



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: 2:00 P.M.
DATE: Tuesday, November 20, 2018
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
Derek M. Silva

BOARD MEMBERS ABSENT: Kenneth B. Chiavarini, Esq.

OTHERS PRESENT: Robyn H. Golden, Administrator
Lisa L. Ribezzo, Agent of the Board
Jeffrey W. Kastle, Esq.

Chairman Lanni called the meeting to order in Open Session at 2:10 P.M.

All Board Members reviewed the Open Minutes of the October 16, 2018 Board Meeting. A Motion was made by Aronda R. Kirby and seconded by Marcia B. Reback to accept the Open Minutes as written, and it was

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

CONSENT AGREEMENT & AFFIDAVITS:

1. Case No. EE-3587
Town of North Smithfield & RI Council 94, AFSCME, AFL-CIO
(Exclusion – Deputy Tax Assessor)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Aronda R. Kirby and seconded by Alberto Aponte Cardona to acknowledge and accept the parties' signed Consent Agreement and Affidavit. Accordingly, the position(s) of **Deputy Tax Assessor** shall be excluded from the bargaining unit as defined in Certification of Representatives – Case No. EE-3587. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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CONCLUDED MATTERS:

1. Case No. ULP- 6221
Town of North Providence & RI Laborers' District Council, Local 1033
(Board member, Alberto Aponte Cardona, is recused from participation in this matter)

After review of the above-entitled matter, a preliminary Motion was made by Marcia B. Reback and seconded by Scott G. Duhamel to uphold the violation as stated in the Complaint of the matter; 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.

2. Case No. EE-3704
State of Rhode Island - Department of Environmental Management & Local 400, IFPTE
(Accretion – Federal Aid Program Coordinator)

After review of the above-entitled matter, a preliminary Motion was made by Marcia B. Reback and seconded by Scott G. Duhamel to accrete the position of **Federal Aid Program Coordinator** into the bargaining unit as defined in Certification of Representatives – Case No. EE-3704; and that this matter be referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect. After discussion, Board members Walter J. Lanni, Marcia B. Reback, Scott G. Duhamel, and Derek M. Silva voted in favor of the Motion. Aronda R. Kirby and Alberto Aponte Cardona opposed the Motion. Motion passed.

DECISION & ORDER MATTERS:

1. Case No. ULP- 6213
Warwick School Committee & Warwick Teachers' Union, AFT, Local 915

A Consent Order entered into this matter; therefore, there were no formal hearings or transcripts records. All Board Members reviewed the briefs, as well as the evidence submitted therein.

After review of the drafted Decision and Order, a Motion was made by Scott G. Duhamel 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 Board Members present 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 making unilateral changes to terms and conditions of employment, without first notifying and giving the Union the opportunity to bargain over any changes. 2) The Employer is hereby ordered to pay interest on the wage rate increase for the forty (40) day period of time between December 21, 2017 and February 1, 2018. 3) The Employer is hereby ordered to make the effective date of the wage rate increase for bargaining unit members December 21, 2017; and make whole any and all bargaining unit members who may not have received the proper wage payment between December 21, 2017 and February 1, 2018. 4) The Employer is hereby ordered to post a copy of this Decision and Order for a period of not less than sixty (60) days in each building where bargaining unit personnel work; said posting to be in a location where other material designed to be seen, read, and reviewed by bargaining unit personnel are posted.

CONSENT ORDER:

3. Case No. ULP-6225
Town of North Providence & RI Laborers' District Council, Local 1033
(Board member, Alberto Aponte Cardona, is recused from participation in this matter)

After review of the Consent Order entered by the parties, a Motion was made by Marcia B. Reback and seconded by Scott G. Duhamel to sign the Consent Order as written; with and issuance of a 30-day briefing order. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

MISCELLANEOUS MATTERS:

1. Case No. ULP- 6222
City of Providence & Providence Teachers' Union, Local 958, AFL-CIO **(Respondent's Motion to Dismiss – Union's Objection to Motion)**

After review of the parties' Motions, a Motion was made by Marcia B. Reback and seconded by Scott G. Duhamel to deny the Respondent's Motion to Dismiss. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Case No. ULP- 6206
Providence School Department & RI Council 94, AFSCME, AFL-CIO
(Petitioner's Application and Motion to Confirm Board's Award – Respondent's Objection to Petitioner's Application and Motion to Confirm Board's Award)



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After review of the parties' Motions, a Motion was made by Marcia B. Reback and seconded by Scott G. Duhamel, to grant the Petitioner's Application and Motion to Confirm Board's Award, to wit: to enforce the Decision & Order of this Board dated May 22, 2018; and accordingly, instructed the Board's Attorney to file the appropriate documentation with the RI Superior Court, pursuant to R.I. Gen. Laws 28-7-26. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

3. **Superior Court Case No.: PC – 2018-7872**

(ULP-6217/6220/6226/6227)

Town of East Greenwich & RI State Labor Relations Board; East Greenwich Fire Fighters, Local 3328, International Association of Fire Fighters (IAFF) AFL-CIO; William Perry, President, East Greenwich Fire Fighters, Local 3328, International Association of Fire Fighters (IAFF) AFL-CIO; and Matt Howard, Secretary, East Greenwich Fire Fighters, Local 3328; International Association of Fire Fighters (IAFF) AFL-CIO (**Litigation – Determination**)

A Motion was made by Aronda R. Kirby and seconded by Marcia B. Reback, to hold this matter to the end of the Board Meeting for determination of discussion in Executive Session. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

A Motion was then made by Scott G. Duhamel for the Board to go into Closed Session for the purpose of reviewing the Closed Minutes, and Unfair Labor Practice Charges, and Miscellaneous Matters pursuant to R.I. Gen. Laws §42-46-5(a) (2) (4) of the Open Meetings Law. Aronda R. Kirby 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 2:50 p.m.

The meeting resumed in open session at 2:55 p.m. for the purposes of reading into the minutes, the determinations made by the Board in Closed Session, addressing the Superior Court matter from the Open Session, as well as adjourning the monthly Board meeting.



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UNFAIR LABOR PRACTICES:

1. Case No. ULP-6229
Nasonville Fire District & Burrillville Professional Fire Fighters, Local 4968, International Association of Fire Fighters (IAFF)

(NOTE: ATTORNEY JEFFREY KASLE REMOVED HIMSELF FROM THE ROOM PRIOR TO ADDRESSING THE AFOREMENTIONED UNFAIR LABOR PRACTICE, AS HE HAD PREVIOUSLY REPRESENTED THE NASONVILLE FIRE DISTRICT)

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

MISCELLANEOUS MATTERS:

1. Superior Court Case No.: PC –2018-7872
(ULP-6217/6220/6226/6227)
Town of East Greenwich & RI State Labor Relations Board; East Greenwich Fire Fighters, Local 3328, International Association of Fire Fighters (IAFF) AFL-CIO; William Perry, President, East Greenwich Fire Fighters, Local 3328, International Association of Fire Fighters (IAFF) AFL-CIO; and Matt Howard, Secretary, East Greenwich Fire Fighters, Local 3328; International Association of Fire Fighters (IAFF) AFL-CIO (**Litigation - Determination**)

DETERMINATION: Informational purposes only. No determinations were made in closed session.

A Motion to adjourn was made by Aronda R. Kirby and seconded by Marcia B. Reback and it was unanimously,

VOTED: to adjourn the meeting at 3:00 p.m.