

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

IN THE MATTER OF

STATE OF RHODE ISLAND,
FIRE MARSHALL'S OFFICE

-AND-

CASE NO.: EE-3655

RHODE ISLAND LABORERS' DISTRICT
COUNCIL ON BEHALF OF LOCAL UNION 1033

DECISION AND DIRECTION OF ELECTION

The above-entitled matter came on to be heard on a Petition by Employees for Investigation and Certification of Representatives (hereinafter "Petition"), filed by the Rhode Island Laborers' District Council on behalf of Local Union 1033 (hereinafter "Union"), on June 5, 2002; wherein the Petitioner sought to represent the Chief Deputy, Chief of Inspections, and the Chief of Investigations in the Fire Marshall's Office. The Petition was accompanied by signature cards which, if verified, were sufficient in number to warrant the conducting of an election.

An informal hearing on the Petition was conducted by the Board's Investigative Agent on Thursday, August 15, 2002, which was attended by representatives of both the Petitioner and the Respondent-Employer. The Employer objected to the formation of the bargaining unit and the inclusion of these three positions in any bargaining unit, on the grounds that these employees were supervisory and/or managerial employees and ineligible for collective bargaining. On January 28, 2003, a formal hearing was conducted. Upon conclusion of the hearing, the parties agreed to depose one (1) witness and submit the transcript to the Board for its consideration. The parties submitted post hearing briefs by the end of July 2003, and the matter was considered by the Board at its August 12, 2003 meeting.

DISCUSSION

Under Rhode Island law, certain employees are permitted to engage in collective bargaining (See Title 28, Chapter 7, et seq., the Rhode Island State Labor Relations Act.) Supervisory and managerial employees are excluded from collective bargaining for various public policy and labor stability concerns.

Supervisory Employees:

¹ Although this procedure was followed in an attempt to expedite the hearing process, the deposition proved difficult to conclude due to several scheduling problems and illnesses. The deposition was finally taken on May 21, 2003.

In the Board of Trustees, Robert H. Champlin Memorial Library v. Rhode Island State Labor Relations Board, 694 A.2d 1185, 189 (R.I. 1997), the Rhode Island Supreme Court adopted the following federal definition of “supervisor”

“any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.” (29 U.S.C. § 152(11))

Under federal labor law, this list of supervisory function has been determined to be disjunctive; that is, a supervisor is an individual with the authority to undertake any one of these functions. Rest Haven Living Center, Inc. 322 NLRB, no. 33, 53 LRRM 132 (1996). It also includes individuals who possess the authority to recommend any of the foregoing actions. However, as a practical matter, an individual who fails to exercise any of the indicia of statutory authority will rarely be found to be a supervisor. Capitol Transit Company, 14 NLRB 617, 37 LRRM 1005 (1955) enforced, 38 LRRM 2681 (D.C. 1956)

Determining whether an individual uses independent judgment in the exercise of functions indicative of supervisory status is extraordinarily fact intensive analysis. N.L.R.A. Law & Practice 2.03 (4) In analyzing the indicia of “assignment” and “responsibly directing” employees, it is clear that “not all assignments and directions given by an employee involve the exercise of supervisory authority. As stated by the Fifth Circuit:

‘If any authority over someone else, no matter how insignificant or infrequent, made an employee a supervisor, our industrial composite would be predominantly supervisory. Every order giver is not a supervisor. Even the traffic director tells the president of a company where to park his car.’” N.L.R.A. Law & Practice 2.03 (4) citing Providence Hospital, 320 NLRB 717 (1996).

Determining whether an employee has used independent judgment in making an assignment requires careful analysis of the facts. For example, work assignments made to equalize work on a rotational basis or assignment based on skills when the differences in skills are well known to the employee is routine. Further, assigning tasks that clearly fall within an employee’s job description does not require the use of “independent judgment”.

