STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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, April 29, 2014
PLACE: 1511 Pontiac Ave., Building #73, 3RD Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE:
Walter Lanni
Frank Montanaro
Gerald S. Goldstein
Marcia B. Reback
Scott G. Duhamel
Bruce A. Wolpert

MEMBERS ABSENT: Elizabeth S. Dolan

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

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

All Board Members reviewed the Open Minutes of the February 25, 2014 Board Meeting. A Motion was made by Frank J. Montanaro and seconded by Marcia B. Reback to accept the Open Minutes as written, and it was unanimously

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

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-3646
   Town of Johnston & RI Laborers' District Council, Local 808

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank J. Montanaro and seconded by Marcia B. Reback to acknowledge and accept the parties' signed Agreement; that the position(s) of **Finance Officer** and **Town Clerk** shall be accreted into the bargaining unit defined in Case Number EE-3646; and that the position(s) of **Budget Analyst, Clerk of Court,** and **Town Planner** shall be excluded from the bargaining unit defined in Case No. EE-3646. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Case No. EE-3496A
   Cumberland Fire District & Cumberland Fire Fighters, International Association of Fire Fighters (IAFF), AFL-CIO (Merger and name change)

After review of the Consent Agreements and Affidavits executed and presented by the parties, a Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro to acknowledge and accept the parties' signed Agreements; agreeing to the creation of the Cumberland Fire District, as well as a request for a name change for the bargaining unit Representative from the International Association of Fire Fighters (IAFF) to the Cumberland Fire Fighters, International Association of Fire Fighters (IAFF), Local 4114, AFL-CIO, subsequent to an Agreement entered into by the parties in 1993. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

CONCLUDED CASES:

1. Case No. ULP-6119
   Town of North Providence & Fraternal Order of Police (FOP), Lodge 13

Walter J. Lanni, Frank J. Montanaro, Gerald S. Goldstein, Marcia B. Reback, and Bruce A. Wolpert heard this matter formally. The aforementioned Board Members, as well as Scott G. Duhamel 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 J. Montanaro and seconded by Scott G. Duhamel to uphold the violation as it relates to Section 28-7-13 (6) and (10); 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, Walter J. Lanni, Frank J. Montanaro, Gerald S. Goldstein, and Marcia B. Reback, voted in favor of the Motion. Bruce A. Wolpert opposed the Motion. Motion passed.

DRAFTED CASES:

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

A Motion was made Bruce A. Wolpert and seconded by Scott G. Duhamel to table this matter until the next applicable monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

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2. Case No. EE-3729
   Rhode Island Board of Regents – Department of Education & RIDE Legal Counsel/Hearing Officer Professional Union (Directed Election)

This case was heard formally by Walter Lanni, Frank Montanaro, Gerald S. Goldstein, Elizabeth S. Dolan, Marcia B. Reback, Scott G. Duhamel, and Bruce A. Wolpert. All Board Members reviewed the transcript(s) and briefs, as well as the evidence submitted therein.

After review of the drafted Decision and Order, a Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro to sign the Decision and Order, as written, and to refer the case back to the Administrator 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 did sign the signature page of the Decision and Order, as written. Motion passed.

ORDER: DIRECTED that an election by secret ballot shall be conducted within thirty (30) days hereafter, under the supervision of the Board or its Agents, at a time, place and during hours to be fixed by the Board, among the Legal Counsel/Hearing Officers employed by the Rhode Island Board of Regents/ Department of Education who were employed on November 9, 2012, to determine whether they wish to be represented, for the purposes of collective bargaining, as provided for in the Act, by RIDE Legal Counsel/Hearing Officer Professional Union, or by no labor organization.

3. Case No. ULP-6074
   State of Rhode Island – Rhode Island College & PSA@RIC

This case was heard formally by Walter Lanni, Frank Montanaro, Ellen Jordan, Gerald S. Goldstein, Elizabeth S. Dolan and John R. Capobianco. Only Walter J. Lanni, Frank J. Montanaro, Elizabeth S. Dolan, and Gerald S. Goldstein reviewed the transcript(s) and briefs, as well as the evidence submitted therein. Ellen L. Jordan participated in the preliminary vote on the matter, taken on April 9, 2013 to uphold the violations noted. However, as a result of Board Member, Ellen L. Jordan, no longer representing this Board, as well as the passing of Board Member John R. Capobianco, their names will not appear above as voting Members and signing the Decision and Order as written.

After review of the drafted Decision, a Motion was made by Frank J. Montanaro and seconded by Gerald S. Goldstein to sign the Decision and Order, as written, and to refer the case back to the Administrator of the Board for final proofing; with the direction to issue the same as soon as possible. After discussion, Walter J. Lanni, Frank J. Montanaro, and Gerald S. Goldstein, voted in favor of the Motion and signed the Decision and Order as written. Current Board Members Marcia B. Reback, Scott G. Duhamel and Bruce A. Wolpert did not participate in any aspect of

this matter; thus, they are refraining from participation in the voting and signing of this Decision and Order as written. Motion passed.

