



# 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:** 1:00 P.M.  
**DATE:** Tuesday, December 10, 2019  
**PLACE:** 1511 Pontiac Ave., Building #73, 3<sup>rd</sup> Floor, Cranston, RI 02920

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

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

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Chairman Lanni called the meeting to order in Open Session at 1:00 P.M.

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All Board Members reviewed the Open Minutes of the November 12, 2019 Board Meeting. A Motion was made by Kenneth B. Chiavarini and seconded by Derek M. Silva to accept the Open Minutes as written, and it was

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

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### CONSENT AGREEMENT AND AFFIDAVIT CASES:

1. Case No. EE-3144  
State of Rhode Island – Department of Community Affairs & RISEA – Council 22, AFSCME, AFL-CIO (RI Council 94, AFSCME, AFL-CIO)  
**(Accretion – Principal Human Services Policy and Systems Specialist)**

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 Derek M. Silva to acknowledge and accept the parties' signed Consent Agreement and Affidavit. Accordingly, the position(s) of **Principal Human Services Policy and Systems Specialist** shall be accreted into the bargaining unit as defined in Certification of Representatives – Case No. EE-3144. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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## **DECISION & ORDER MATTERS:**

1. Case No. ULP-6249  
Town of West Warwick & RI Council 94, AFSCME, AFL-CIO  
**(Board Member, Kenneth B. Chiavarini, abstained from participation in this matter)**

This case was heard formally by Walter Lanni and Aronda R. Kirby. All participating Board Members reviewed the transcript(s) and briefs, as well as the evidence submitted therein. After review of the drafted Decision, a Motion was made by Aronda R. Kirby 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 participating Board Members voted in favor of the Motion and did sign the signature page of the Decision and Order, as written. Motion passed.

**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 make whole those DPW employees who lost or were denied overtime wages from June 1, 2019 to the present as a result of the Employer unilaterally changing how "bulk pickup" collections were performed. 3) 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 materials designed to be seen, read and reviewed by bargaining unit personnel are posted.

## **MISCELLANEOUS MATTERS:**

1. Case No. EE-3732  
Nasonville Fire Department & Burrillville Professional Fire Fighters, IAFF, Local 4968  
**(Voluntary Revocation)**

After review of the Union's request for a Voluntary Revocation in the aforementioned matter, in accordance with Section 465-RICR-10-00-1-1.13(D)(1-2), of the Board's Rules and Regulations, a Motion was made by Derek M. Silva and seconded by Kenneth B. Chiavarini to grant the said Revocation. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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2. Case No. EE-3693

Town of Richmond & RI Council 94, AFSCME, AFL-CIO (**Voluntary Revocation**)

After review of the Union's request for a Voluntary Revocation in the aforementioned matter, in accordance with Section 465-RICR-10-00-1-1.13(D)(1-2), of the Board's Rules and Regulations, a Motion was made by Scott G. Duhamel and seconded by Derek M. Silva to grant the said Revocation. After discussion, all Board Members voted in favor of the Motion. Motion passed.

3. Case No. EE-1712/EE-1712A

City of Warwick & RI Public Employees, Council 70, AFSCME, AFL-CIO (**Name Change**)

After review of the correspondence submitted by the RI Public Employees, Council 70, AFSCME, AFL-CIO (RI Council 94, AFSCME, AFL-CIO), as well as a confirmation for said request from Mayor Joseph J. Solomon, representing the City of Warwick, referencing a name change for Union's representative, a Motion was made by Derek M. Silva and seconded by Kenneth B. Chiavarini to acknowledge and accept the party's request; thus, amending the current Certification of Representatives to reflect the identity change of the bargaining unit representative, to read: City of Warwick & **RI Council 94, AFSCME, AFL-CIO, Local 1651**, with said name change to be reflected within the Certification of Representatives, Case Number EE-1712A. After discussion, all Board Members voted in favor of the Motion. Motion passed.