Finally, since the definition of “supervisor” is highly specific and requires a legal conclusion, the statement of employees who either claim or agree they are “supervisors” is not given extensive weight by the Board. In the experience of this Board, there are many occasions when an employee would like to believe that he or she is a supervisor or that a job⁸ description claims that an employee is responsible for supervising others. However, when a detailed

examination is made of the employee's actual authority to undertake the actions as described in the definition of supervisor, many times the employee fails the "test". For instance, there have been occasion when an employee erroneously thinks he or she is a supervisor because he or she has simply initialed time cards of employees who have reported their hours or who have made assignment to employees within the scope of their regular duties. Therefore, the Board analyzes the actual authority of employees against their statements or job descriptions and makes a legal conclusion as to whether positions are supervisory or not.

Managerial employees:

"Managerial" employees are employees who "formulate and effectuate management policies by expressing and making operative the decisions of their employers." Fraternal Order of Police, Westerly Lodge 10 v. Town of Westerly, 659 A.2d 1104,1107 (1995); State v. Local 2883 AFSCME, 463 A.2d 186, 190 (1983) citing and quoting in part NLRB v. Bell Aerospace Co., 416 U.S. 267, 278 (1974). Managerial employees must exercise discretion within or even independently of established employer policy and must be aligned with management. N.L.R.B. v Yeshiva University, 444 U.S. 672 (1980). An employee may be excluded as managerial only if he represents management interests by taking or recommending discretionary actions that control or implement employer policy. Id. "Employees whose decision-making is limited to the routine discharge of professional duties in projects to which they have been assigned cannot be excluded from coverage even if union membership arguably may involve some divided loyalty. Only if an employee's activities fall outside the scope of the duties routinely performed by similarly situated professionals will he be found aligned with management." Id at 690.

Therefore, each of the three (3) contested positions must be examined in light of the foregoing definitions of supervisory and managerial employees. In reaching its decisions herein, the Board has reviewed and considered the testimony of the witnesses and has considered the documentary evidence submitted during the formal hearings.

FINDINGS OF FACT & CONCLUSIONS OF LAW
General Findings of Fact

- 1) Irving James Owens presently serves as the Fire Marshall for the State of Rhode Island. (TR. p. 55)
- 2) The hierarchy of positions within the State of Rhode Island's Office of the Fire Marshall is accurately depicted on Joint Exhibit #2. There are 21 "full-time equivalent" ("FTE") positions, seven (7) of which are presently vacant. (TR. p. 56)

