



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# Rhode Island State Labor Relations Board

Building 73  
1511 Pontiac Avenue  
Cranston, Rhode Island 02920-4407  
Website: [www.dlt.state.ri.us/lrb](http://www.dlt.state.ri.us/lrb)

## OPEN MINUTES BOARD MEETING

**TIME:** 9:00 a.m.  
**DATE:** Tuesday, August 9, 2005  
**PLACE:** 1511 Pontiac Ave., Building #73, 2<sup>nd</sup> Floor, Cranston, RI 02920

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

**BOARD MEMBERS 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 9:15 a.m.

All members present reviewed the Open Minutes of the June 14, 2005 Board Meeting and the June 30, 2005 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 present to accept the minutes as written.

The meeting continued in open session:

### CONCLUDED CASES:

1. Case No. ULP-5704  
RI Airport Corporation & AFSCME

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

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

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 by the Employer. After discussion, Walter Lanni, Ellen Jordan, Gerald Goldstein, and Elizabeth Dolan voted against the Motion. Motion failed.

A Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to dismiss the union's charge in this matter. After discussion, Walter Lanni and Gerald Goldstein voted in favor of the Motion. Joseph Mulvey and John Capobianco voted against the Motion. Motion passed.

2. Case No. ULP-5731  
State of RI, Veteran's Home & UNAP

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

After review, a Motion was made by Gerald Goldstein and seconded by Ellen Jordan to dismiss the union's charge in this matter. After discussion, Walter Lanni and Elizabeth Dolan voted in favor of the Motion. Joseph Mulvey and John Capobianco voted against the Motion. Motion passed. Staff will contact Frank Montanaro to obtain his vote on this motion.

Staff contacted Frank Montanaro for his vote in this matter. Mr. Montanaro voted against the Motion. Motion still passes.

**DRAFTED DECISIONS:**

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

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

**ORDER:** 1) The Employer is hereby ordered to cease and desist. 2) The Employer is ordered to post a copy of this decision and order for a period of thirty (30) days on all employee bulletin boards during the upcoming fall semester.

After review of the drafted decision, a Motion was made by Elizabeth Dolan and seconded by Gerald Goldstein 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. Staff will contact Frank Montanaro to obtain his vote on this Motion.

Staff contacted Frank Montanaro for his vote in this matter. Mr. Montanaro voted in favor of this Motion, and signed the Decision and Order, as written.

2. Case No. ULP-5711  
State of RI, Business Regulations (Racing & Athletics) & Laborers

**Gerald Goldstein abstained from voting in this matter.**  
**Frank Montanaro abstained from voting in this matter.**

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

**ORDER:** The Employer is hereby ordered to post a copy of this decision and order for a period of thirty (30) days on all employee bulletin boards utilized for employment notices within the Department of Business Regulation.

After review of the drafted decision, a Motion was made by Joseph Mulvey and seconded by John Capobianco to sign the Decision and Order, as written. After discussion, all participating Board Members voted in favor of the Motion and did sign the Decision and Order, as written.

3. Case No. EE-3406/EE-3575  
State of RI, Department of Health & RI Council 94 & NEARI  
**Unit Clarification: Sr. Human Services Policy and Systems Specialist**

This case was heard formally by Walter Lanni, Joseph Mulvey, John Capobianco, Gerald Goldstein, Ellen Jordan and Elizabeth Dolan. Frank Montanaro reviewed the Employer's Amended Response to the Petitioners' Petitions, the formal hearing transcripts, as well as the deposition transcripts in this matter. No briefs were filed in this case.

**ORDER:** 1) The petition to accrete the positions of Senior Human Services Policy and Systems Specialist to the bargaining unit certified by Case No. EE-3575 is hereby granted.  
2) The petition to accrete the positions of Senior Human Services Policy and Systems Specialist to the bargaining unit certified by Case No. EE-3406 is hereby denied and dismissed.

After review of the drafted decision, a Motion was made by Gerald Goldstein 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. Staff will contact Frank Montanaro to obtain his vote on this Motion.

Staff contacted Frank Montanaro for his vote in this matter. Mr. Montanaro voted in favor of this Motion, and signed the Decision and Order, as written.

4. Case No. EE-1445  
City of Providence & Local 799, IAFF

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

This case was heard formally by Walter J. Lanni, Joseph V. Mulvey, Gerald S. Goldstein, John R. Capobianco, and Elizabeth S. Dolan. Ellen Jordan reviewed the Employers' response, briefs and transcripts in this matter.

**ORDER:** 1) The Petition is 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 participating Board Members present voted in favor of the Motion and did sign the Decision and Order, as written.

5. Case No. EE-3682  
RI Turnpike and Bridge Authority & Service Employees International Union & United Service & Allied Workers of RI (USAW) & SEIU

At the June 14, 2005 Monthly Board Meeting, a Motion was made by Joseph Mulvey and seconded by Gerald Goldstein to dismiss the Petition for Investigation of Controversies as to Representation submitted by United Service & Allied Workers of RI (USAW) in the above-entitled case.

**ORDER:** 1) The Motions to Dismiss filed by the Employer and the Incumbent Union are hereby granted. 2) The Petition filed by the United Service and Allied Workers of Rhode Island for Certification of Representation is hereby dismissed.

After review of the drafted decision, a Motion was made by Gerald Goldstein and seconded by Elizabeth Dolan to sign the Decision and Order of Dismissal, as written. After discussion, all Board Members present voted in favor of the Motion and did sign the Decision and Order of Dismissal, as written. Staff will contact Frank Montanaro to obtain his vote on this Motion.

Staff contacted Frank Montanaro for his vote in this matter. Mr. Montanaro voted in favor of this Motion, and signed the Decision and Order, as written.

**MISCELLANEOUS:**

1. Case No. EE-3660  
Superior Court #03-3808  
City of Providence & RI Council 94, AFSCME, AFL-CIO

Attorney Hogan advised the Board Members that the Decision rendered by the Superior Court in this matter upheld the Board's Decision in Case No. EE-3660.

2. Case No. EE-3682  
RI Turnpike and Bridge Authority & Service Employees International Union & United Service & Allied Workers of RI (USAW) & SEIU

The Acting Administrator presented the Board with a copy of correspondence from USAW's Attorney of Record in regard to the above-entitled matter. After review and discussion, the Board instructed the Acting Administrator to respond to the Attorney of Record, in writing, regarding the Board's decision concerning this request.

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Gerald Goldstein made a Motion for the Board to go into Closed Session for the purpose of reviewing 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 10:00 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.

**UNFAIR LABOR PRACTICE CHARGES:**

1. Case No. ULP-5753  
Department of Administration & RI Council 94, AFSCME, AFL-CIO

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

2. Case No. ULP-5755  
Newport Housing Authority & Teamsters, Local Union #251

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

3. Case No. ULP-5759  
Town of North Smithfield & RI Council 94, AFSCME, AFL-CIO

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

**MISCELLANEOUS MATTERS:**

1. Closed Minutes – Tuesday, March 23, 2004

**DETERMINATION:** approved for publication.

2. Closed Minutes – Tuesday, February 8, 2005

**DETERMINATION:** approved for publication.

3. Drafted Rules and Regulations

**DETERMINATION:** tabled until next Board Meeting.

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

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