



# Rhode Island State Labor Relations Board

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

## OPEN MINUTES BOARD MEETING

**TIME:** 9:00 a.m.  
**DATE:** Tuesday, March 23, 2004  
**PLACE:** 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

**BOARD MEMBERS IN ATTENDANCE:** Walter J. Lanni, Chairman  
Frank J. Montanaro  
Joseph V. Mulvey  
Gerald S. Goldstein  
John R. Capobianco  
Elizabeth S. Dolan  
Ellen L. Jordan

**OTHERS PRESENT:** Robyn H. Golden, Acting Administrator  
Linda L. Esposito, Secretary

**OTHERS ABSENT:** Margaret Hogan, Esquire

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Chairman Lanni called the meeting to order in Open Session at 9:05 a.m.

All members reviewed the Open Minutes of the January 29, 2004 Board Meeting. A Motion was made by Joseph Mulvey and seconded by John Capobianco to accept the Open Minutes as written, and it was unanimously

**VOTED:** by all Board Members to accept the minutes as written.

The meeting continued in open session:  
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### UNIT CLARIFICATIONS (Investigations):

1. Case No. EE-1445  
Providence & Local 799, IAFF, AFL-CIO  
**UNIT CLARIFICATION:** Deputy Assistant Chiefs; Battalion Chiefs; Fire Marshall;  
Deputy Fire Marshall; Assistant Chief/Administration; Battalion  
Chief/Department Investigative Officer; and Assistant Chief/Operations.

**Frank Montanaro disqualified himself from participation in this matter.**

After review of the investigator's report and the Employer's response (no response was submitted by the Union), and after discussion, a Motion was made by Joseph Mulvey and seconded by John Capobianco to accrete the positions of Deputy Assistant Chiefs, Battalion Chiefs, Fire Marshall, and Deputy Fire Marshall, into the bargaining unit defined in Case No. EE-1445; that the positions of Assistant Chief/Administration and Battalion Chief/Department Investigative Officer shall remain excluded from the bargaining unit defined in Case No. EE-1445; and that the position of Assistant Chief/Operations is currently vacant and should be re-addressed at a later date when the position has been filled; and to proceed to formal hearing. All participating Board members voted in favor of the Motion.

**UNIT CLARIFICATIONS (Consent Agreement & Affidavit):**

1. Case No. EE-3133  
State of RI, Commissions & Agencies & AFSCME  
**UNIT CLARIFICATION: Administrative Clerk of Office Services; Special Projects Coordinator; Communications & Training Coordinator; Administrative Aide**

After review and discussion of the Consent Agreement & Affidavit executed and presented by the parties, a Motion was made by Joseph Mulvey and seconded by John Capobianco to acknowledge and accept the parties' agreement that the positions of Administrative Clerk of Office Services and Special Projects Coordinator shall remain excluded from the bargaining unit defined in Case No. EE-3133; and that the positions of Communications Training Coordinator and Administrative Aide shall be and are hereby included in the bargaining unit defined in Case No. EE-3133. All Board Members voted in favor of the Motion.

2. Case No. EE-3357  
Town of Foster & RI Laborers' District Council  
**UNIT CLARIFICATION: Tax Assessor**

After review and discussion of the Consent Agreement & Affidavit executed and presented by the parties, a Motion was made by Joseph Mulvey and seconded by Frank Montanaro to acknowledge and accept the parties' agreement that the position of Tax Assessor shall be and is hereby included into the bargaining unit defined in Case No. EE-3357. All Board Members voted in favor of the Motion.

**ELECTION PETITIONS:**

- 1 Case No. EE-3671  
State of RI, DCYF/Dept. of Human Services & SEIU, District 199

This case was heard formally by Walter Lanni, Joseph Mulvey, Frank Montanaro, John Capobianco, Elizabeth Dolan, Ellen Jordan and Gerald Goldstein.

After review and discussion of the transcripts and briefs, a Motion was made by Joseph Mulvey and seconded by John Capobianco to issue a Direction of Election for those providers who are certified as licensed Home Day Care Providers as of March 23, 2004. Said election shall be held within 60 days from the signing of the Decision and Order. Walter Lanni and Frank Montanaro voted in favor of the Motion. Gerald Goldstein, Elizabeth Dolan and Ellen Jordan opposed the Motion. Motion passed.

**DRAFTED DECISIONS:**

- Case No. ULP-5652  
D.E.M. & AFSCME

This case was heard formally by Walter Lanni, Joseph Mulvey, Gerald Goldstein, John Capobianco and Elizabeth Dolan. Frank Montanaro and Ellen Jordan reviewed the transcript and briefs of the parties.