4. Case No. EE-1714/EE-1714A

State of Rhode Island - Department of Administration & Rhode Island State Employees Association & AFSCME, Council 70, AFL-CIO (**Name Change**)

After review of the correspondence submitted by the AFSCME, Council 70, AFL-CIO (RI Council 94, AFSCME, AFL-CIO), as well as a confirmation for said request from Daniel Ballirano, Esq., representing the State of Rhode Island - Department of Administration, referencing a name change for Union's representative, a Motion was made by Aronda R. Kirby and seconded by Derek M. Silva to acknowledge and accept the party's request; thus, amending the current Certification of Representatives to reflect the identity change of the bargaining unit representative, to read: State of Rhode Island - Department of Administration & Rhode Island State Employees Association & **RI Council 94, AFSCME, AFL-CIO, Local 2448**, with said name change to be reflected within the Certification of Representatives, Case Number EE-1714A. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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5. Case No. EE-1805/EE-1805A  
State of Rhode Island - Department of Social Welfare – Veterans Home and Soldiers' Welfare Unit & R.I. State Employee Association & RI Public Employees, Council 70, AFSCME, AFL-CIO **(Name Change)**

After review of the correspondence submitted by the RI Public Employees, Council 70, AFSCME, AFL-CIO (RI Council 94, AFSCME, AFL-CIO), as well as a confirmation for said request from Daniel Ballirano, Esq., representing the State of Rhode Island - Department of Social Welfare – Veterans Home and Soldiers' Welfare Unit, referencing a name change for both party's representatives, a Motion was made by Derek M. Silva and seconded by Kenneth B. Chiavarini to acknowledge and accept the party's request; thus, amending the current Certification of Representatives to reflect the identity change of the bargaining unit representative and Employer, to read: **State of Rhode Island – Department of Human Services - Rhode Island Veterans Home & R.I. State Employee Association & RI Council 94, AFSCME, AFL-CIO, Local 904**, with said name change to be reflected within the Certification of Representatives, Case Number EE-1805A. After discussion, all Board Members voted in favor of the Motion. Motion passed.

6. Case No. EE-1847/EE-1847A  
State of Rhode Island - Department of Social Welfare – Institute of Mental Health & R.I. State Employee Association & RI Public Employees, Council 70, AFSCME, AFL-CIO **(Name Change)**

After review of the correspondence submitted by the RI Public Employees, Council 70, AFSCME, AFL-CIO (RI Council 94, AFSCME, AFL-CIO), as well as a confirmation for said request from Daniel Ballirano, Esq., representing the State of Rhode Island - Department of Social Welfare – Institute of Mental Health, referencing a name change for both party's representatives, a Motion was made by Aronda R. Kirby and seconded by Derek M. Silva to acknowledge and accept the party's request; thus, amending the current Certification of Representatives to reflect the identity change of the bargaining unit representative and Employer, to read: **State of Rhode Island – Department of Behavioral Healthcare, Developmental Disabilities and Hospitals - Eleanor Slater Hospital (Adult Psychiatric Services) & R.I. State Employee Association & RI Council 94, AFSCME, AFL-CIO, Local 1350**, with said name change to be reflected within the Certification of Representatives, Case Number EE-1847A. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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7. Case No. EE-1848/EE-1848A  
State of Rhode Island - Department of Social Welfare – General Hospital & R.I. State Employee Association & RI Public Employees, Council 70, AFSCME, AFL-CIO  
**(Name Change)**

After review of the correspondence submitted by the RI Public Employees, Council 70, AFSCME, AFL-CIO (RI Council 94, AFSCME, AFL-CIO), as well as a confirmation for said request from Daniel Ballirano, Esq., representing the State of Rhode Island - Department of Social Welfare – General Hospital, referencing a name change for both party's representatives, a Motion was made by Derek M. Silva and seconded by Aronda R. Kirby to acknowledge and accept the party's request; thus, amending the current Certification of Representatives to reflect the identity change of the bargaining unit representative and Employer, to read: **State of Rhode Island – Department of Behavioral Healthcare, Developmental Disabilities and Hospitals – Eleanor Slater Hospital & R.I. State Employee Association & RI Council 94, AFSCME, AFL-CIO, Local 1350**, with said name change to be reflected within the Certification of Representatives, Case Number EE-1848A. After discussion, all Board Members voted in favor of the Motion. Motion passed.

8. Case No. EE-1926/EE-1926A  
State of Rhode Island – General Hospital Center Laboratory & RI Public Employees, Council 70, AFSCME, AFL-CIO **(Name Change)**

After review of the correspondence submitted by the RI Public Employees, Council 70, AFSCME, AFL-CIO (RI Council 94, AFSCME, AFL-CIO), as well as a confirmation for said request from Daniel Ballirano, Esq., representing the State of Rhode Island – General Hospital Center Laboratory, referencing a name change for both party's representatives, a Motion was made by Derek M. Silva and seconded by Kenneth B. Chiavarini to acknowledge and accept the party's request; thus, amending the current Certification of Representatives to reflect the identity change of the bargaining unit representative and Employer, to read: **State of Rhode Island – Department of Behavioral Healthcare, Developmental Disabilities and Hospitals – Eleanor Slater Hospital & RI Council 94, AFSCME, AFL-CIO, Local 1350**, with said name change to be reflected within the Certification of Representatives, Case Number EE-1926A. After discussion, all Board Members voted in favor of the Motion. Motion passed.

