



Rhode Island State Labor Relations Board

Building 73
1511 Pontiac Avenue
Cranston, Rhode Island 02920-4407

CLOSED MINUTES BOARD MEETING

TIME: 9:00 a.m.
DATE: Tuesday, February 11, 2003
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE:

- Walter J. Lanni, Chairman
- Frank J. Montanaro
- Joseph V. Mulvey
- Gerald S. Goldstein
- Ellen L. Jordan
- John R. Capobianco
- Elizabeth S. Dolan

OTHERS PRESENT:

- Joan N. Brousseau, Administrator
- Linda L. Esposito, Secretary
- Martin E. Joyce, Jr., Investigator
- Margaret Hogan, Esquire

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

Ellen Jordan made a Motion for the Board to go into Closed Session for the purpose of reviewing Cases Concluded Formally, Unfair Labor Practice Charges and Miscellaneous Matters and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by Elizabeth Dolan, 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 9:40 a.m.

All members present reviewed the closed minutes of the January 16, 2003 Board Meeting. A Motion was made by Gerald Goldstein and seconded by Joseph Mulvey to amend the closed minutes in sections #2 and #3 under Miscellaneous Matters to include that "all Board members voted in favor of the Motion" and to accept the closed minutes as amended and it was unanimously

VOTED: by all Board Members present to accept the minutes as amended. The meeting continued in closed session:

UNFAIR LABOR PRACTICE CHARGES:

1. Case No. ULP-5645
Lime Rock Fire District & IAFF

Frank Montanaro has disqualified himself from participation in this case.

After review of the informal notes and discussion, a Motion was made by Ellen Jordan and seconded by Gerald Goldstein to dismiss this case in accordance with R. I. G. L. 28-7-9 (d). All participating Board Members voted in favor of the Motion.

2. Case No. ULP-5652
Dept. of Environmental Management & AFSCME

After review of the informal notes and discussion, a Motion was made by John Capobianco and seconded by Frank Montanaro to issue a Complaint and proceed to formal hearing. All Board Members voted in favor of the Motion.

3. Case No. ULP-5654
Warren & Steelworkers

After review of the informal notes and discussion, a Motion was made by Gerald Goldstein and seconded by Joseph Mulvey to issue a Complaint and proceed to formal hearing. After further discussion, Gerald Goldstein withdrew his Motion; and a Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to table this matter to give Attorney Hogan time to review the personnel statutes and open records law and the right to privacy in personnel files. All Board Members voted in favor of the Motion.

CASES CONCLUDED FORMALLY:

1. Case No. ULP-5506
Bristol/Warren School & NEA (*Motion to Dismiss*)

This case was heard formally by Walter Lanni, Gerald Goldstein, John Capobianco and Elizabeth Dolan. Joseph Mulvey, Ellen Jordan and Frank Montanaro reviewed the Employer's Motion to Dismiss, the Union's Objection to the Employer's Motion to Dismiss, and the transcript in this matter.

After review and discussion, a Motion was made by Joseph Mulvey and seconded by Frank Montanaro to deny the Employer's Motion to Dismiss based on the arguments presented by the parties at the formal hearing; and specifically, the argument presented by the union that this case is distinguishable from the RI Supreme Court DEM case, and to proceed to formal hearing relative to the issues involved in the Unfair Labor Practice Charge. All Board Members voted in favor of the Motion.

2. Case No. ULP-5548
Barrington & IBPO

This case was heard formally by Walter Lanni, Joseph Mulvey, Gerald Goldstein, Ellen Jordan, John Capobianco and Elizabeth Dolan. Frank Montanaro reviewed the transcripts and briefs in this matter.

After review and discussion, a Motion was made by Joseph Mulvey and seconded by John Capobianco to find that an Unfair Labor Practice was committed and to uphold the charge. Frank Montanaro voted in favor of the Motion. Elizabeth Dolan, Walter Lanni, Gerald Goldstein and Ellen Jordan voted against the Motion. Motion failed.

A Motion was made by Elizabeth Dolan and seconded by Gerald Goldstein to find that the employer did not commit an Unfair Labor Practice Charge and to issue an Order of Dismissal based on the substantive issues of the case. Walter Lanni and Ellen Jordan voted in favor of the Motion. Joseph Mulvey, John Capobianco and Frank Montanaro voted against the Motion. Motion passed.

MISCELLANEOUS MATTERS:

A Motion was made by Frank Montanaro and seconded by Joseph Mulvey to reappoint Attorney Margaret Hogan as the Board's Legal Counsel for FY2004 at a rate of \$135.00 per hour. All Board Members voted in favor of the Motion.

Ellen Jordan made a Motion that the Board Meeting resume in Open Session for the purposes of reading into the Open Minutes determinations made by the Board in Closed Session. It was seconded by Elizabeth Dolan and it was unanimously

VOTED: to resume the meeting in Open Session at 10:05 a.m.