



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, May 18, 2021
PLACE: ZOOM Remote Meeting

BOARD MEMBERS IN ATTENDANCE:

Walter J. Lanni
Scott G. Duhamel
Aronda R. Kirby
Kenneth B. Chiavarini
Derek M. Silva
Harry F. Winthrop
Stan Israel

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 9:00 A.M.

All Board Members reviewed the Open Minutes of the April 15, 2021 Board Meeting. A Motion was made by Kenneth B. Chiavarini 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.

CONSENT AGREEMENT & AFFIDAVIT MATTERS:

- 1 Case No. EE-3457
State of Rhode Island – Department of Corrections & Department for Children, Youth and Families & RI Probation and Parole Association (Professional Unit)
(Accretion – Community Corrections Assessment Analyst)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Harry F. Winthrop and seconded by Aronda R. Kirby to acknowledge and accept the parties' signed Consent Agreement and Affidavit. Accordingly, the position(s) of Community Corrections Assessment Analyst shall be accreted into the bargaining unit as defined in Certification of Representatives – Case No. EE-3457. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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- 2 Case No. EE-3503 State of Rhode Island – Department of Corrections & Department for Children, Youth and Families & RI Probation and Parole Association (Clerical Unit)
(Accretion – Information Services Technician II)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Stan Israel and seconded by Kenneth B. Chiavarini to acknowledge and accept the parties' signed Consent Agreement and Affidavit. Accordingly, the position(s) of Information Services Technician II shall be accreted into the bargaining unit as defined in Certification of Representatives – Case No. EE-3503. After discussion, all Board Members voted in favor of the Motion. Motion passed.

DECISION AND ORDERS: (Review and Determination/Signing)

1. Case No. ULP-6256
State of Rhode Island – Department of Corrections & RI Brotherhood of Correctional Officers (RIBCO)

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

After review of the drafted Decision and Order, a Motion was made by Derek M. Silva and seconded by Stan Israel to sign the Decision and Order, as written, and to refer the case back to the Agent of the Board for final proofing; with the direction to issue the same as soon as possible. After discussion, all Board Members voted in favor of the Motion and signed the Decision & Order, as written. Motion passed.

ORDER: 1) The Employer is hereby ordered to cease and desist from making unilateral changes to working terms and conditions of employment, without first notifying the Union and giving it the opportunity to bargain over any proposed changes. 2) The Employer is hereby ordered to cease and desist from implementing changes to the Absenteeism Management Program, consistent with the terms of this Decision. 3) Should the Employer decide to implement changes to the Absenteeism Management Program, consistent with the terms of this Decision, the Employer must first engage in good faith negotiations with the Union.



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2. Case No. ULP-6287
Pawtucket School Department & RI Council 94, AFSCME, AFL-CIO, Local 1352

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

After review of the drafted Decision and Final Order of Failure to Conclude on Substantive Grounds, a Motion was made by Stan Israel and seconded by Derek M. Silva to sign the Decision and Final Order of Failure to Conclude on Substantive Grounds, as written, and to refer the case back to the Agent of the Board for final proofing; with the direction to issue the same as soon as possible. After discussion, all Board Members voted in favor of the Motion and signed the Decision and Final Order of Failure to Conclude on Substantive Grounds, as written. Motion passed.

ORDER: The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

3. Case No. ULP-6291
State of Rhode Island – Department for Children, Youth and Families & RI Council 94,
AFSCME, AFL-CIO, Local 314

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

After review of the drafted Decision and Order, a Motion was made by Derek M. Silva and seconded by Scott G. Duhamel to sign the Decision and Order, as written, and to refer the case back to the Agent of the Board for final proofing; with the direction to issue the same as soon as possible. After discussion, all Board Members voted in favor of the Motion and signed the Decision & 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 working terms and conditions of employment, without first notifying the Union and giving it the opportunity to bargain over any proposed changes. 2) The Employer is hereby ordered to cease and desist from requiring bargaining unit personnel to go through a metal detector and/or have their personal belongings searched or be “wanded” before or at the time of entering the Training School facility. 3) Should the Employer decide to implement a search policy that requires bargaining unit personnel to go through a metal detector and/or have their personal belongings searched or be “wanded” before or at the time of entering the Training School facility, the Employer must first engage in good faith negotiations with the Union. 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 are designed to be seen, read and reviewed by bargaining unit personnel are posted.

MISCELLANEOUS MATTERS:

1. Case No. ULP-6297
RI Council on Elementary and Secondary Education / RI Department of Elementary and Secondary Education & RIDE Legal Counsel/Hearing Officer Professional Union
(Partial Motion to Quash / Objection to Partial Motion to Quash)

After review of the said Motion submitted in the aforementioned matter, a Motion was made by Derek M. Silva and seconded by Stan Israel to approve the Partial Motion to Quash in part and deny the Partial Motion to Quash in part, as well as reaffirming the Board’s decision that the request for a formal hearing on this matter be denied. After discussion, all Board Members voted in favor of the Motion. Motion passed.

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. Stan Israel 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 9:20 A.M.



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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. Aronda R. Kirby seconded the Motion and it was unanimously

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

The meeting and minutes were opened at 9:40 A.M.

REVIEW OF CLOSED MINUTES:

1. Minutes of April 15, 2021

DETERMINATION: A Motion was made by Aronda R. Kirby and seconded by Harry F. Winthrop 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.

UNFAIR LABOR MATTERS: (Review and Determination)

1. Case No. ULP-6307
Town of West Warwick & RI Council 94, AFSCME, AFL-CIO, Local 2045

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 voted in favor of the Motion. Motion passed.

2. Case No. ULP- 6308
State of Rhode Island – Department of Public Safety – Division of Sheriffs & RI Council 94,
AFSCME, AFL-CIO, Local 2409

DETERMINATION: A Motion was made by Derek M. Silva and seconded by Walter J. Lanni to administratively dismiss said Charge without prejudice. After discussion, Walter J. Lanni, Scott G. Duhamel, Kenneth B. Chiavarini, Derek M. Silva, Aronda R. Kirby and Harry F. Winthrop voted in favor of the Motion. Stan Israel opposed said Motion. Motion passed



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3. Case No. ULP- 6309
State of Rhode Island – Department of Health & RI Council 94, AFSCME, AFL-CIO,
Local 2870

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 voted in favor of the Motion. Motion passed.

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 9:45 A.M.

DRAFT