



Rhode Island State Labor Relations Board

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

OPEN MINUTES BOARD MEETING

TIME: 9:00 A.M.
DATE: Tuesday, December 14, 2021
PLACE: 1511 Pontiac Ave., Building #73, 1ST Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni
Scott G. Duhamel
Aronda R. Kirby
Derek M. Silva
Harry Winthrop
Stan Israel

BOARD MEMBERS ABSENT: Kenneth Chiavarini

OTHERS PRESENT: Thomas A. Hanley, Administrator
Lisa L. Ribezzo, Labor Board Case Agent
Jeffrey W. Kastle, Esq. (Remote)

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

All Board Members present reviewed the Open Minutes of the November 9, 2021 Board Meeting. A Motion was made by Aronda R. Kirby and seconded by Stan Israel to accept the Open Minutes as written, and it was

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

UNIT CLARIFICATION/ACCRETION MATTERS:

1. **Case No. EE-3575 State of Rhode Island – Department of Health & Department of Health Professional Staff Association/NEARI/NEA (Chief Data Operations; Chief Human Services Policy; Data Analyst I; Supervising Geographic Information specialist; Swimming Pool Coordinator)**

After review of the Investigator's Report and Response of the Rhode Island Department of Health to the Investigative Report, a Motion was made by Aronda R. Kirby and seconded by Scott G. Duhamel to accept the Investigator's Report as written; thus, to preliminarily accrete the position of Data Analyst II into the bargaining unit defined in Case No. EE-3575 and exclude the position of Chief Data Operations from the bargaining unit defined in Case No. EE-3575. As



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Page 2
Open Minutes
Board Meeting 12/14/21

clarification, the individual who held the title of Data Analyst I was promoted to Data Analyst II by Desk Audit and the parties agreed, during the informal conference, to amend the Petition to investigate the position of Data Analyst II rather than Data Analyst I as a result. The position of Human Services Policy is vacant and therefore could not be investigated and remains excluded as a moot position. The Swimming Pool Coordinator position was determined not to be a State position and therefore is ineligible for accretion. The position of Supervising Geographic Information Specialist position was accreted previously by Consent Agreement & Affidavit. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

NAME CHANGE: (Review and Determination/Signing)

- 1 Case No. EE- 3642
Town of Cumberland & Cumberland Town Employees' Union & General Teamsters Local 251

After review of the correspondence submitted by the General Teamsters Local 251, as well as a confirmation for said request from Kelley Morris, Esq. representing the Town of Cumberland, referencing a name change for the Union representative, a Motion was made by Derek M. Silva and seconded by Stan Israel 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: General Teamsters Local 251, with said name change to be reflected within the Certification of Representatives, Case Number EE-3642A. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

DECISION & ORDER MATTERS: (Review and Determination/Signing)

1. Case No. ULP- 6305 Pawtucket Water Supply Board & Teamsters Local 251

This case was heard formally by Walter J. Lanni, Aronda R. Kirby, and Derek M. Silva. Scott G. Duhamel, Harry F. Winthrop, and Stan Israel, as well as the aforementioned Board Members reviewed the transcript(s) and briefs, as well as the evidence submitted herein.

After review of the Drafted Decision and Order, a Motion was made by Derek M. Silva and seconded by Harry Winthrop 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 signed the Decision & Order, as written. Motion passed.



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Page 3
Open Minutes
Board Meeting 12/14/2021

ORDER: 1) The Employer is hereby ordered to cease and desist from refusing to provide relevant documents and information to the Union which the Union claims are relevant to its administration of grievance matters involving bargaining unit members; 2) The Employer is hereby ordered to cease and desist from refusing to discuss grievances with the Union by refusing to provide relevant documents and information to the Union which the Union claims are necessary to its administration of grievance matters involving bargaining unit members; 3) The Employer is hereby ordered to provide the Union with the documents or other materials the Union has requested pertaining to the pending grievance provided such materials as previously requested by the Union have not already been produced in full; 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 materials designed to be seen, read and reviewed by bargaining unit personnel are posted.

2. Litigation Case No.: PC-2015-5683 Consolidated With PC-2014-2730 (Case No. EE- 3729)
(Decision on Remand)

After review of the Drafted Decision on Remand, 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 back to the Board's Attorney as soon as possible so that it may be e-filed with the Court. After discussion, all Board Members present voted in favor of the Motion and signed the Decision on Remand, as written. Motion passed.

MISCELLANEOUS MATTERS:

1. ULP- 6297 Rhode Island Council on Elementary and Secondary Education/Rhode Island Department of Elementary and Secondary Education & RIDE Legal Counsel/Hearing Officer Professional Union **(Respondent's Motion to Quash/Petitioner's Objection to Motion to Quash/Petitioner's Motion for Oral Argument Regarding Respondent's Motion to Quash) (Review and Determination)**

A Motion was made by Harry F. Winthrop and seconded by Aronda R. Kirby to uphold the Respondent's Motion to Quash and deny the Petitioner's Objection to Respondent's Motion to Quash. Oral arguments were already held during the formal hearing on November 30, 2021. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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Page 4
Open Minutes
Board Meeting 12/14/2021

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 Matters 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 present to go into closed session and to seal the minutes.

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

The meeting resumed in open session at 9:40 A.M. for the purposes of reading into the minutes, the determinations made by the Board in Closed Session, as well as adjourning the Board meeting.

REVIEW OF CLOSED MINUTES:

1. Minutes of November 9, 2021

DETERMINATION: A Motion was made by Harry F. Winthrop and seconded by Stan Israel, 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 PRACTICE MATTERS: (Review and Determination)

1. ULP- 6324 Town of Coventry & RI Council 94, AFSCME, AFL-CIO, Local 3484

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

2. ULP- 6325 Rhode Island Department of Elementary and Secondary Education/RI Council on Elementary and Secondary Education & RIDE Legal Counsel/Hearing Officer Professional Union

DETERMINATION: A Motion was made by Derek M. Silva and seconded by Aronda R. Kirby to administratively dismiss the Charge in this matter. After discussion, Walter J. Lanni, Derek M. Silva, Aronda R. Kirby and Harry F. Winthrop voted in favor of the Motion. Stan Israel and Scott G. Duhamel voted in opposition to the Motion. Motion passed.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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Page 5
Open Minutes
Board Meeting 12/14/2021

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 9:45 A.M.