- ORDER:**
- 1) The Employer's Motion to Dismiss based on subject matter jurisdiction is denied.
  - 2) The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

After review of the drafted decision, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to sign the Decision and Order, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order, as written. Joseph Mulvey, John Capobianco and Frank Montanaro signed the Decision as dissenting.

2. Case No. ULP-5485  
No. Kingstown & IBPO

No drafted decision was available for this Board Meeting. A Motion was made by Ellen

Jordan and seconded by Elizabeth Dolan to table this matter until the next Board Meeting on April 6, 2004. All Board Members voted in favor of the Motion.

3. Case No. ULP-5610  
Narragansett & IBPO

No drafted decision was available for this Board Meeting. A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to table this matter until the next Board Meeting on April 6, 2004. All Board Members voted in favor of the Motion.

**CASES CONCLUDED:**

1 Case No: EE-1707A/EE-3167  
Providence School & AFSCME & Laborers'  
**UNIT CLARIFICATION: Foreman (Central Supply Warehouse)**

This case was heard formally by Walter Lanni, John Capobianco and Joseph Mulvey. Gerald Goldstein, Elizabeth Dolan, Frank Montanaro and Ellen Jordan reviewed the transcript and the briefs submitted by the parties.

A Motion was made by Joseph Mulvey and seconded by Frank Montanaro to accrete the position of **Foreman (Central Supply Warehouse)** into the bargaining unit represented by RI Laborers' District Council defined in Case No. EE-3167. After discussion, all Board Members present voted in favor of the Motion.

2. Case No. ULP-5506  
Bristol/Warren School & NEARI

This case was heard formally by Walter Lanni, Frank Montanaro, Joseph Mulvey, Gerald Goldstein, John Capobianco, Elizabeth Dolan and Ellen Jordan.

A Motion was made by Joseph Mulvey and seconded by John Capobianco to uphold the charge and find that an Unfair Labor Practice had been committed. The Employer is ordered to cease and desist in its' retaliatory conduct towards Michael Twohey. After discussion, all Board Members voted in favor of the Motion.

3. Case No. ULP-5657  
Corrections & RIBCO

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

A Motion was made by Gerald Goldstein and seconded by Joseph Mulvey to uphold the charge and find that an Unfair Labor Practice had been committed. The Employer is ordered to negotiate with the Union. All Board Members voted in favor of the Motion.

4. Case No. ULP-5664  
West Warwick & AFSCME

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

A Motion was made by Joseph Mulvey and seconded by John Capobianco to uphold the charge and find that an Unfair Labor Practice had been committed. The Employer is ordered to abide by the Arbitrator's Award. All Board Members voted in favor of the Motion.

5. Case No. ULP-5673 (Employer's Petition)  
Coventry Fire District & IAFF

**Frank Montanaro disqualified himself from participation in this matter.**

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

A Motion was made by Joseph Mulvey and seconded by John Capobianco to dismiss the charge filed in this matter. Walter Lanni voted in favor of the Motion. Elizabeth Dolan, Gerald Goldstein and Ellen Jordan opposed the Motion. Motion failed. A Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to uphold the charge and order the Union to negotiate the Collective Bargaining Agreement with the Employer. Gerald Goldstein voted in favor of the Motion. Joseph Mulvey, John Capobianco and Walter Lanni opposed the Motion. Motion failed. The Unfair Labor Practice Charge is dismissed by effect.

**MISCELLANEOUS MATTERS:**

Legislation: H7862, was reviewed by the Board for informational purposes only.

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Frank Montanaro made a Motion for the Board to go into Closed Session for the purpose of reviewing 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 John Capobianco, 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 10:10 a.m.

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The meeting resumed in open session at 10:15 a.m. for the purposes of reading into the minutes the determinations made by the Board in Closed Session.

**MISCELLANEOUS MATTERS:**

1. Closed Minutes - October 14, 2003

**DETERMINATION:** That the Closed Minutes of the October 14, 2003 Board Meeting remains sealed to be reviewed at the April 6, 2004 Board Meeting.

2. Closed Minutes - December 9, 2003

**DETERMINATION:** That the Closed Minutes of the December 9, 2003 Board Meeting remains sealed to be reviewed at the April 6, 2004 Board Meeting.

3. Closed Minutes - January 29, 2004

**DETERMINATION:** That the Closed Minutes of the January 29, 2004 Board Meeting were sealed to be reviewed at the April 6, 2004 Board Meeting.

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A Motion to adjourn was made by Ellen Jordan, and it was seconded by Elizabeth Dolan, and it was unanimously,

**VOTED:** to adjourn the meeting at 10:20 a.m.