



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# 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, December 14, 2004  
**PLACE:** 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

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

**BOARD MEMBER ABSENT:** Frank J. Montanaro

**OTHERS PRESENT:** Robyn H. Golden, Acting Administrator  
Linda L. Esposito, Secretary  
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 October 12, 2004 Board Meeting. A Motion was made by Elizabeth Dolan and seconded by Gerald Goldstein 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:**

- 1 Case No. EE-3595  
Jamestown School & NEARI  
**UNIT CLARIFICATION: Bus Monitors (*Consent Agreement & Affidavit*)**

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Joseph Mulvey and seconded by Ellen Jordan to acknowledge and accept the parties' signed agreement; that the position of Bus Monitor shall be and is hereby accreted into the bargaining unit defined in Case No. EE-3595. After discussion, all Board members present voted in favor of the Motion.

**CASES CONCLUDED:**

- 1 Case No. EE-3669  
Scituate, Dept. of Public Works & Teamsters, Local 251  
Challenged Position: **Chief Mechanic**

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

After review, a Motion was made by Joseph Mulvey and seconded by John Capobianco to include the position of **Chief Mechanic** into the bargaining unit as defined in Case No. EE-3669. After discussion, Walter Lanni and Elizabeth Dolan voted in favor of the Motion. Gerald Goldstein and Ellen Jordan opposed the Motion. Motion passed.

Staff contacted Frank Montanaro for his vote in this matter; Mr. Montanaro voted in favor of the Motion.

2. Case No. ULP-5697  
Newport, Newport Police & Newport F.O.P., Local #8

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

After review, a Motion was made by Joseph Mulvey and seconded by John Capobianco to uphold the charge and find that an Unfair Labor Practice has been committed. The Employer is ordered to cease and desist; the Employer is also ordered to post the Board's Decision and Order in Newport City Hall for thirty (30) days on the Town Hall's

Notification Board. Elizabeth Dolan, Walter Lanni, and Ellen Jordan voted in favor of the Motion. Gerald Goldstein voted against the Motion. Motion passed.

Staff contacted Frank Montanaro for his vote in this matter; Mr. Montanaro voted in favor of the Motion.

**DRAFTED DECISIONS:**

- 1 Case No. ULP-5506  
Bristol Warren School & NEA

Attorney Hogan advised the Board that the written Decision and Order was not available for this meeting. A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to table this matter to the next Board Meeting on January 11, 2005. All Board members present voted in favor of the Motion.

- 2 Case No. ULP-5657  
Corrections & RIBCO

Attorney Hogan advised the Board that the written Decision and Order was not available for this meeting. A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to table this matter to the next Board Meeting on January 11, 2005. All Board members present voted in favor of the Motion.

- 3 Case No. ULP-5689  
State of RI & AFSCME

Attorney Hogan advised the Board that the written Decision and Order was not available for this meeting. A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to table this matter to the next Board Meeting on January 11, 2005. All Board members present voted in favor of the Motion.

- 4 Case No. ULP-5578/5596  
Tiverton School & AFSCME

Attorney Hogan advised the Board that the written Decision and Order was not available for this meeting. A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to table this matter to the next Board Meeting on January 11, 2005. All Board members present voted in favor of the Motion.

5. Case No. ULP-5700  
Labor & Training & AFSCME

Attorney Hogan advised the Board that the written Decision and Order was not available for this meeting. A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to table this matter to the next Board Meeting on January 11, 2005. All Board members present voted in favor of the Motion.

6. Case No. EE-2087  
Board of Regents & RIC Staff Association/AFT

Attorney Hogan advised the Board that the written Decision and Order was not available for this meeting. A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to table this matter to the next Board Meeting on January 11, 2005. All Board members present voted in favor of the Motion.

**MISCELLANEOUS MATTERS:**

1. Case No. EE-3644  
(Superior Court Case No. 02-47856)  
Richmond & AFSCME

Attorney Hogan apprised the Board of the Superior Court's Decision to uphold the Board's Decision in this matter.

2. Case No. ULP-5716  
West Warwick & AFSCME

The Acting Administrator advised the Board that the signed Settlement Agreement that was entered into the record at the November 16<sup>th</sup> formal hearing was not available at this time. The Union requested that this matter be continued to the next Board meeting. After further review of the matter, a Motion was made by Joseph Mulvey and seconded by John Capobianco to table this matter until the next Board meeting on January 11, 2005. After discussion, all Board members present voted in favor of the Motion.

3. Case No. ULP-5682 (*Request for Abeyance*)  
Coventry Fire District & IAFF

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

All participating Board members reviewed the Employer's request to hold the above-entitled matter in abeyance pending the outcome of the appeal of Case No. ULP-5673

(Employer's petition). A Motion was made by Joseph Mulvey and seconded by Elizabeth Dolan to table this matter until the next monthly Board meeting on January 11, 2005, in order for the Acting Administrator to contact the Union to request a written response to the Employer's request, with a copy to the Employer. All participating Board members present voted in favor of the Motion.

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Ellen Jordan made a Motion for the Board to go into Closed Session for the purpose of reviewing Unfair Labor Practice Charges and the minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded by Joseph Mulvey, 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 9:45 a.m.

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The meeting resumed in open session at 9:50 a.m. for the purposes of reading into the minutes the determinations made by the Board in Closed Session.

**UNFAIR LABOR PRACTICES:**

Case No. ULP-5704  
RI Airport & AFSCME

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

**DETERMINATION:** issue Complaint and proceed to formal hearing

2. Case No. ULP-5723  
Dept. of Transportation & Local 400, IFPTE

**DETERMINATION:** issue Complaint and proceed to formal hearing.

3. Case No. ULP-5726  
Smithfield & Laborers'

**DETERMINATION:** issue Complaint and proceed to formal hearing.

4. Case No. ULP-5730  
Narragansett Bay Commission & Laborers'

**DETERMINATION:** issue Complaint and proceed to formal hearing.

5. Case No. ULP-5731  
Human Services – Veteran's Home & UNAP, Local 5019

**DETERMINATION:** issue Complaint and proceed to formal hearing

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A Motion to adjourn was made by Joseph Mulvey, and it was seconded by Gerald Goldstein, and it was unanimously

**VOTED:** to adjourn the meeting at 9:55 a.m.