- 3) All the positions are within the bargaining unit represented by Local 808, except for the Chief Deputy, the Chief of Investigations, and the Chief of Inspections (the petitioned for positions). (TR. p. 56)
- 4) The Chief Deputy Fire Marshall has acted as the Fire Marshall on 12- 15 different occasions when the Fire Marshall has been either on vacation, ill, or attending seminars or educational programs. (TR. p. 57)
- 5) The office of the Fire Marshall deals with both civil and criminal matters pertaining to fire safety and investigations. (TR. p 58)
- 6) The Fire Marshall testified that the Chief Deputy Fire Marshall has the full capacity within which to operate the office of the Fire Marshal when the Deputy is acting as the Fire Marshall. (TR. p. 58) The Fire Marshall testified that he requests that the Deputy contact him when anything important happens, such as a death. (TR. p. 58) The Deputy does not need to report to the Fire Marshall when he is away, on normal, run-of-the-mill duties or the functions of the daily routine. (TR. p. 57) The Fire Marshall testified that when he is away from his duties, he notifies the Governor's office by letter, includes emergency contact numbers and indicates that the Chief Deputy Fire Marshall will be in charge during the Fire Marshall's absence. (TR. p. 60) The granting of authority to the Chief Deputy Fire Marshall during the Fire Marshall's absence does not include the ability to fire employees. (TR. p 79) The Fire Marshall has not discussed in detail with the Chief Deputy Fire Marshall, the extent of the authority being handed over to the Deputy when he is acting as the Fire Marshall. (TR. p. 81, 82, 86)
- 7) The Fire Marshall has the sole authority on reallocating or transferring personnel, subject to the limitations and provisions of the collective bargaining agreement. (TR. p. 59)
- 8) The Fire Marshall selects the members for the interview panels. Some of those interviewers are members of the bargaining unit. (TR. p. 74) The Fire Marshall testified that when he receives the hiring lists from the interview panels, that the lists generally do not indicate any positive or negative comments about the various candidates. There have been a few occasions when the Fire Marshall received remarks from the panel regarding the candidate's attire and comments that the candidates did not really have knowledge of the job and what it entails. (TR. p. 63) On those occasions, the Fire Marshall relied on the panel's observations and did not hire those candidates. (TR. p. 63) During a recent hiring of one David Curran for the position of Fire Inspector, the panel's list of names contained no recommendation to the Fire Marshall. (TR. p. 76, Union Exhibit #1)
- 9) The Fire Marshall testified that there had been one occasion when he received a complaint from one of the clerical workers within the inspection division that a fire inspector was interfering with her work. He testified that he spoke to Mr. Howe who, in turn, spoke to the offending inspector and that the problem was resolved. (TR. p. 65)
- 10) The Fire Marshall testified that on one occasion, one of the fire inspectors accidentally discharged his weapon while at the ACI. In response, several investigations were conducted, and the state police removed the inspector's weapon. The Fire Marshall's office held the weapon for a six-month period and conducted re-training. The Fire Marshall testified that the recommendation for the six-month re-training period came from the Chief of Investigations. (TR. p. 66)
- 11) When personnel within the Fire Marshall's office wish to utilize vacation time, they first submit their request to the Chief of their division and then the matter is forwarded to the Fire Marshall or the Chief Deputy Fire Marshall. (TR. p. 67)
- 12) The Fire Marshall testified that Chief Deputy DiMascolo informed him that there was an employee who was making long distance toll calls on a frequent basis and that Chief Deputy DiMascolo resolved the problem. The Fire Marshall testified that he did not speak to the offending employee about the problem., but that he asked Chief Deputy DiMascolo to speak to the offending employee. (TR. p. 68, 71)
- 13) The Fire Marshall testified that he received complaints from four women concerning alleged interference with their work by a fire inspector. The Fire Marshall testified that he spoke to

the Chief of Inspections, Mr. Howe, and asked him to speak to the offending employee. (TR. p. 73)

