



# Rhode Island State Labor Relations Board

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

## OPEN MINUTES BOARD MEETING

**TIME:** 9:00 A.M.  
**DATE:** Thursday, January 3, 2019  
**PLACE:** 1511 Pontiac Ave., Building #73, 3<sup>rd</sup> Floor, Cranston, RI 02920

**BOARD MEMBERS IN ATTENDANCE:** Walter J. Lanni  
Marcia B. Reback  
Scott G. Duhamel  
Aronda R. Kirby  
Kenneth B. Chiavarini  
Derek M. Silva

**BOARD MEMBERS ABSENT:** Alberto Aponte Cardona

**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 9:15 A.M.

---

All Board Members reviewed the Open Minutes of the November 20, 2018 Board Meeting. A Motion was made by Marcia B. Reback and seconded by Aronda R. Kirby to amend the Open Minutes because of a scripeter error, and it was

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

---

### CONSENT AGREEMENT & AFFIDAVITS:

1. Case No. EE-3167  
Providence School Board (Committee) & RI Laborers' District Council, Local 1033  
**(Accretion – Timekeeper Administrator)**

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 Aronda R. Kirby to acknowledge and accept the parties' signed Consent Agreement and Affidavit. Accordingly, the position(s) of **Timekeeper Administrator** shall be accreted into the bargaining unit as defined in Certification of Representatives – Case No. EE-3167. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



# Rhode Island State Labor Relations Board

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

Page 2  
Open Minutes  
Board Meeting 1/3/19

## **CONCLUDED CASES:**

1. 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 above-entitled matter, a Motion was made by Marcia B. Reback and seconded by Scott G. Duhamel to consolidate Case No's: ULP-6225 and ULP-6221; to uphold the violations as stated in the Complaint of the matters; and that this matter be referred to the Board's Legal Counsel for drafting of such Decision and Order to that effect. After discussion, Walter J. Lanni, Marcia B. Reback, Scott G. Duhamel, Aronda R. Kirby, and Derek M. Silva voted in favor of the Motion. Kenneth B. Chiavarini abstained from participation in this matter. Motion passed.

## **DECISION & ORDER 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 Motion was made by Marcia B. Reback and seconded by Aronda R. Kirby to amend the Decision & Order written in this matter to reflect the consolidation of Case No's: ULP-6225 and ULP-6221; to uphold the violations as stated in the Complaint of the matters; and that this matter be referred to the Board's Legal Counsel for drafting of such Decision and Order to that effect. After discussion, Walter J. Lanni, Marcia B. Reback, Scott G. Duhamel, Aronda R. Kirby, and Derek M. Silva voted in favor of the Motion. Kenneth B. Chiavarini abstained from participation in this matter. Motion passed.

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

Walter Lanni, Frank J. Montanaro, Marcia B. Reback, Aronda R. Kirby, Alberto Aponte Cardona, Kenneth B. Chiavarini formally heard the original filing in this matter. All current Board Members reviewed the transcript(s) and briefs, as well as the evidence submitted therein. (**NOTE:** The aforementioned matter was originally submitted in September 2016; concluded in October 2017 - resulting in a tie vote – based on six (6) member Board. Matter failed based on procedural grounds. This matter was then re-filed one year later, and the parties agreed to utilize all documentation from the original filing, in addition to briefing the current petition.)



# Rhode Island State Labor Relations Board

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

Page 3  
Open Minutes  
Board Meeting 1/3/19

After review of the drafted Decision and Order, a Motion was made by Marcia B. Reback 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 present voted in favor of the Motion and did sign the signature page of the Decision and Order, as written. Motion passed.

**ORDER:** 1) The evidence in the record does not establish that the Federal Aid Program Coordinator is someone who formulates and effectuates management policies by expressing and making operative the decisions of the Department, or that the position exercises discretion within or even independently of established Employer policy. 2) The evidence in the record does not establish that the Federal Aid Program Coordinator has the authority, in the interest of the Employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or to adjust their grievances, or effectively recommend such action. Further, the evidence in the record does not establish that the Federal Aid Program Coordinator's exercise of the foregoing authority was not of a merely routine or clerical nature nor did it require the use of independent judgment. 3) The Federal Aid Program Coordinator shares a community of interest with other positions in the identified bargaining unit. 4) The Union has proven by a preponderance of the evidence that the Federal Aid Program Coordinator position is appropriate for accretion into the bargaining unit defined by Case No. EE-3704 and therefore, is hereby granted.

---

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 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.

---

The meeting resumed in open session at 9:50 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.

---



# Rhode Island State Labor Relations Board

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

Page 4  
Open Minutes  
Board Meeting 1/3/19

## **UNFAIR LABOR PRACTICES:**

A Motion was made by Marcia B. Reback and seconded by Aronda R. Kirby, to reverse the order for review of the below matters as a result of Board Member, Kenneth B. Chiavarini, recusing himself from Case No. ULP-6231. After discussion, all Board Members present to vote, voted in favor of the Motion. Motion passed.

1. Case No. ULP- 6232  
Rhode Island Public Transit Authority & Amalgamated Transit Union, Division 618

**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.

2. Case No. ULP-6231  
Providence School Department & RI Council 94, AFSCME, AFL-CIO  
**(Board member, Kenneth B. Chiavarini, is recused from participation in this matter)**

**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.

---

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 9:55 a.m.