



Rhode Island State Labor Relations Board

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

OPEN MINUTES BOARD MEETING

TIME: 9:00 a.m.
DATE: Tuesday, September 20, 2011
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter Lanni
Frank Montanaro
Ellen Jordan
John R. Capobianco
Gerald Goldstein
Elizabeth Dolan

OTHERS PRESENT: Robyn H. Golden, Administrator
Lisa L. Ribezzo, Labor Board Case Agent
Margaret L. Hogan, Esq.

Chairman Lanni called the meeting to order in Open Session at 9:15 a.m.

All Board Members present reviewed the Open Minutes of the June 28, 2011 Board Meeting. A Motion was made by Elizabeth Dolan and seconded by John Capobianco to accept the Open Minutes as written, and it was unanimously

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

A Motion was made by Frank Montanaro, and seconded by Gerald Goldstein to amend the order of the Agenda to accommodate the interested parties who were in attendance, for informational purposes, regarding the following two (2) cases. After discussion, all Board Members voted in favor of the Motion. Motion passed.

REPRESENTATION CASES:

1. Case No. EE- 3721
City of Providence & United Public Safety Officers of Rhode Island & International Association of Fire Fighters (IAFF)

A Motion was made Frank Montanaro and seconded by John Capobianco to hold this matter until a full Board has been appointed for determination on how to proceed. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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MISCELLANEOUS MATTERS:

1. ULP- 6039
City of Cranston & Todd Patalano (Individual)

After review of the Request for Reconsideration submitted on behalf of the aforementioned individual, through his Attorney, Joseph Penza, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to deny the Request for Reconsideration. After discussion, Gerald Goldstein voted in favor of the Motion. Walter Lanni, Frank Montanaro, and John Capobianco opposed the Motion. Motion failed.

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-3064
State of Rhode Island – Department of Human Services & RI Alliance of Social Service Employees, SEIU, Local 580 (**Professional Services Coordinator [3 positions]; Chief Casework Supervisor**)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank Montanaro and seconded by Ellen Jordan to acknowledge and accept the parties' signed agreement; that the position(s) of **Professional Services Coordinator [3 positions] and Chief Casework Supervisor**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3064. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No. EE-3227
State of Rhode Island – Department of Business Regulation & RI Alliance of Social Service Employees, Service Employees International Union (SEIU), Local 580 (**Chief Public Protection Inspector; Chief of Auto Body**)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Elizabeth Dolan and seconded by Frank Montanaro to acknowledge and accept the parties' signed agreement; that the position(s) of **Chief Public Protection Inspector**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3227; and that the position of **Chief of Auto Body** shall be and is hereby **excluded** from the bargaining unit as defined by Certification No. EE-3227. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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3. Case No. EE-3039-3042
City of Providence & RI Laborers District Council, Local 1033 (**6 various positions**)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank Montanaro and seconded by Gerald Goldstein to acknowledge and accept the parties' signed agreement; that the position(s) of **Database Administrator, Business System Analyst, Application Programmer/Analyst, System Engineer, Junior Systems Analyst/Desktop Administrator, and Lead Production Services Operator**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3039-3042. After discussion, all Board Members voted in favor of the Motion. Motion passed.

4. Case No. EE-3039-3042
City of Providence & RI Laborers District Council, Local 1033 (**Energy Manager**)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank Montanaro and seconded by Ellen Jordan to acknowledge and accept the parties' signed agreement; that the position(s) of **Energy Manager**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3039-3042. After discussion, all Board Members voted in favor of the Motion. Motion passed.

CONCLUDED CASES:

1. Case No. ULP- 5996
Portsmouth School Committee & NEA Portsmouth

Walter Lanni, Frank Montanaro, John Capobianco, and Gerald Goldstein heard this matter formally; Ellen Jordan and Elizabeth Dolan reviewed the transcript(s) and briefs, as well as the evidence submitted therein.

After review of the above-entitled matter, a preliminary Motion was made by Frank Montanaro and seconded by John Capobianco to uphold the charge and find that the Employer had committed an Unfair Labor Practice; and that this matter be referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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2. Case No. ULP- 6017
State of RI – Department of Education & RIDE Professional Employee's Union,
Local 2012, AFT

Walter Lanni, Frank Montanaro, John Capobianco, Gerald Goldstein, Ellen Jordan, and Elizabeth Dolan heard this matter formally; Frank Montanaro reviewed the transcript(s) and briefs, as well as the evidence submitted therein.

After review of the above-entitled matter, a preliminary Motion was made by Walter Lanni and seconded by Elizabeth Dolan to uphold the charge and find that the Employer had committed an Unfair Labor Practice; and that this matter be referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect. After discussion, all Board Members voted in favor of the Motion. Motion passed.

3. Case No. ULP- 6024
Portsmouth School Committee & NEA Portsmouth /NEARI

Walter Lanni, John Capobianco, and Gerald Goldstein heard this matter formally; Frank Montanaro, Ellen Jordan, and Elizabeth Dolan reviewed the transcript(s) and briefs, as well as the evidence submitted therein.

After review of the above-entitled matter, a preliminary Motion was made by Frank Montanaro and seconded by John Capobianco to uphold the charge and find that the Employer had committed an Unfair Labor Practice; and that this matter be referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect. After discussion, all Board Members voted in favor of the Motion. Motion passed.

4. Case No. EE-3265
East Providence School Committee & East Providence Teacher Assistant Association/ NEARI
(Conflict Resolution Specialists (2))

Walter Lanni, John Capobianco, Gerald Goldstein, Ellen Jordan, and Elizabeth Dolan heard this matter formally; Frank Montanaro reviewed the transcript(s) and briefs, as well as the evidence submitted therein.

