



# 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:** 9:00 A.M.  
**DATE:** Tuesday, August 16, 2022  
**PLACE:** 1511 Pontiac Ave., Building #73, 2<sup>nd</sup> Floor, Cranston, RI 02920

**BOARD MEMBERS IN ATTENDANCE:** Walter J. Lanni  
Derek M. Silva  
Kenneth B. Chiavarini, Esq.  
Stan Israel  
Harry F. Winthrop

**BOARD MEMBERS ABSENT:** Scott G. Duhamel  
Aronda R. Kirby

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

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

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All Board Members present reviewed the Open Minutes of the June 14, 2022 Board Meeting. A Motion was made by Stan Israel and seconded by Derek M. Silva to accept the Open Minutes as written, and it was

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

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### CONSENT AGREEMENT & AFFIDAVIT MATTERS:

- 1 Case No. EE- 1946A  
Town of Westerly & Rhode Island Laborers' District Council on behalf of Local 808  
(Accretion of Animal Shelter Coordinator)

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 Harry F. Winthrop, to acknowledge and accept the parties' signed Consent Agreement and Affidavit. Accordingly, the position(s) of: Animal Shelter Coordinator shall be accreted into the bargaining unit as defined in Certification of Representatives – Case No. EE-1946A. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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## **CONSENT AGREEMENT & AFFIDAVIT MATTERS - Continued:**

- 2 Case No. EE- 3410  
Cumberland School Committee & Independent Cumberland School Employees/NEARI  
(Exclusion of Administrative Receptionist/Transportation Clerk)

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: Administrative Receptionist/Transportation Clerk shall be excluded from the bargaining unit as defined in Certification of Representatives – Case No. EE-3410. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

- 3 Case No. EE- 3410  
Cumberland School Committee & Independent Cumberland School Employees/NEARI  
(Exclusion of Human Resources Clerk)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Stan Israel and seconded by Derek M. Silva, to acknowledge and accept the parties' signed Consent Agreement and Affidavit. Accordingly, the position(s) of: Human Resources Clerk shall be excluded from the bargaining unit as defined in Certification of Representatives – Case No. EE-3410. 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- 6304 State of Rhode Island – Department of Labor & Training & Rhode Island Employment Security Alliance, SEIU, Local 401

This case was decided, at the request of the parties, by Consent Order, Stipulated Facts and Briefs. All Board Members present reviewed the Consent Order, Stipulated Facts and Briefs submitted herein.

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 Programming Services Officer 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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ORDER: 1. The Employer is hereby ordered to execute the settlement agreement renegotiated between DOA and the Union on or about January 6, 2021. 2. The Employer is hereby ordered to make Mr. Tillett whole commencing from November 23, 2020 through and including the date payment is made for all wages and benefits Tillett would otherwise have been entitled to receive had he been reinstated to his position in accordance with the settlement agreement. This Order will be mitigated by any earnings (including wages or salary and benefits) Mr. Tillett may have received between November 23, 2020 and the date of payment by the Employer pursuant to this Order. This Order will further be mitigated to the extent that if Mr. Tillett is no longer employed by the Employer, then the end date for any payments will be the date of his termination after all legal appeals are concluded or end of his employment with the State, whichever is sooner. 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.

2. Case No. ULP- 6284 Rhode Island Department of Elementary and Secondary Education & RIDE Professional Employees Union, Local 2012, AFT

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, 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 F. Winthrop to sign the Decision and Order, as written, and to refer the case back to the Programming Services Officer 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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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 the Union the opportunity to bargain over any proposed changes. 2. The Employer is hereby ordered to cease and desist from refusing to bargain with the Union over mandatory subjects of bargaining including, without limitation, changes to the terms and conditions of employment of bargaining unit members and health and safety issues involving bargaining unit members. 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- 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 Rhode Island Department of Elementary and Secondary Education's Motion to Quash and Petitioner's Objection to Respondent Rhode Island Department of Elementary and Secondary Education's Motion to Quash**)

After review of the Motion to Quash and Objection to the Motion to Quash, a Motion was made by Kenneth B. Chiavarini, and seconded by Harry F. Winthrop to uphold Respondent Rhode Island Department of Elementary and Secondary Education's Motion to Quash. After discussion Walter J. Lanni, Derek M. Silva, Kenneth B. Chiavarini, and Harry F. Winthrop voted in favor of the Motion. Stan Israel opposed the Motion. Motion passed.

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A Motion was made by Derek M. Silva to go into Closed Session for the purpose of review/voting on the Closed Minutes, Unfair Labor Practice Matters and Update on Pending Litigation 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 9:15 A.M.

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The meeting resumed in open session at 9:30 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.

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## **REVIEW OF CLOSED MINUTES:**

1. Minutes of June 14, 2022

**DETERMINATION:** A Motion was made by Kenneth B. Chiavarini 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.

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## **UNFAIR LABOR PRACTICE MATTERS: (Review and Determination)**

1. ULP- 6337 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 in this matter. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. ULP- 6338 State of Rhode Island – Department of Corrections & Rhode Island Brotherhood of Correctional Officers (RIBCO)

**DETERMINATION:** A Motion was made by Stan Israel and seconded by Derek M. Silva to uphold the Charge, issue a Complaint and proceed to formal hearing in this matter. After discussion, Derek M. Silva and Stan Israel voted in favor of the Motion. Walter J. Lanni, Kenneth B. Chiavarini, and Harry F. Winthrop opposed the Motion. Motion failed. Therefore, the matter is administratively dismissed.



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3. ULP- 6339 State of Rhode Island – Department of Corrections & Rhode Island Brotherhood of Correctional Officers (RIBCO)

**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 in this matter. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

## **MISCELLANEOUS MATTERS:**

1. Pending Litigation C.A. No. PC -2021-4279 Superior Court Decision

**DETERMINATION:** This was an informational update by Board's Legal Counsel. No votes were taken.

A Motion to adjourn was made by Derek M. Silva and seconded by Kenneth B. Chiavarini, and it was unanimously,

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