9. Case No. EE-2044/EE-2044A  
Town of Tiverton & Council 70, AFSCME, AFL-CIO **(Name Change)**

After review of the correspondence submitted by the Council 70, AFSCME, AFL-CIO (RI Council 94, AFSCME, AFL-CIO), as well as a confirmation for said request from Timothy C. Cavazza, Esq., representing the Town of Tiverton, referencing a name change for the Union's representative, a Motion was made by Derek M. Silva and seconded by Aronda R. Kirby



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to acknowledge and accept the party's request; thus, amending the current Certification of Representatives to reflect the identity change of the bargaining unit representative, to read: Town of Tiverton & **RI Council 94, AFSCME, AFL-CIO, Local 2670-A**, with said name change to be reflected within the Certification of Representatives, Case Number EE-2044A. After discussion, all Board Members voted in favor of the Motion. Motion passed.

10. Case No. EE-2057/EE-2057A

State of Rhode Island – Department of Mental Health, Retardation and Hospitals –  
Dr. Joseph H. Ladd School & RI State Employees Association, Council 22, AFSCME,  
AFL-CIO & RI Alliance of Social Service Employees, Local 580 **(Name Change)**

After review of the correspondence submitted by the RI State Employees Association, Council 22, AFSCME, AFL-CIO (RI Council 94, AFSCME, AFL-CIO), as well as a confirmation for said request from Daniel Ballirano, Esq., representing the State of Rhode Island – Department of Mental Health, Retardation and Hospitals - Dr. Joseph H. Ladd School, referencing a name change for both party's representatives, a Motion was made by Scott G. Duhamel and seconded by Kenneth B. Chiavarini to acknowledge and accept the party's request; thus, amending the current Certification of Representatives to reflect the identity change of the bargaining unit representative and Employer, to read: **State of Rhode Island – Department of Behavioral Healthcare, Developmental Disabilities and Hospitals – RICLAS & RI Council 94, AFSCME, AFL-CIO, Local 1293** & RI Alliance of Social Service Employees, Local 580, with said name change to be reflected within the Certification of Representatives, Case Number EE-2057A. After discussion, all Board Members voted in favor of the Motion. Motion passed.

11. Case No. EE-2069/EE-2069A

State of Rhode Island – Department of Mental Health, Retardation and Hospitals –  
Dr. Joseph H. Ladd School & RI State Employees Association, Council 22, AFSCME,  
AFL-CIO **(Name Change)**

After review of the correspondence submitted by the RI State Employees Association, Council 22, AFSCME, AFL-CIO (RI Council 94, AFSCME, AFL-CIO), as well as a confirmation for said request from Daniel Ballirano, Esq., representing the State of Rhode Island – Department of Mental Health, Retardation and Hospitals - Dr. Joseph H. Ladd School, referencing a name change for both party's representatives, a Motion was made by Scott G. Duhamel and seconded by Kenneth B. Chiavarini to acknowledge and accept the party's request; thus, amending the current Certification of Representatives to reflect the identity change of the bargaining unit representative and Employer, to read: **State of Rhode Island – Department of Behavioral Healthcare, Developmental Disabilities and Hospitals – RICLAS & RI Council 94, AFSCME, AFL-CIO, Local 1293**, with said name change to be reflected within the Certification of Representatives, Case Number EE-2069A. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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12. Case No. EE-3095/EE-3095A

State of Rhode Island – Department of Mental Health, Retardation and Hospitals –  
Division of Management Services and Division of Facilities and Maintenance Services &  
Alliance of Rhode Island State Employees/National Association of Government Employees  
(NAGE) & AFSCME, Council 70, AFL-CIO (**Name Change**)