After review of the above-entitled matter, a preliminary Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to **exclude** the position(s) of **Conflict Resolution Specialists** from the bargaining unit as defined in Case No. EE-3265; and that this matter be referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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DECISION AND ORDERS:

1. Case No. ULP- 5827
State of RI – Department of Administration, Department of Education, Department of Health & RI Council 94, AFSCME, AFL-CIO

This case was heard formally by Frank Montanaro, John Capobianco, Gerald Goldstein, Elizabeth Dolan, and Ellen Jordan. Walter Lanni reviewed the transcript(s) and briefs, as well as the evidence submitted therein.

After review of the drafted Decision, a Motion was made by John Capobianco and seconded by Frank Montanaro to sign the Decision and Order, as written. After discussion, all Board Members voted in favor of the Motion and did sign the Decision and Order, as written.

ORDER: The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

2. Case No. ULP- 5955
Board of Governors for Higher Education - URI & URI/AAUP Part-Time Faculty United (PTFU)

This case was heard formally by Walter Lanni, Frank Montanaro, John Capobianco, Gerald Goldstein, Elizabeth Dolan, and Ellen Jordan. All parties reviewed the briefs, as well as the evidence submitted therein.

After review of the drafted Decision, a Motion was made by Elizabeth Dolan and seconded by John Capobianco to sign the Decision and Order, as written. After discussion, all Board Members voted in favor of the Motion and did sign the Decision and Order, as written.

ORDER: The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

MISCELLANEOUS MATTERS:

1. Case No. EE- 3717
Central Falls Detention Facility Corporation & Fraternal Order of Police, Lodge 50

A Motion was made Elizabeth Dolan and seconded by Frank Montanaro to decline issuing a Declaratory Judgment in this matter, at this time. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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2. State of RI – Rhode Island College – Board of Governors & RIC/AFT Adjunct Faculty Union, Local 1563, AFT (Request for Conciliation)

On August 9, 2011, this Board received correspondence from Michael J. Mullane, on behalf of the RIC/AFT Adjunct Faculty Union, Local1563, AFT, requesting that a Conciliator be appointed in accordance with RI General Law §36-11-8 in an attempt to resolve collective bargaining negotiation issues between the State of Rhode Island – Rhode Island College and RIC/AFT Adjunct Faculty Union, Local1563, AFT.

After review, a Motion was made by John Capobianco and seconded by Frank Montanaro to appoint Attorney Margaret Hogan, to act on the Board's behalf as Conciliator between the State of Rhode Island – Rhode Island College and RIC/AFT Adjunct Faculty Union, Local1563, AFT. After discussion, all Board Members voted in favor of the Motion. Motion passed.

TRANSFER PETITION CASES:

1. Case No. EE- 1714/3133/3161
State of RI – RI Judiciary & RI Council 94, AFSCME, AFL-CIO

A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to move this matter to the end of the Open Agenda for the purpose of addressing other issues as so noted above.

After review of the documentation submitted by both parties, a Motion was made Ellen Jordan and seconded by Frank Montanaro to deny the request for consent of Transfer. After discussion, all Board Members voted in favor of the Motion. Motion passed.

Gerald Goldstein made a Motion for the Board to go into Closed Session for the purpose of reviewing the Unfair Labor Practice Charges, Miscellaneous Matter(s), and the Minutes to be closed, pursuant to R.I.G.L. 42-46-5(a)(2)(4) of the Open Meetings Law. Ellen Jordan 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 10:15 a.m.

The meeting resumed in open session at 10:40 a.m. for the purposes of reading, into the minutes, the determinations made by the Board in Closed Session.



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UNFAIR LABOR PRACTICE CASES:

1. Case No. ULP- 6029
Town of Charlestown & Teamsters, Local 251

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

2. Case No. ULP- 6040
Town of Middletown & Teamsters, Local 251

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

3. Case No. ULP- 6041
Providence School Board & Providence Teachers Union / Adele Matile

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

4. Case No. ULP- 6044
Providence School Board & Providence Teachers Union / Sandra Hamlin

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

5. Case No. ULP- 6047
Providence School Board & Providence Teachers Union

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

6. Case No. ULP- 6048
Providence School Board & Providence Teachers Union / George Latos

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

7. Case No. ULP- 6049
Providence School Board & Providence Teachers Union / Donna Salvo

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



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8. Case No. ULP- 6050
Providence School Board & Providence Teachers Union / George Latos

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

9. Case No. ULP- 6053
Town of North Providence & Fraternal Order of Police, Lodge 13

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

10. Case No. ULP- 6054
South Kingstown School Committee & NEA South Kingstown

DETERMINATION: motion to dismiss.

11. Case No. ULP- 6055
Town of North Smithfield/Town Council & RI Council 94, AFSCME, AFL-CIO

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

12. Case No. ULP- 6056
Town of Portsmouth & National Association of Government Employees, Local 79

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

13. Case No. ULP- 6059
Town of North Providence & Fraternal Order of Police, Lodge 13

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

MISCELLANEOUS MATTERS:

1. Case No. ULP- 6041-6050
Providence School Board & Providence Teachers Union (**Motion to Consolidate**)

DETERMINATION: consolidation granted.



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2. Case No. 6060/6061
Central Falls School Committee /Board of Trustees & Central Falls Teachers' Union /AFT

DETERMINATION: no action to be taken.

3. Case No. 6037
City of Woonsocket & International Association of Fire Fighters (IAFF)

DETERMINATION: on for informational purposes only.

A Motion to adjourn was made by Ellen Jordan and seconded by Frank Montanaro and it was unanimously,

VOTED: to adjourn the meeting at 10:45 a.m.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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