Chief Deputy Fire Marshall
FINDINGS OF FACT

- 1) Mr. R. Michael DiMascolo has been employed as the Chief Deputy Fire Marshall for the State of Rhode Island since 1998. (TR. p. 9) Previous to being appointed as the Chief Deputy Fire Marshall, Mr. DiMascolo served ten (10) months as the part-time director of the Rhode Island Fire Academy. (TR. p. 9)
- 2) According to Joint Exhibit #2, which is a flowchart of positions, there are several divisions that report to the Chief Deputy Fire Marshall. These are: Investigations, Technical, Plan Review, Inspections, and Clerical. (TR. p. 10)
- 3) Joint Exhibit #1C, which is a job description for the Chief Deputy Fire Marshall, accurately describes the duties and responsibilities of the position, except that Mr. DiMascolo does not have wide latitude for the exercise of initiative and independent judgment because he has been told by the Fire Marshall to clear everything through him. (TR. p. 23, 32)
- 4) Mr. DiMascolo's duties include making sure that all the functions of the various divisions are moving along. (TR. p. 10) He agreed that he plans, organizes, coordinates, supervises and reviews the work of a staff of professional, technical, and clerical personnel. He assists the Fire Marshall in the operation of the Division of Fire Safety. The Chief Deputy is responsible for coordinating the implementation of state and federal fire codes, laws, regulations, and policies relating to fire safety. (TR. p. 23-24)
- 5) When the Fire Marshall's office is hiring, Mr. DiMascolo has participated on a panel of three (3) to four (4) people to review applications and conduct interviews. Upon conclusion of the process, the panel then submits a roster of five (5) names to the Fire Marshall in alphabetical order. (TR. p. 11, 12)
- 6) When submitting the list of recommendations from the panel, no one has ever asked Mr. DiMascolo for his opinion of a specific recommendation for hiring. (TR. p. 12)
- 7) Of the most recent hiring panel on which Mr. DiMascolo served, there was also a member of the fire education and training board, and the director of the fire academy, both of whom are union members. (TR. p. 11)
- 8) Mr. DiMascolo does not have any ability to transfer employees from one division to another within the Office of the Fire Marshall. The Fire Marshall does the transferring of employees. (TR. p. 13-14)
- 9) Mr. DiMascolo has never issued a written or oral warning to an employee, never suspended an employee, nor fired, nor laid-off anyone. (TR. p. 15) Mr. DiMascolo has not been led to believe that he has authority to take any such actions. (TR. p. 16) Mr. DiMascolo has removed a letter of reprimand from an employee's file after the six (6) month period, which had been agreed to between the Fire Marshall and the disciplined employee. (TR. p. 14)
- 10) Upon learning from the central business office of some discrepancies in long distance phone charges in the office of the Fire Marshall, Mr. DiMascolo brought the matter to the Fire Marshall for discussion on what action to take. (TR. p. 27)
- 11) Mr. DiMascolo has never promoted any employee; the Fire Marshall handles promotions. (TR. p. 18)
- 12) Whenever Mr. DiMascolo has been presented with any employee grievances, he has turned them over to the Fire Marshall for resolution. (TR. p. 19)
- 13) Mr. DiMascolo does not believe that he has the authority to discipline employees, suspend employees, terminate employees, transfer employees, promote employees, reward employees or adjust grievances. (TR. p. 20)

- 14) When the Fire Marshall is absent from work, for whatever reason, Mr. DiMascolo serves as the Fire Marshall but does not undertake any matters without prior discussion with the Fire Marshall, with the exception of routine office functions. (TR. p. 21)
- 15) At one point in time, Mr. DiMascolo attended some classes on federal compliance with nursing home safety and fire code regulations on nursing homes and was responsible for updating the Fire Marshall on these issues. (TR. p. 28) When the office was behind in fire inspections, Mr. DiMascolo served in the capacity of an Inspector, until inspections were caught up. (TR. p. 28)
- 16) Approximately 18 people are "under" Mr. DiMascolo on the organizational chart of the Office of the Fire Marshall. (Joint Exhibit #2; TR. p. 31)
- 17) When the Fire Marshall plans to be away from the job, he sends a letter to the Governor's Office indicating that, while the Fire Marshall is away, the Chief Deputy Fire Marshall is in charge. The Fire Marshall usually hands a copy of this letter to the Chief Deputy Fire Marshall and tells him that he can get in touch with the Fire Marshall via pager or cell phone. (TR. p. 32)
- 18) Despite the Chief Deputy Fire Marshall's job description, which suggests a position of greater latitude and responsibilities, it is clear to this Board, from the testimony on this case, that the Fire Marshall retains tight control on all aspects of his office and delegates no real supervisory authority to any other employee, including Mr. DiMascolo - the "second-in-command".

CONCLUSIONS OF LAW

- 1) Mr. DiMascolo does not have the authority, in the interest of his employer, to hire, fire, transfer, suspend, lay-off, recall, promote, discharge, reward, or discipline employees, or to effectively recommend such action, or to adjust grievances.
- 2) The authority to responsibly direct employees exercised by Mr. DiMascolo does not require the use of independent judgment, and he is not permitted to exercise the same. Mr. DiMascolo's decision-making authority is limited to merely routine or clerical matters. Therefore, the position of Chief Deputy Fire Marshall is not a supervisory position, as that term is defined by labor law.
- 3) There is no evidence on the record to support a finding that the position of Chief Deputy Fire Marshall is an employee who formulates or effectuates management policies, or who takes or recommends discretionary actions that control or implement the Employer's policies. Therefore, the position of Chief Deputy Fire Marshall is not a managerial position, as that term is defined by labor law.

