



Rhode Island State Labor Relations Board

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

OPEN MINUTES BOARD MEETING

TIME: 9:00 A.M.
DATE: Tuesday, August 17, 2021
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

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

BOARD MEMBERS ABSENT: Stan Israel

OTHERS PRESENT: Lisa L. Ribezzo, Interim Administrator
Jeffrey W. Kasle, 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 July 8, 2021 Board Meeting. A Motion was made by Aronda Kirby and seconded by Harry Winthrop 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 AND AFFIDAVIT MATTERS:

1. **Case No. EE-3270A State of Rhode Island – Department of Labor & Training & Rhode Island Employment Security Alliance, Local 401, SEIU (Exclusion of Fraud & Overpayment Investigator / Accretion of Income Support Fraud Investigator (DLT))**

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Derek M. Silva and seconded by Kenneth B. Chiavarini, to acknowledge and accept the parties' signed Consent Agreement and Affidavit. Accordingly, the position(s) of Fraud & Overpayment Investigator shall be excluded from the bargaining unit as defined in Certification of Representatives – Case No. EE-3270A and the position(s) of Income Support Fraud Investigator (DLT) shall be accreted into the bargaining unit as defined in Certification of Representatives – Case No. EE-3270A. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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Page 2
Open Minutes
Board Meeting 8/17/21

DECISION & ORDER MATTERS (REVIEW AND DETERMINATION/SIGNING):

1. **ULP-6261/6270 State of Rhode Island – Department of Behavioral Healthcare, Developmental Disabilities & Hospitals & National Association of Government Employees (NAGE), Local 79.**

This case was heard formally by Walter J. Lanni, Aronda R. Kirby, Scott G. Duhamel, Kenneth B. Chiavarini, Derek M. Silva, Harry F. Winthrop and Stan Israel. All of 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 Interim Administrator of the Board for final proofing; with the direction to issue the same as soon as possible. After discussion, all Board Members present, with the exception of Aronda R. Kirby, who was absent for the vote on the concluded case, 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 refusing to provide relevant documents, witness statements, reports, notes and information to the Union which the Union claims are relevant to its administration of disciplinary matters involving bargaining unit members. 2) The Employer is hereby ordered to provide the Union with the documents, witness statements, reports, notes or other materials the Union has requested pertaining to the investigation involving TK. 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. **Discuss and determine manner for returning to in-person Board Meetings and Formal Hearings.**

With the expiration of Governor's Executive Order 21-72, the Board is required to go back to having in-person meetings and formal hearings. There is some guidance from the Attorney General's Office which clarifies that the Board must be present in-person at all Board Meetings and formal hearings, but that the Board may livestream the open meetings or allow for witness



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Page 3
Open Minutes
Board Meeting 8/17/2021

testimony and public participation remotely. A letter was also received from Paul Pontarelli, requesting the Board consider allowing participation in the remainder of his proceeding remotely, and also requesting that if formal hearings must be conducted in person, the Union is requesting the current method of sharing and introducing exhibits into evidence be allowed to continue. After discussion, a Motion was made by Derek M. Silva and seconded by Scott G. Duhamel for the Interim Administrator to look into possible options and alternate locations to conduct hybrid style formal hearings. All Board Members present 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 Matters, pursuant to R.I. Gen. Laws §42-46-5(a)(2)(4) of the Open Meetings Law. Kenneth B. Chiavarini 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 July 8, 2021

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



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Page 4
Open Minutes
Board Meeting 8/17/2021

UNFAIR LABOR PRACTICE MATTERS:

1. ULP- 6312 State of Rhode Island – Department of Behavioral Healthcare, Developmental Disabilities & Hospitals – Eleanor Slater Hospital & RI Council 94, AFSCME, AFL-CIO, Local 1350, ESH Employees

DETERMINATION: A Motion was made by Derek M. Silva and seconded by Aronda R. Kirby to Uphold the Charge, issue a Complaint and proceed to formal hearing. After discussion, Derek M. Silva withdrew his Motion, and Aronda R. Kirby withdrew her second. A second Motion was made by Derek M. Silva and seconded by Aronda R. Kirby to table the matter and request additional information from the Union within fifteen (15) days. All Board Members present voted in favor of the Motion. Motion passed.

2. ULP- 6313 State of Rhode Island – Department for Children, Youth and Families – Juvenile Correctional Services & RI Council 94, AFSCME, AFL-CIO, Local 314

DETERMINATION: A Motion was made by Aronda R. Kirby and seconded by Scott G. Duhamel 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.

3. ULP- 6314 Donald W. Wyatt Detention Center & Fraternal Order of Police, Lodge 50

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 present voted in favor of the Motion. Motion passed.

4. ULP- 6316 Bristol/Warren Regional School District & RI Council 94, AFSCME, AFL-CIO, Local 581

DETERMINATION: A Motion was made by Derek M. Silva and seconded by Harry F. Winthrop to Uphold the Charge, issue a Complaint and proceed to formal hearing. After discussion, Walter J. Lanni, Scott G. Duhamel, Derek M. Silva and Harry F. Winthrop voted in favor of the Motion. Aronda R. Kirby and Kenneth B. Chiavarini opposed said Motion. Motion passed.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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Page 5
Open Minutes
Board Meeting 8/17/2021

5. ULP- 6317 Bristol/Warren Regional School District & RI Council 94, AFSCME, AFL-CIO, Local 581

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, Walter J. Lanni, Scott G. Duhamel, Derek M. Silva and Harry F. Winthrop voted in favor of the Motion. Aronda R. Kirby and Kenneth B. Chiavarini opposed said Motion. Motion passed.

A Motion to adjourn was made by Aronda R. Kirby and seconded by Kenneth B. Chiavarini and it was unanimously,

VOTED: to adjourn the meeting at 9:45 A.M.