

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

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IN THE MATTER OF

TOWN OF COVENTRY

Respondent

CASE NO: EE-2041 &  
EE-2049

- AND -

R COUNCIL 94, AFSCME, AFL-CIO  
Petitioner

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**DECISION AND ORDER**

**TRAVEL OF CASE**

The above matter came on to be heard on a Request for Clarification (hereinafter Petition) for five positions: Clerk (Police Department), Assistant Animal Control Officer, Clerk (Town Clerk's Office), Clerk (Public Works) and Maintenance Worker. The petition was filed with the Rhode Island State Labor Relations Board (hereinafter "Board") on May 26, 1998 by Rhode Island Council 94, AFSCME, AFL-CIO (hereinafter Petitioner). The matter was scheduled for an informal hearing for June 19, 1998, but was postponed on several occasions by the agreement of the parties. The matter was ultimately heard informally on July 15, 1998. The Employer's representative was unable to be present, but the Union representative did appear. A copy of the Investigator's report was sent to both parties with instructions that written comments and objections to the recommendations contained therein would be accepted for a period of thirty (30) days After the date of the informal hearing. On August 18, 1998, the Employer filed a letter which objected in part to the Investigators' recommendations. The Employer sought to continue to exclude some of the employees on the basis that they were only part time employees. As to the position which had become full time since the filing of the petition, the Employer withdrew its objection.

On December 10, 1999, the Board, through its Agent, notified the Employer that a formal hearing was scheduled for March 2, 2000. This notice informed the Employer that Chapter 9.4 of Title 28 was amended in 1989 to permit part time employees the right to engage in collective bargaining. The notice also indicated that the formal hearing could be waived by the parties in the event that they signed a waiver, indicating that the

positions could be accreted. No agreement was filed and the Board convened a formal hearing as scheduled on March 2, 2000. The Employer failed to appear and after hearing from the Union that the Employer was not planning on attending, the Board conducted the hearing.

The Union's case established that the position of Clerk I, with a work week of approximately 7.5 hours per week, in the Town Hall is held by Darlene Brown. The second Clerk's position is held by Louise Tallman, who works 19.75 hours per week in the Public Works Office. The third position is Animal Control Officer, held by John Russell who works approximately 20 hours per week. The fourth position is a Police Department maintenance worker, held by Doug Silverman, who works approximately 20 hours per week. All of these employees work side by side with other members of the two bargaining units and perform the same duties as members of the bargaining units.

#### FINDINGS OF FACT

- 1) The Petitioner, Rhode Island Council 94, AFSCME, AFL-CIO, 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.
- 2) The Respondent is a Municipal Employer within the meaning of the Rhode Island State Labor Relations Act and Chapter 9.4 of Title 28 of the Rhode Island General Laws.
- 3) All four of the positions sought (Clerk I, Clerk Public Works, Animal Control Officer and Maintenance Worker) are part time positions.
- 4) On November 8, 1972, in Case No. EE-2041, R. Public Employees Council 70, AFSCME, AFL-CIO, was certified as the bargaining agent for: Laborers, Truck Drivers, Highway Maintenance, Heavy Equipment Operators, and all other highway personnel excluding highway supervisors.
- 5) On February 6, 1973, in Case No. EE- 2049, R.I. Public Employees Council 70, AFSCME on behalf of Coventry Town Employees was certified as the bargaining

agent for: All clerical employees in the Town of Coventry excluding highway department, all school employees and all E. E. A. employees.

**CONCLUSIONS OF LAW**

- 1) Part-time municipal workers have the right to collectively bargain, pursuant to the R.I.G.L. 28-9.4-2.
- 2) The position of Clerk (Public Works) held by Louise Tallman has a community of interest with the other positions covered by EE-2041.
- 3) The positions of Clerk I - held by Darlene Brown, Animal Control Officer - held by John Russell, and Maintenance Worker - held by Doug Silverman, all have a community of interest with the other positions covered by EE-2049.

**ORDER**

- 1) The position of Clerk (Public Works) held by Louise Tallman shall be and is hereby accreted to the certification in Case No. EE-2041
- 2) The position of Clerk I, held by Darlene Brown and the position of Animal Control Officer, held by John Russell and the position of Maintenance Worker, held by Doug Silverman shall be and are hereby accreted to the certification in Case No. EE-2049.

**RHODE ISLAND STATE LABOR RELATIONS BOARD**

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Elizabeth S. Dolan, Member

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

Dated: October 24, 2000

By: *Joan N. Brousseau*  
Joan N. Brousseau, Administrator