Chief of Inspections FINDINGS OF FACT

- 1) Mr. William Howe has been employed as the Chief of the Inspections Division within the Office of the Fire Marshall for approximately 28 years. (TR. p. 36-37)
- 2) His duties include the responsibility of inspections and code enforcement within buildings in the State of Rhode Island. (TR. p. 37) Within the "command structure," as depicted on the flow chart, Mr. Howe's office falls under the Chief Deputy Fire Marshall and the Fire Marshall. (TR. p. 37)
- 3) Joint Exhibit #1A, which is a job description for the Chief of the Inspections, accurately describes the duties and responsibilities of the position. (TR. p. 43) Mr. Howe plans, organizes, coordinates, supervises, and reviews the work of a staff in conducting fire safety inspections and surveys. (TR. p. 43)
- 4) Mr. Howe issues assignments to the fire inspectors, reviews their assignments, and corrects the format (not the content or results of the inspections) of their written reports, if need be. (TR. p. 44, 52) When the inspectors want vacation time or a personal day, Mr. Howe "signs off" on the request. (TR. p. 44) There are occasions when the Fire Marshall assigns

inspections to individual inspectors, without clearing the same with Mr. Howe. (TR. p. 51, 61)

- 5) When the Fire Marshall's Office is hiring Fire Inspectors, Mr. Howe participates on a board to conduct interviews with standardized stock questions, which are the same every time. (TR. p. 38) The candidates being interviewed have been screened by Personnel for minimum qualifications, prior to the interviews. (TR. p. 45) Upon conclusion of the process, the interview board then submits a roster of names to the Fire Marshall. (TR. p. 38, 39) Mr. Howe believes that all the names are submitted to the Fire Marshall with some type of ranking. The last time that Mr. Howe participated on a hiring Board was in approximately 2001. (TR. p. 51)
- 6) Although fire inspectors are frequently transferred to other units within the Division of Fire Safety, the Fire Marshall performs the function of transferring these employees; Mr. Howe has no role or say in that process. (TR. p. 40)
- 7) Mr. Howe has no role in disciplining employees. (TR. p. 41, 42) Mr. Howe testified that he had no recollection of any problems with a female clerical worker claiming that one of the fire inspectors was interfering with her work. (TR. p. 50)
- 8) Mr. Howe has never laid anyone off from work or recalled anyone from layoff. He has never been led to believe that he has any such authority. (TR. p. 41)
- 9) Mr. Howe was not aware of any grievances having been filed in his division, but if there was a grievance, it would go to the Chief Deputy Fire Marshall, and then to the Fire Marshall. (TR. p. 42)
- 10) Mr. Howe also is required to clear things with the Fire Marshall, prior to taking action and implementing certain matters, but such clearance is the exception, because most of what Mr. Howe does is routine. (TR. p. 44, 48)
- 11) Mr. Howe interacts with the fire inspectors on a daily basis. (TR. p. 49)

CONCLUSIONS OF LAW

- 1) Mr. Howe does not have the authority, in the interest of his employer, to hire, fire, transfer, suspend, lay-off, recall, promote, discharge, reward, or discipline employees, or to effectively recommend such action, or to adjust grievances.
- 2) The authority to responsibly direct employees exercised by Mr. Howe does not require the use of independent judgment, and he is not permitted to exercise the same. Mr. Howe's decision-making authority is limited to merely routine or clerical matters. Therefore, the position of Chief of Inspections is not a supervisory position, as that term is defined by labor law.
- 3) There is no evidence on the record to support a finding that the position of Chief of Inspections is an employee who formulates or effectuates management policies, or who takes or recommends discretionary actions that control or implement the Employer's policies. Therefore, the position of Chief of Inspections is not a managerial position, as that term is defined by labor law.

