

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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1511 Pontiac Avenue

Building 73, 2ndfloor

Cranston, Rhode Island 02920-4407

Website: www.dlt.rLQov/lrb

OPEN MINUTES

BOARD MEETING

TIME:

DATE:

PLACE:

9:00 a.m.

Tuesday, October 27,2009

1511 Pontiac Ave., Building #73, 3rdFloor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni, Chairman

John R. Capobianco

Frank Montanaro

Gerald Goldstein

Elizabeth Dolan

MEMBER ABSENT: Ellen Jordan

OTHERS PRESENT: Robyn H. Golden, Administrator

Lisa L. Ribezzo, Labor Board Case Agent

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

a.m.

All Board Members reviewed the Open Minutes of the September 17, 2009 Board Meeting. A

Motion was made by John Capobianco and seconded by Elizabeth Dolan 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:

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-3115

State of Rhode Island - Department of Transportation & Local 400, International Federation of Professional and Technical Engineers, (IFPTE)

(Chief Implementation Aide)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a

Motion was made by Elizabeth Dolan and seconded by John Capobianco, to acknowledge and

accept the parties' signed agreement; that the position(s) of Chief Implementation Aide, shall be

and is hereby accreted into the bargaining unit as defined by Certification No. EE-3115. After

discussion, all Board Members present voted in favor of the Motion.

Motion passed.

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2. Case No. EE-3704

State of Rhode Island - Department of Environmental Management & Local 400, International

Federation of Professional and Technical Engineers, (IFPTE) (Clerk Secretary)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a

Motion was made by John Capobianco and seconded by Elizabeth Dolan, to acknowledge and

accept the parties' signed agreement; that the position(s) of Clerk Secretary, shall be and is

hereby accreted to the bargaining unit as defined by Certification No. EE-3704. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

3. Case No. EE-3690

**Town of East Greenwich & RI Laborers District Council, Local 1322
(Administrative Assistant)**

After review of the Consent Agreement and Affidavit executed and presented by the parties, a

Motion was made by John Capobianco and seconded by Elizabeth Dolan, to acknowledge and

accept the parties' signed agreement; that the position(s) of Administrative Assistant, shall be

and is hereby accreted to the bargaining unit as defined by Certification No. EE-3690. After

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

UNIT CLARIFICATION/ACCRETION CASES:

1. Case No. EE- 1679

**Middletown School Department & NEA Middletown/NEARI
(Technology Specialist)**

After review of the Investigator's report, a Motion was made by Frank Montanaro and seconded

by Gerald Goldstein to accept the Investigator's report as written; thus, to preliminarily exclude

the position of Technology Specialist from the bargaining unit as

defined in Certification No.

EE-1679. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

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2. Case No. EE-3152

**State of RI- Department of Labor and Training&RI Council94,
AFSCME,AFL-CIO**

(Supervisor of Vocational Rehabilitation)

**After review of the Investigator's report and the Employer's response,
a Motion was made by**

**Frank Montanaro and seconded by Gerald Goldstein to accept the
Investigator's report as written;**

thus, to preliminarily exclude the position of Supervisor of Vocational Rehabilitation from the bargaining unit as defined in Certification No. EE-3152. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

DRAFTED DECISION AND ORDERS:

1. Case No. ULP- 5901

Newport School Department & RI Council 94, AFSCME, AFL-CIO

A Motion was made Elizabeth Dolan and seconded by Frank Montanaro to table this matter until the next monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Case No. EE- 3690

Town of West Greenwich & RI Laborers District Council, Local 1322

A Motion was made Elizabeth Dolan and seconded by Frank Montanaro to table this matter until the next monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

MISCELLANEOUS MATTERS:

1. Drafted Rules and Regulations

All Board Members present reviewed the proposed Amended changes to the Board's Rules and Regulations submitted by the Administrator of the Board. A Motion was made by Gerald Goldstein

and seconded by Frank Montanaro to accept the proposed Amended changes by the Administrator as written. After discussion, all Board Members present voted in favor of the Motion.

Motion passed.

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A Motion was made by Gerald Goldstein and seconded by Elizabeth Dolan to schedule the public

hearing on the proposed Amended changes for December 1, 2009, if requested, in accordance

with the R.I. General Laws Section 42-35-3. After discussion, all Board Members present voted in

favor of the Motion. Motion passed.

2. Case No. ULP-5966

City of East Providence & International Brotherhood of Police Officers (IBPO)

(Motion for Reconsideration)

A Motion was made by John Capobianco and seconded by Elizabeth Dolan to table this matter until the next monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

Frank Montanaro made a Motion for the Board to go into Closed Session for the purpose of reviewing the Unfair Labor Practice Charges, Miscellaneous Matters, and the Minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. John Capobianco seconded the Motion 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 9:40 a.m.

The meeting resumed in open session at 9:45 a.m. for the purposes of reading into the minutes, the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CASES:

1. Case No. ULP- 5969

Town of North Providence & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: matter administratively dismissed.

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2. Case No. ULP-5977

East Providence School Committee & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: uphold the charge, issue a Complaint, and proceed to formal hearing.

3. Case No. ULP- 5981

City of Providence & International Association of Fire Fighters (IAFF)

DETERMINATION: uphold the charge, issue a Complaint, and proceed

to formal hearing.

4. Case No. ULP- 5982

**Providence School Committee & RI Laborers' District Council, Local
1033**

DETERMINATION: matter tabled.

5. Case No. ULP- 5983

**RI School for the Deaf, Board of Trustees & RI School for the Deaf
Teachers'**

Association/NEARI

**DETERMINATION: uphold the charge, issue a Complaint, and proceed
to formal hearing.**

MISCELLANEOUS MATTERS:

1. RI.G.L. 42-46 Open Meeting Act

DETERMINATION: matter tabled.
