



Rhode Island State Labor Relations Board

1511 Pontiac Avenue
Building 73, 2nd floor
Cranston, Rhode Island 02920-4407
Website: www.rislrp.ri.gov

OPEN MINUTES BOARD MEETING

TIME: 9:00 A.M.
DATE: Tuesday, December 12, 2017
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni
Marcia B. Reback
Scott G. Duhamel
Aronda R. Kirby
Alberto Aponte Cardona
Kenneth B. Chiavarini, Esq.

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

Chairman Lanni called the meeting to order in Open Session at 10:00 A.M.

All Board Members reviewed the Open Minutes of the October 3, 2017 Board Meeting. A Motion was made by Marcia B. Reback and seconded by Aronda R. Kirby to accept the Open Minutes as written, and it was

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

REPRESENTATION CASES:

1. Case No. EE-3744
Town of Westerly & International Brotherhood of Police Officers (IBPO)
(Review of Matter)

After review and discussion of the aforementioned matter with the Attorney of the Board, a Motion was made by Aronda R. Kirby and seconded by Kenneth B. Chiavarini to reconsider the previously determined Motion, made on October 3, 2017, to wit: to proceed with a Formal Hearing. After discussion, Aronda R. Kirby, Alberto Aponte Cardona, and Kenneth B. Chiavarini voted in favor of reversing the previous Motion. Walter J. Lanni, Marcia B. Reback, and Scott G. Duhamel opposed the Motion. Motion failed based on procedural grounds 3-3. The Formal Hearing process stands.



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CONSENT AGREEMENT & AFFIDAVIT MATTERS:

1. Case No.: EE-2003
State of Rhode Island - Department of Corrections & RI Brotherhood of Correctional Officers (RIBCO) (**System Support Technician I – MIS – Department of Administration**)

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 Scott G. Duhamel to acknowledge and accept the parties' signed Agreement and Affidavit. Accordingly, the position(s) of **System Support Technician I – MIS – Department of Administration** shall be accreted into the bargaining unit as defined in Certification of Representatives - Case No. EE-2003. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No.: EE-3669
Town of Situate & Teamsters, Local 251
(**Custodian; General Foreman**)

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 and Affidavit. Accordingly, the position(s) of **Custodian and General Foreman** shall be accreted into the bargaining unit as defined in Certification of Representatives - Case No. EE-3669. After discussion, all Board Members voted in favor of the Motion. Motion passed.

DRAFTED CASES:

1. Case No.: ULP-6198
Town of North Providence & Elizabeth Iafate
Board Member, Alberto Aponte Cardona is recused from participation in this matter.
Board Member, Kenneth B. Chiavarini, abstained from participation in this matter.

This case was heard formally by Walter Lanni, Frank Montanaro, Marcia B. Reback, Aronda R. Kirby, and Scott G. Duhamel. All participating Board Members 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 Marcia B. Reback and seconded by Aronda R. Kirby 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.



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ORDER: 1) The Employer is hereby ordered to cease and desist from retaliating against Petitioner for exercising her right to file grievances and/or pursue arbitrations. 2) The Employer is hereby ordered to expunge from Petitioner's personnel file any reference that Ms. lafrate allegedly called Ms. Reynolds a deadbeat or that she said, "we don't make mistakes" or "people have to pay their bills" and the January 12, 2017 suspension received in connection with same. 3) The Employer is hereby ordered to rescind the five (5) day suspension without pay and reinstate Ms. lafrate's wages for the days of her suspension.

A Motion was then made by Aronda R. Kirby for the Board to go into Closed Session for the purpose of reviewing the Closed Minutes and Unfair Labor Practice Charges, pursuant to R.I. Gen. Laws §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 10:35 a.m.

The meeting resumed in open session at 10:40 a.m. for the purposes of reading into the minutes, the determinations made by the Board in Closed Session, as well as adjourning the monthly Board meeting.

UNFAIR LABOR PRACTICES:

1. Case No. ULP- 6209
Community College of Rhode Island - & Community College of Rhode Island Educational Support Professional Association /NEARI

DETERMINATION: A Motion was made by Marcia B. Reback and seconded by Scott G. Duhamel to uphold the charge, issue a Complaint, and proceed to Formal Hearing. After discussion, Walter J. Lanni, Marcia B. Reback, and Scott G. Duhamel voted in favor of the Motion. Aronda R. Kirby, Alberto Aponte Cardona, and Kenneth B. Chiavarini opposed the Motion. Motion failed on procedural grounds, 3-3.



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2. Case No. ULP- 6210
City of East Providence & United Steelworkers, Local 15509

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

3. Case No. ULP- 6211
Community College of Rhode Island - & Community College of Rhode Island Educational Support Professional Association /NEARI

DETERMINATION: A Motion was made by Marcia B. Reback and seconded by Scott G. Duhamel to uphold the charge, issue a Complaint, and proceed to Formal Hearing. After discussion, Walter J. Lanni, Marcia B. Reback, and Scott G. Duhamel voted in favor of the Motion. Aronda R. Kirby, Alberto Aponte Cardona, and Kenneth B. Chiavarini opposed the Motion. Motion failed on procedural grounds, 3-3.

A Motion to adjourn was made by Aronda R. Kirby and seconded by Scott G. Duhamel and it was unanimously,

VOTED: to adjourn the meeting at 10:45 a.m.