Chief of Investigations FINDINGS OF FACT

- 1) Mr. Henry F. Serbst was employed by the Fire Marshall's Office for twenty-nine (29) years, until his retirement in February 2003. He served as the as the Chief of Fire Investigations from 1984. (Depo. p. 4) Mr. Serbst submitted his paperwork to retire in August 2002 and had been out of work (injured) for approximately a year before that. (Depo. p. 25)
- 2) The function of the Investigations Division is to investigate all fires within the State of Rhode Island and determine the cause and origin of the fire. When a determination was made that a fire was set intentionally, the division would then have the responsibility to

follow through with a criminal investigation by interviewing suspects and witnesses; and, when possible, bring charges against a suspect. (Depo. p. 5-6)

- 3) Joint Exhibit #1 B, which is a job description for the Chief of the Investigations, accurately describes the duties and responsibilities of the position, with the exception of the reference to explosions, which is work performed by the bomb squad. (Depo. p. 15-16)
- 4) The Fire Investigators within the division reported to Mr. Serbst. (Depo. p. 6).
- 5) During the scope of his employment as Chief of Fire Investigations, Mr. Serbst never had the occasion to discipline, suspend, or terminate any employees. (Depo. p. 7) During the scope of his employment as Chief of Fire Investigations, Mr. Serbst never had the occasion to layoff, recall from layoff, transfer, promote, or recommend for promotion. (Depo. p. 10)
- 6) Mr. Serbst did participate on an interview panel several years ago, when the office was hiring a new investigator. When the panel concluded its work, it recommended an individual for the job, but another candidate was selected by the Fire Marshall. (Depo. p. 7-9)
- 7) On a few occasions, Mr. Serbst did receive copies of grievances that had been filed by employees, and he did provide a written response to the Fire Marshall, who decided how the grievance would be decided. (Depo. p. 11)
- 8) Mr. Serbst issued assignments to the fire investigators, reviewed their assignments, and corrected the format (not the content or results of the inspections) of their written reports, if need be. (Depo. p. 18) The Fire Marshall also involved himself in the manner in which assignments were given. For example, on one occasion, when there had been a large number of fires within the Town of West Warwick, the Fire Marshall told several individuals they were assigned to that investigation until they "caught the guy". (Depo. p. 27) The Fire Marshall also has occasionally spoken directly to individual fire investigators concerning their work. (Depo. p. 28)
- 9) When the inspectors want vacation time or a personal day, Mr. Serbst "signs off" on the request. (Depo. p. 19)
- 10) Mr. Serbst recalled the incident when one of the fire inspectors accidentally discharged his weapon at the ACI. When the employee returned to the office, Mr. Serbst directed him to write a complete report of the incident, which Mr. Serbst then submitted to the Fire Marshall. Mr. Serbst testified that he did not discipline the employee and that he did not believe that the Fire Marshall had done so either. (Depo. p. 23) Mr. Serbst testified that he did not permit the employee to carry his weapon for a while following the incident and that he retrained the employee on the proper use of the firearm. (Depo. p. 23-24)

CONCLUSIONS OF LAW

- 1) Mr. Serbst did not have the authority, in the interest of his employer, to hire, fire, transfer, suspend, lay-off, recall, promote, discharge, reward, or discipline employees, or to effectively recommend such action, or to adjust grievances.
- 2) The authority to responsibly direct employees exercised by Mr. Serbst does not require the use of independent judgment, and he is not permitted to exercise the same. Mr. Serbst's decision-making authority is limited to merely routine or clerical matters. Therefore, the position of Chief of Investigations is not a supervisory position, as that term is defined by labor law.
- 3) There is no evidence on the record to support a finding that the position of Chief of Investigations is an employee who formulates or effectuates management policies, or who takes or recommends discretionary actions that control or implement the Employer's policies. Therefore, the position of Chief of Investigations is not a managerial position, as that term is defined by labor law.

