

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
BEFORE THE RHODE ISLAND STATE LABOR RELATIONS BOARD

IN THE MATTER OF

CITY OF EAST PROVIDENCE

-AND-

UNITED STEELWORKERS
OF AMERICA, Local 15509

CASE NO: EE-1976

Unit Clarification: Municipal Court
Clerk Teller(s) and Municipal Court
Administrator

DECISION AND ORDER

TRAVEL OF CASE

The above matter came on to be heard on two Requests for Unit Clarification (hereinafter Petitions) for the positions of "Municipal Court Clerk Tellers" and "Municipal Court Administrator" The petitions were filed with the Rhode Island State Labor Relations Board (hereinafter "Board") on February 3, 1999, and February 16, 1999, respectively, by the United Steelworkers of America (hereinafter "Union").

Pursuant to R. I. G. L. 28-7-9 (b) (5), an informal hearing was held on March 31, 1999. Representatives of the Union and the Employer were in attendance and provided information to the Board's Investigative Agent. In January 2001, the Board's Agent conducted an investigation into these requests. Upon conclusion of the investigation, the Board's Agent forwarded a copy of his five (5) page written report for the positions of Municipal Court Clerk Teller(s), as well as his five (5) page written report for the position of Municipal Court Administrator, to both the Union and the Employer. On February 13, 2001, the Employer submitted written responses to the Agent's reports.

On March 20, 2001, the Board reviewed the Investigator's reports and made a preliminary determination that the positions of Municipal Court Clerk Teller(s) and Municipal Court Administrator should be included within the bargaining unit. The matter then proceeded to formal hearing, pursuant to R. I. G. L. 28-7-9 (b) (5). The formal hearing was held on June 5, 2001. and representatives of the Union and the Employer were all in attendance and were

¹ The Board was without the services of an Investigative Agent for the two year period of December 1998 to January, 2001.

provided with full and ample opportunity to present evidence and to examine and cross examine witnesses. Neither party presented any witness testimony, but instead chose to argue the merits of the case based upon the information already contained in the record by virtue of the Investigator's reports.

FINDINGS OF FACT

- 1) The Respondent, City of East Providence, is an "Employer" within the meaning of the Rhode Island State Labor Relations Act.
- 2) The United Steelworkers of America is a labor organization, which exists and is constituted for the purpose, in whole or in part, of collective bargaining relative to wages, rates of pay, hours, working conditions and all other terms and conditions of employment and of dealing with employers concerning grievances or other mutual aid and protection.
- 3) On January 20, 1972, the East Providence Municipal Employees Association was certified by the Board to represent: "Clerk Typists I-II, Clerk Steno. II, Library Aid, Accounting Clerks 1-2-3, Inspectors 1-2 (Minimum Housing Div.), Bldg. Custodians 1-2, Switchboard Operator, Tabulating Machine Operator, Purchasing Aid, Assessment Aid 2, Planing Technician excluding Sec. to Personnel Director, Sec. to Finance Director and Sec. to Director of Public Works."
- 4) On October 22, 1982, the East Providence Municipal Employees Association became affiliated with the United Steelworkers of America.
- 5) Pursuant to R. I. G. L. 28-7-9 (b) (5) both an informal and formal hearing were conducted in this matter.
- 6) The East Providence Municipal Court was created by a City Ordinance and consists of the positions of Judge, Clerk Teller and Court Administrator. The positions are not within the civil service system and are filled by appointment.
- 7) At one point, both Municipal Court Clerk Teller positions were full-time, but one is now part-time. They generally work a regular work week, Monday through Friday, except on Thursdays when Court is in session from 5:00 p. m. - 7:30 p. m.
- 8) The wage rate for the Municipal Court Clerk Teller(s) is approximately \$10.00 per hour, which is somewhat lower than the other positions within the proposed bargaining unit (\$5,000.00 per year). According to the City's Personnel Director, these employees (Tellers

and Administrator) otherwise receive the same benefits as other City employees, (i.e., health care coverage, vacation, sick leave, personal leave).

9) The Municipal Court Clerk Tellers provide various clerical services to the Municipal Court including: typing, preparation of documents pertaining to enforcement of the rules and regulations governing the operation of the Municipal Court, data entry, answering telephones, compose and compile weekly court schedules, collect fines & court costs, fees and penalties; prepare legal instruments and court documents; receive and open mail; work with attorneys, police and court personnel in conducting the business of the court; order office supplies and refer inquiries to the appropriate state, city or federal authority.

10) Neither of the Municipal Court Clerk Tellers are involved in labor relations/negotiations.

1) The Municipal Court Administrator provides administrative and clerical services to the Court including: coordination and preparation of all documents pertaining to the enforcement of motor vehicle/traffic, parking, minimum housing violations; prepares court calendars for arraignments and trials; prepares suspensions and warrants, collects fines and court costs, oversees and assists court personnel with duties, processes bi-weekly payroll; prepares reports; attends meetings as required by Court to ensure compliance with established guidelines; performs all the functions of Municipal Court Clerk Tellers and operates all office equipment and computer software.

12) The Municipal Court Administrator does not have the authority to hire, fire or suspend employees. The Municipal Court Administrator does not participate in labor relations/negotiations.

13) Both the Municipal Court Clerk Tellers and the Municipal Court Administrator positions are primarily clerical.

CONCLUSIONS OF LAW

1 The position of Municipal Court Clerk Teller is neither managerial, supervisory, nor confidential and is eligible for collective bargaining.

2 The position of Municipal Court Clerk Teller shares a sufficient community of interest with the Petitioning bargaining unit.

3) The position of Municipal Court Administrator is neither managerial, supervisory nor confidential and is eligible for collective bargaining.

- 4) The position of Municipal Court Administrator shares a sufficient community of interest with the Petitioning bargaining unit.**

ORDER

- 1) The positions of Municipal Court Clerk Teller(s) and Municipal Court Administrator shall be and are hereby accreted to the certification in Case No. EE-1976.**

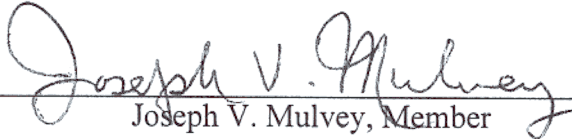
RHODE ISLAND STATE LABOR RELATIONS BOARD



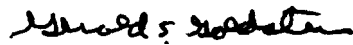
Walter J. Lanni, Chairman




Frank J. Montanaro, Member



Joseph V. Mulvey, Member



Gerald S. Goldstein, Member



Ellen L. Jordan, Member



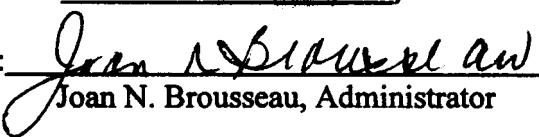
John R. Capobianco, Member



Elizabeth S. Dolan, Member

Entered as an Order of the
Rhode Island State Labor Relations Board

Dated: December 11, 2001

By: 
Joan N. Brousseau, Administrator