After review of the correspondence submitted by the AFSCME, Council 70, AFL-CIO (RI Council 94, AFSCME, AFL-CIO), as well as a confirmation for said request from Daniel Ballirano, Esq., representing the State of Rhode Island – Department of Mental Health, Retardation and Hospitals – Division of Management Services and Division of Facilities and Maintenance Services, referencing a name change for both party's representatives, a Motion was made by Derek M. Silva and seconded by Kenneth B. Chiavarini to acknowledge and accept the party's request; thus, amending the current Certification of Representatives to reflect the identity change of the bargaining unit representative and Employer, to read: **State of Rhode Island – Department of Behavioral Healthcare, Developmental Disabilities and Hospitals –Eleanor Slater Hospital - Division of Management Services and Division of Facilities and Maintenance Services** & Alliance of Rhode Island State Employees/National Association of Government Employees (NAGE) & **RI Council 94, AFSCME, AFL-CIO, Local 2392**, with said name change to be reflected within the Certification of Representatives, Case Number EE-3095A. After discussion, all Board Members voted in favor of the Motion. Motion passed.

13. Case No. EE-3133/EE-3133A

State of Rhode Island – Commissions and Agencies & RI State Employees Association,  
Council 22, AFSCME, AFL-CIO (**Name Change**)

After review of the correspondence submitted by the RI State Employees Association – Council 22, AFSCME, AFL-CIO (RI Council 94, AFSCME, AFL-CIO), as well as a confirmation for said request from Daniel Ballirano, Esq., representing the State of Rhode Island – Commissions and Agencies, referencing a name change for Union's representative, a Motion was made by Derek M. Silva and seconded by Scott G. Duhamel to acknowledge and accept the party's request; thus, amending the current Certification of Representatives to reflect the identity change of the bargaining unit representative, to read: State of Rhode Island - Commissions and Agencies & **RI Council 94, AFSCME, AFL-CIO, Local 2884**, with said name change to be reflected within the Certification of Representatives, Case Number EE-3133A. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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14. Case No. EE-3139/EE-3139A  
Town of North Smithfield – Public Works Department & R.I. Public Employees, Council 701,  
AFSCME, AFL-CIO (**Name Change**)

After review of the correspondence submitted by the R.I. Public Employees, Council 70, AFSCME, AFL-CIO (RI Council 94, AFSCME, AFL-CIO), as well as a confirmation for said request from Vincent F. Ragosta, Jr., Esq., representing the Town of North Smithfield – Public Works Department, referencing a name change for both party’s representatives, a Motion was made by Derek M. Silva and seconded by Aronda R. Kirby to acknowledge and accept the party’s request; thus, amending the current Certification of Representatives to reflect the identity change of the bargaining unit representative and Employer, to read: **Town of North Smithfield – & RI Council 94, AFSCME, AFL-CIO, Local 937**, with said name change to be reflected within the Certification of Representatives, Case Number EE-3139A. After discussion, all Board Members voted in favor of the Motion. Motion passed.

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A Motion was 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. Derek M. Silva seconded the Motion and it was unanimously

**VOTED:** by all Board Members to go into closed session and to seal the minutes.

The meeting and minutes were closed at 1:25 P.M.

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The meeting resumed in open session at 1:30 P.M. for the purposes of reading into the minutes, the determinations made by the Board in Closed Session, as well as adjourning the Board meeting.

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## **REVIEW OF CLOSED MINUTES:**

1. Minutes of November 12, 2019

**DETERMINATION:** A Motion was made by Scott G. Duhamel and seconded by Derek M. Silva to accept and seal the Closed Minutes as written, and it was voted by all Board Members to accept the minutes as written. Motion passed.





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## **UNFAIR LABOR PRACTICE CASES:**

1. Case No. ULP-6261  
State of Rhode Island – Department of Administration / Department of Behavioral Healthcare, Developmental Disabilities & Hospitals & National Association of Government Employees (NAGE), Local 79

**DETERMINATION:** A Motion was made by Scott G. Duhamel and seconded by Derek M. Silva 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.

2. Case No. ULP-6262  
RI Department of Elementary and Secondary Education & RIDE Professional Employees Union, Local 2012, AFT

**DETERMINATION:** A Motion was made by Scott G. Duhamel and seconded by Derek M. Silva 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-6263  
Tiverton School Committee & NEA Tiverton

**DETERMINATION:** A Motion was made by Derek M. Silva 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.

4. Case No. ULP-6264  
Tiverton School Committee & NEA Tiverton

**DETERMINATION:** A Motion was made by Derek M. Silva 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.

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A Motion to adjourn was made by Aronda R. Kirby and seconded by Derek M. Silva and it was unanimously,

**VOTED:** to adjourn the meeting at 1:35 P.M.