ORDER: 1) The Employer is hereby ordered to Cease and Desist from permitting any non-Union employees from performing work that was previously performed by the Director Alumni Relations and the Assistant Director of Development and Annual Fund, as those positions are described by Union Exhibits #1 and #3 and as outlined on Union Exhibit #5. 2) The Employer is hereby ordered to pay to the Union, a sum of money, which is equal to the amount of dues at the normal rate that would have been paid by the Union Members, since the filing of this petition, for each and every non-union position that is performing duties that previously appeared on Union Exhibits #1 and #3. In addition, to the extent that any of the duties that were previously performed by the former Assistant Director of Alumni Relations position are still being performed by any employee not in the bargaining unit, the Union is entitled to a sum of money, which is equal to the amount of dues at the normal rate that would have been paid by a Union Members for that position, if it is an additional separate position than as ordered in the previous sentence. 3) The Employer is hereby ordered to post a copy of this Decision and Order for period of sixty (60) days on all common area bulletin boards for which notices for employees are posted.

4. Case No. ULP-6086
   RI Board of Governors for Higher Education & University of Rhode Island (URI)/American Association of University Professors (AAUP)

Matter on by error; matter passed.

5. Case No. ULP-6102
   Town of North Smithfield & RI Council 94, AFSCME, AFL-CIO

A Motion was made Bruce A. Wolpert and seconded by Scott G. Duhamel to table this matter until the next applicable monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

6. Case No. ULP- 6099
   City of Pawtucket & RI Council 94, AFSCME, AFL-CIO

A Motion was made Bruce A. Wolpert and seconded by Scott G. Duhamel to table this matter until the next applicable monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

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MISCELLEANOUS MATTERS:

1. Case No. ULP- 6071
   Town of North Kingstown & North Kingstown Fire Fighters, Local 1651, International Association of Fire Fighters (IAFF) (Motion to Modify Portion of Decision and Order)

After review of the Motion submitted in the above-entitled matter, a Motion was made by Frank J. Montanaro and seconded by Marcia B. Reback to grant the Motion to Modify Portion of Decision and Order; thus, to reflect the change in dates from December 19, 2011 to October 28, 2011 for the commencement of negotiations. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Case No. ULP- 6117
   City of Woonsocket & International Brotherhood of Police Officers (IBPO), Local 404
   (Motion to Dismiss; Motion to Stay)

Motion to Dismiss: After review of the Motion submitted in the above-entitled matter, a Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro to deny the Motion to Dismiss. After discussion, Walter J. Lanni, Frank J. Montanaro, Gerald S. Goldstein, Marcia B. Reback, and Scott G. Duhamel, voted in favor of the Motion. Bruce A. Wolpert was opposed to the Motion. Motion passed.

Motion to Stay: After review of the Motion submitted in the above-entitled matter, a Motion was made by Marcia B. Reback and seconded by Bruce A. Wolpert to deny the Motion to Stay. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

A Motion was then made by Marcia B. Reback for the Board to go into Closed Session for the purpose of reviewing the Unfair Labor Practice Charges and the Miscellaneous matters, pursuant to R.I.G.L. 42-46-5(a) (2) (4) of the Open Meetings Law. Bruce A. Wolpert seconded the Motion and it was unanimously

VOTED: by all Board Members present for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 9:55 a.m.

The meeting resumed in open session at 10:00 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-6128
   State of Rhode Island – Department of Corrections & RI Probation & Parole Association

DETERMINATION: Matter administratively dismissed.

2. Case No. ULP-6130
   Exeter – West Greenwich Regional School District & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: Matter administratively dismissed.

3. Case No. ULP-6132
   State of Rhode Island – Department of Health & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: Matter administratively dismissed.

MISCELLANEOUS MATTERS:

1. ULP-5899
   City of Providence & International Association of Fire Fighters (IAFF), Local 799

DETERMINATION: Matter administratively dismissed.

2. ULP-5906
   City of Providence & International Association of Fire Fighters (IAFF), Local 799

DETERMINATION: Matter administratively dismissed.

3. ULP-5981
   City of Providence & International Association of Fire Fighters (IAFF), Local 799

DETERMINATION: Matter administratively dismissed.

4. ULP-5977
   Town of Scituate & International Association of Fire Fighters (IAFF)

DETERMINATION: Matter administratively dismissed.

A Motion to adjourn was made by Scott G. Duhamel and seconded by Bruce A. Wolpert, and it was unanimously,

VOTED: to adjourn the meeting at 10:05 a.m.