Community of Interest

The Petitioner has the burden of establishing that the positions sought for this bargaining unit of three (3) share a "community of interest" with each other sufficient to establish a unit for bargaining. The Respondent, in this case, has mistakenly concluded that the Petitioner's burden is to show a community of interest with the existing bargaining unit represented by the same Union. This petition is for a separate unit of three (3) Chiefs who should not be included within the bargaining unit of rank and file employees within the Fire Marshall's office.

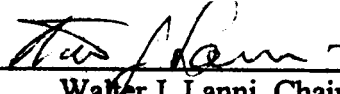
In this case, the three (3) positions are all employed within the Office of the Fire Marshall, which has a total of 21 employees. One (1) of the positions is located on the second tier of the office hierarchy, and the remaining two (2) positions fall within the third tier of the hierarchy. The minimum educational requirement for all three (3) positions is a high school education. All of the positions permit a combination of experience and education requirements in lieu of the minimums. (Joint Exhibits #1A, #1B, #1C.) None of the positions have previously been included within a collective bargaining unit, although other positions of the same hierarchy are included in the existing bargaining unit. All the positions require a thorough understanding of fire laws and regulations pertaining to fire safety. All three (3) of the positions report to, and interact directly with, the Fire Marshall. All are employed by the State of Rhode Island and are subject to the same personnel rules and regulations. Therefore, the Board finds that there is a community of interest sufficient to include these positions within the same bargaining unit.

DIRECTION OF ELECTION

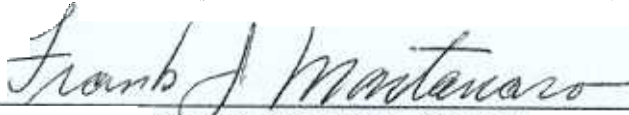
By virtue of and pursuant to the power vested in the Rhode Island State Labor Relations Board by the Rhode Island Labor Relations Act, it is hereby:

DIRECTED that an election by secret ballot shall be conducted within sixty (60) 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 Chief Deputy Fire Marshall, Chief of Inspections, and Chief of Investigations; employees of the State Fire Marshall's Office, who were employed as of the date of this order, to determine whether they wish to be represented, for the purposes of collective bargaining, as provided for in the Act, by the RI Laborers' District Council on behalf of Local Union 1033, or by no labor organization.

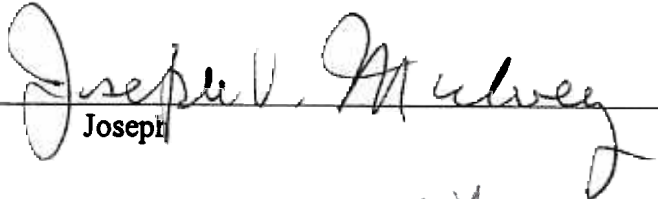
RHODE ISLAND STATE LABOR RELATIONS BOARD



Walter J. Lanni, Chairman



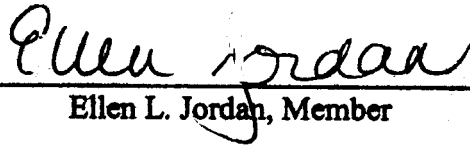
Frank J. Montanaro, Member



Joseph



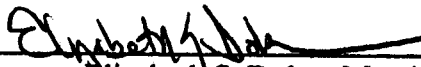
Gerald S. Goldstein, Member



Ellen L. Jordan, Member



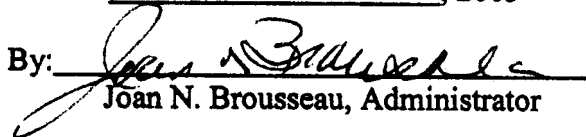
John R. Capobianco, Member



Elizabeth S. Dolan, Member

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

Dated: October 15, 2003

By: 
Joan N. Brousseau, Administrator