



STATE OF RHODE ISLAND

Rhode Island State Labor Relations Board

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

OPEN MINUTES
BOARD MEETING

TIME: 9:00 A.M.
DATE: Tuesday, September 8, 2020
PLACE: ZOOM Remote Meeting

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni
Scott G. Duhamel
Aronda R. Kirby
Kenneth B. Chiavarini
Harry F. Winthrop
Stan Israel

BOARD MEMBERS ABSENT: Derek M. Silva

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

Chairman Lanni called the meeting to order in Open Session at 9:00 A.M.

All Board Members reviewed the Open Minutes of the August 18, 2020 Board Meeting. A Motion was made by Kenneth B. Chiavarini and seconded by Aronda R. Kirby to accept the Open Minutes as written, and it was

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

DRAFTED DECISION AND ORDERS:

1. Case No. ULP-6240
Tiverton School Department & NEA Tiverton

After submission of a Consent Order submitted by the parties, in accordance with the Board's Rules and Regulations 465-RICR-10-00-1-1.8(J), the parties submitted briefs and exhibits. All participating Board Members reviewed the briefs and exhibits, 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 Stan Israel 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 Decision and Order, as written. Motion passed.



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Page 2
Open Minutes
Board Meeting 9/8/2020

ORDER: 1) The Employer is hereby ordered to cease and desist from implementing or imposing overly broad directives, policies, rules or regulations that interfere with, restrain or coerce employees from their right to engage in protected concerted activity or to engage in mutual aid or protection under the Act. 2) The Employer is hereby ordered to post a copy of this Decision and Order for a period of not less than 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.

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

After submission of a Consent Order submitted by the parties, in accordance with the Board's Rules and Regulations 465-RICR-10-00-1-1.8(J), the parties submitted briefs and exhibits. All participating Board Members reviewed the briefs and exhibits, as well as the evidence submitted therein.

After review of the drafted Decision and Order, a Motion was made by Stan Israel 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 Decision and Order, as written. Motion passed.

ORDER: 1) The Employer is hereby ordered and directed to provide to the Union the information requested by the Union in its October 17, 2019 correspondence to the Employer and detailed in the Board's Finding of Fact #10. 2) The Employer is hereby ordered to cease and desist from denying Union requests for relevant and necessary information. 3) The Employer is hereby ordered to post a copy of this Decision and Order for a period of not less than 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. ULP-6257
RI State Labor Relations Board & Middletown School Department
(Motion for Enforcement – Decision and Order)

As a result of a scription's error, a Motion was made by Scott G. Duhamel and seconded by Kenneth B. Chiavarini to amend the case number from EE-6257 to ULP-6257. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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Page 3
Open Minutes
Board Meeting 9/8/2020

Prior to the review and determination of the Motion submitted by the Union, the Board reviewed its Decision and Order of June 30, 2020 and found that an omission occurred regarding the Order of the Board. Therefore, as a result of said omission, an amended Decision and Order was drafted for review and signature. Accordingly, after review of the drafted amended Decision and Order, a Motion was made by Scott G. Duhamel and seconded by Stan Israel to sign the amended 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 amended Decision and Order, as written. Motion passed.

AMENDED ORDER: 1) Prior to the review and determination of the Motion submitted by the Union, the Board reviewed its Decision and Order of June 30, 2020 and found that an omission occurred regarding the Order of the Board. Therefore, as a result of said omission, an amended Decision and Order was drafted for review and signature. Accordingly, after review of the drafted amended Decision and Order, a Motion was made by Scott G. 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 reverse the unilateral changes to the working terms and conditions of employment it made to Local Union President Rodrigues and Union Vice-President Marshall and to other impacted bargaining unit members in the Facilities Division; **to make whole, where appropriate, for any wage and/or benefit losses to any and all bargaining unit members who may have been effected by the School Department's unilateral changes;** and, if the School Department determines that it wants to implement said changes in the future, it must first engage in good faith bargaining with the Union. 3) The Employer is hereby ordered to post a copy of this Decision and Order for a period of not less than 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.

Subsequently, after review of the Union's request for a Motion for Resolution of Enforcement of the Board's Decision and Order of June 30, 2020, as amended on September 9, 2020, as well as the Employer's objection to said Motion, a Motion was made by Stan Israel and seconded by Scott G. Duhamel to grant said Motion; 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, as applicable. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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Page 4
Open Minutes
Board Meeting 9/8/2020

A Motion was made by Stan Israel 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. Aronda R. Kirby seconded the Motion and it was unanimously

VOTED: by all Board Members present to go into Closed Session and to seal the minutes.

The meeting and minutes were closed at 9:20 A.M.

A Motion was made by Stan Israel for the Board to re-open the Open Session for the purpose of reading into the record all votes taken in Closed Session. Kenneth B. Chiavarini seconded the Motion and it was unanimously

VOTED: by all Board Members present to go into Open Session.

The meeting and minutes were opened at 9:30 A.M.

REVIEW OF CLOSED MINUTES:

1. Minutes of August 18, 2020

DETERMINATION: A Motion was made by Harry F. Winthrop and seconded by Kenneth B. Chiavarini to accept and seal the Closed Minutes as written, and it was voted by all Board Members present to accept the minutes as written. Motion passed.

UNFAIR LABOR MATTERS:

1. Case No. ULP-6281
City of East Providence & International Brotherhood of Police Officers (IBPO), Local 569

DETERMINATION: A Motion was made by Scott G. Duhamel and seconded by Stan Israel 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 Scott G. Duhamel and seconded by Aronda R. Kirby and it was unanimously,

VOTED: to adjourn the meeting at 9:35 A.M.