the Litigation Matters until after the conclusion of the Closed Session. After discussion, all Board Members voted in favor of the Motion. Motion passed.

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. Peder A. Schaefer 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 10:25 a.m.

The meeting resumed in open session at 10:30 a.m. for the purposes of reading into the minutes, the determinations made by the Board in Closed Session, as well as addressing the Miscellaneous Matters of the Open Session.

MISCELLANEOUS MATTERS:

1. Litigation: Town of North Kingstown & International Association of Fire Fighters (IAFF), Local 1651

(Settlement Agreement – reversal and vacate of Decision and Order)

Upon explanation by the Board's Attorney of the aforementioned matter, a Motion was made by Scott G. Duhamel and seconded by Peder A. Schaefer to reverse and vacate the Board's Decision and Order in said matters, ULP-6071 and ULP-6088, at the joint request of the parties; in accordance with the Tentative Agreement of February 17, 2015 and in the interest of Labor peace. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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UNFAIR LABOR PRACTICE CASES:

1. Case No. ULP-6157
RI Board of Education & American Association of University Professors (AAUP)

DETERMINATION: A Motion to dismiss the matter was made by Marcia B. Reback and seconded by Bruce A. Wolpert. After discussion, Walter J. Lanni, Marcia B. Reback, Scott G. Duhamel, Bruce A. Wolpert, and Peder A. Schaefer voted in favor of the Motion. Frank J. Montanaro opposed the Motion. Motion passed.

2. Case No. ULP-6158
RI Board Council on Elementary and Secondary Education/RI Department of Education & RIDE Legal Counsel/Hearing Officer Professional Union

DETERMINATION: A Motion to table the charge was made by Frank J. Montanaro and seconded by Marcia B. Reback. After discussion, all Board Members voted in favor of the Motion. Motion passed.

3. Case No. ULP- 6159
West Warwick Housing Authority & 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, Marcia B. Reback, Scott G. Duhamel, and Bruce A. Wolpert voted in favor of the Motion. Peder A. Schaefer opposed the Motion. Motion passed.

4. Case No. ULP- 6160
RI School for the Deaf & National Education Association of RI (NEARI)

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, all Board Members voted in favor of the Motion. Motion passed.



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MISCELLEANOUS MATTERS:

1. Litigation: Town of North Kingstown & International Association of Fire Fighters (IAFF),
Local 1651
(Settlement Agreement – reversal and vacate of Decision and Order)

DETERMINATION: A Motion to reverse and vacate the Board's Decision and Orders in the matters involving ULP-6071 and ULP-6088, at the joint request of the parties, was made by Scott G. Duhamel and seconded by Peder A. Schaefer. After discussion, all Board Members voted in favor of the Motion. Motion passed.

A Motion to adjourn was made by Bruce A. Wolpert and seconded by Peder A. Schaefer, and it was unanimously,

VOTED: to adjourn the meeting at 10:40 a.m.