



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, December 12, 2023
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni
Scott G. Duhamel
Aronda R. Kirby
Harry F. Winthrop
Lawrence E. Purtill

ABSENT: Kenneth B. Chiavarini
Stan Israel

OTHERS PRESENT: Thomas A. Hanley, Administrator
Lisa L. Ribezzo, Programming Services Officer
Jeffrey W. Kastle, Esq. (by telephone)

Chairman Lanni called the meeting to order in Open Session at 9:05 A.M.

All Board Members present reviewed the Open Minutes of the November 14, 2023 Board Meeting. A Motion was made by Aronda R. Kirby and seconded by Lawrence Purtill to accept the Open Minutes as written, and it was

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

1. CONSENT AGREEMENT & AFFIDAVIT MATTERS (Review and Determination):

(a) EE- 1748A City of Pawtucket & RI Council 94, AFSCME, AFL-CIO, Local 1012

A Motion was made by Aronda R. Kirby and seconded by Harry F. Winthrop to acknowledge and accept the parties signed Consent Agreement & Affidavit in this matter for the accretion of the aforementioned Senior Service/Outreach Coordinator within the City of Pawtucket into RI Council 94, AFSCME, AFL-CIO, Local 1012. After discussion, all Board Members present voted in favor of the Motion. Motion passed Unanimously.



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2. CONCLUDED CASES: (Review and Determination):

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

A Motion was made by Harry F. Winthrop and seconded by Aronda R. Kirby to deny the unfair labor practice in this matter. After discussion, Harry F. Winthrop withdrew his Motion.

A second Motion was made by Scott G. Duhamel and seconded by Lawrence Purtill to uphold the unfair labor practice violation with a remedy to include: 1) Complaint is sustained; 2) Order the DOC to immediately cease and desist requiring any bargaining unit member to discharge any sick or other accrued time for Covid related absence; 3) Order that the status quo prior to June 15, 2022 be restored; 4) Order that any bargaining unit member who has not been paid administrative leave for Covid 19 since June 15, 2022 be made whole, except for Decio and Marie Terra who had grievances filed on their behalf; 5) Order that in the future the DOC be required to notify the Union and bargain upon request any change in established past practice; and that this matter be referred to the Board's Legal Counsel for drafting of such Decision & Order to that effect. After discussion, Walter J. Lanni, Scott G. Duhamel, Harry F. Winthrop and Lawrence Purtill voted in favor of the Motion. Aronda R. Kirby abstained from voting.

- (b) ULP- 6369 City of Woonsocket & New England Police Benevolent Association

A Motion was made by Scott G. Duhamel and seconded by Lawrence Purtill to uphold the violation in this matter; and that this matter be referred to the Board's Legal Counsel for drafting of such Decision & Order to that effect. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

4. DECISION AND ORDER MATTERS: (Review and Determination/Signing):

- (a) ULP- 6344 & ULP- 6344A City of East Providence & United Steelworkers, Local 15509

This case was heard formally on August 10, 2023 by Walter J. Lanni, Scott G. Duhamel, Aronda R. Kirby, Kenneth B. Chiavarini, Harry F. Winthrop, Stan Israel and Lawrence E. Purtill, as well as all Board Members present reviewed the transcript(s) and briefs, as well as the evidence submitted herein.



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After review of the Drafted Decision and Order, a Motion was made by Scott G. Duhamel 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. All Board Members voted in favor of the Motion. 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 using the audio portion of the cameras located in City Hall. The Employer is further ordered to cease and desist from activating and/or using the video cameras located in the ECC, consistent with the terms of this Decision; 3) Should the Employer decide to activate the audio capability of the video cameras in City Hall and/or activate the video cameras in the ECC, consistent with the terms of this Decision, 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 & 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.

- (a) ULP- 6348 City of East Providence & International Brotherhood of Police Officers (IBPO), Local 569

This case was heard formally on March 21, 2023 by Walter J. Lanni, Aronda R. Kirby and Stan Israel, on May 4, 2023 by Walter J. Lanni, Stan Israel and Harry F. Winthrop, and on July 27, 2023 by Walter J. Lanni, Aronda R. Kirby, Kenneth B. Chiavarini, Harry F. Winthrop, Stan Israel and Lawrence Purtill, as well as all Board Members present reviewed the transcript(s) and briefs, as well as the evidence submitted herein.

After review of the Drafted Decision and Order of Dismissal, a Motion was made by Aronda R. Kirby and seconded by Harry F. Winthrop to sign the Decision and Order of Dismissal, 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. All Board Members voted in favor of the Motion. Motion passed.



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ORDER: 1) The Union has not proven by a fair preponderance of the evidence that the Employer committed a violation of R.I.G.L. 28-7-13 (6) and (10) when it unilaterally eliminated the take-home vehicle for certain bargaining unit members; 2) The Union has not proven by a fair preponderance of the evidence that the Employer committed a violation of R.I.G.L. 28-7-13 (6) and (10) when it unilaterally eliminated the take-home vehicle for certain bargaining unit members and failed to bargain with the Union over changes to a mandatory subject of bargaining.

A Motion was made by Lawrence Purtill to go into Closed Session for the purpose of review/voting on 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. Scott G. Duhamel 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 9:30 A.M.

A Motion was made by Aronda R. Kirby and seconded by Scott G. Duhamel to re-open the Open session at 9:45 a.m. for the purpose of reading into the record, a record of all votes taken in Closed Session. All Board Members present voted in favor of the Motion. Motion passed.

The meeting resumed in open session at 9:45 A.M. for the purpose of reading into the minutes, the determinations made by the Board in Closed Session, and adjourning the Board meeting.

1. **REVIEW OF CLOSED MINUTES:**

Minutes of November 14, 2023

DETERMINATION: A Motion was made by Scott G. Duhamel, and seconded by Aronda R. Kirby, 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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2. UNFAIR LABOR PRACTICE MATTERS:

- (a) ULP- 6372 State of Rhode Island – Department of Human Services & RI Council 94, AFSCME, AFL-CIO, Local 2882

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

- (b) ULP- 6385 State of Rhode Island – Department of Human Services & RI Council 94, AFSCME, AFL-CIO, Local 2882

DETERMINATION: A Motion was made by Lawrence Purtill and seconded by Scott G. Duhamel 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.

A Motion was then made by Lawrence Purtill and seconded by Aronda R. Kirby to consolidate ULP- 6372 and ULP- 6385. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

- (c) ULP- 6386 State of Rhode Island – Department of Human Services & RI Council 94, AFSCME, AFL-CIO, Local 2882

DETERMINATION: A Motion was made by Scott G. Duhamel and seconded by Harry F. Winthrop 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.

A Motion was made by Lawrence Purtill, and seconded by Harry F. Winthrop, to adjourn at 9:50 a.m. All Board Members present voted in favor of the Motion. Motion passed.