



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# Rhode Island State Labor Relations Board

Building 73  
1511 Pontiac Avenue  
Cranston, Rhode Island 02920-4407

## OPEN MINUTES BOARD MEETING

**TIME:** 9:00 a.m.  
**DATE:** Tuesday, June 14, 2005  
**PLACE:** 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

**BOARD MEMBERS IN ATTENDANCE:** Walter J. Lanni, Chairman  
Frank J. Montanaro  
Joseph V. Mulvey  
John R. Capobianco  
Gerald S. Goldstein  
Ellen L. Jordan  
Elizabeth Dolan

**OTHERS PRESENT:** Robyn H. Golden, Acting Administrator  
Margaret Hogan, Esquire

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Chairman Lanni called the meeting to order in Open Session at 9:10 a.m.

All members present reviewed the Open Minutes of the May 10, 2005 Board Meeting. A Motion was made by Elizabeth Dolan and seconded by Joseph Mulvey to accept the Open Minutes as written, and it was unanimously

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

The meeting continued in open session

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### ELECTION PETITIONS:

- 1 Case No. EE-3682  
RI Turnpike and Bridge Authority & Service Employees International Union & United Service & Allied Workers of RI (USAW)

After review of the informal notes, the Motions to Dismiss submitted by the Employer and Service Employees International Union and the Memorandum of Law in Opposition to the Motion to Dismiss filed by the Petitioner, a Motion was made by Joseph Mulvey and seconded by Gerald Goldstein to dismiss the Petition for Investigation of Controversies as to Representation submitted by United Service & Allied Workers of RI (USAW). After discussion, all Board Members present voted in favor of the Motion.

Frank Montanaro arrived at 9:15 a.m. When asked for his vote in this matter, Mr. Montanaro voted in favor of the Motion.

Ellen Jordan arrived at 9:30 a.m. When asked for her vote in this matter, Ms. Jordan voted in favor of the Motion.

**CONSENT AGREEMENTS & AFFIDAVITS:**

- 1 Case No. EE-3544  
Providence Community Action Program & RI Laborers' District Council,  
**UNIT CLARIFICATION: Case Management Supervisor, Deputy Director,  
Employment Specialist, Office Manager,  
Project Leader**

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Joseph Mulvey and seconded by John Capobianco to acknowledge and accept the parties' signed agreement; that the positions of Case Management Supervisor, Deputy Director, Employment Specialist, Office Manager, Project Leader shall be and is hereby accreted into the bargaining unit as defined by Certification No. EE-3544. After discussion, all Board Members present voted in favor of the Motion.

Frank Montanaro arrived at 9:15 a.m. When asked for his vote in this matter, Mr. Montanaro voted in favor of the Motion.

Ellen Jordan arrived at 9:30 a.m. When asked for her vote in this matter, Ms. Jordan voted in favor of the Motion.

2. Case No. EE-3365  
State of RI, Judicial & RI Laborers' District Council,  
**UNIT CLARIFICATION: Deputy Clerk /Interpreters (5 Positions)**

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Joseph Mulvey and seconded by John Capobianco to acknowledge and accept the parties' signed agreement; that the positions of Deputy Clerk /Interpreters (5 Positions) shall be and is hereby accreted into the bargaining unit as defined by Certification No. EE-3365. After discussion, all Board Members present voted in favor of the Motion.

Frank Montanaro arrived at 9:15 a.m. When asked for his vote in this matter, Mr. Montanaro voted in favor of the Motion.

Ellen Jordan arrived at 9:30 a.m. When asked for her vote in this matter, Ms. Jordan voted in favor of the Motion.

**Frank Montanaro arrived at 9:15 a.m.**

**CASES CONCLUDED:**

**Frank Montanaro recused himself from participation in this matter**

- 1 Case No. EE-1445  
City of Providence & Local 799, IAFF  
**Unit Clarification: Deputy Assistant Chief, Battalion Chief, Fire Marshall,  
Deputy Fire Marshall**

This case was heard formally by Chairman Walter Lanni, Joseph V. Mulvey, John Capobianco, Gerald Goldstein, and Elizabeth Dolan. Ellen Jordan reviewed the transcripts and briefs in this matter.

After review, a Motion was made by Joseph Mulvey and seconded by John Capobianco to include the nine (9) positions of Deputy Assistant Chief, Battalion Chief, Fire Marshall, and Deputy Fire Marshall into the bargaining unit as defined in Case No. EE-1445. After discussion, Walter Lanni voted in favor of the Motion. Gerald Goldstein and Elizabeth Dolan opposed the Motion. Staff shall contact Ellen Jordan for her vote in this matter.

Ellen Jordan arrived at 9:30 a.m. When asked for her vote in this matter, Ms. Jordan opposed the Motion. The Motion failed.

**DRAFTED DECISIONS:**

- 1 Case No. ULP-5506  
Bristol Warren School & NEA

A Motion was made by Elizabeth Dolan and seconded by Joseph Mulvey to table this matter to the next Board Meeting. All Board members voted in favor of the Motion.

2. Case No. ULP-5657  
Department of Corrections & RIBCO

A Motion was made by Elizabeth Dolan and seconded by Joseph Mulvey to table this matter to the next Board Meeting. All Board members voted in favor of the Motion.

3. Case No. ULP-5689  
State of RI & RI Council 94, AFSCME, AFL-CIO

A Motion was made by Elizabeth Dolan and seconded by Joseph Mulvey to table this matter to the next Board Meeting. All Board members voted in favor of the Motion.

4. Case No. ULP-5697  
City of Newport & Newport FOP

A Motion was made by Elizabeth Dolan and seconded by Joseph Mulvey to table this matter to the next Board Meeting. All Board members voted in favor of the Motion.

**MISCELLANEOUS MATTERS:**

- 1 Case No. EE-3655 (**Superior Court #03-6341**)  
State of RI – Fire Marshall's Office & RI Laborers' District Council, Local 1033  
**Review of Court Ruling**

Attorney Hogan apprised the Board of the Superior Court's Decision to reverse the Board's Decision in this matter.

2. Case No. EE-3541 (**Superior Court #PC03-5843**)  
City of Pawtucket & RI Council 94, AFSCME, AFL-CIO

Attorney Hogan apprised the Board of the Superior Court's Decision to uphold the Board's Decision in this matter.

Ellen Jordan arrived at 9.30 a.m.

Gerald Goldstein made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practice Charges and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by John Capobianco, and it was unanimously

**VOTED:** for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 9:35 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.

**UNFAIR LABOR PRACTICE CHARGES:**

- 1 Case No. ULP-5750  
Woonsocket School Department & RI Council 94, AFSCME, AFL-CIO

**DETERMINATION:** issue Complaint and proceed to formal hearing

2. Case No. ULP-5753  
State of Rhode Island & RI Council 94, AFSCME, AFL-CIO

**DETERMINATION:** to table this matter to the next Board Meeting

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A Motion to adjourn was made by Elizabeth Dolan, and it was seconded by Ellen Jordan, and it was unanimously,

**VOTED:** to adjourn the meeting at 9:45 a.m.

DRAFT