



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

OPEN MINUTES **BOARD MEETING**

TIME: 9:00 a.m.
DATE: Tuesday, December 13, 2005
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

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

BOARD MEMBER ABSENT: Joseph V. Mulvey

OTHERS PRESENT: Robyn H. Golden, Acting Administrator
Linda L. Esposito, Secretary
Margaret Hogan, Esquire

Chairman Lanni called the meeting to order in Open Session at 9:15 a.m.

All members present reviewed the Open Minutes of the October 18, 2005. A Motion was made by Frank Montanaro 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.

All members present reviewed the Open Minutes of the October 25, 2005. A Motion was made by Frank Montanaro 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.

All members present reviewed the Open Minutes of the November 22, 2005. A Motion was made by Frank Montanaro 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:

CONSENT AGREEMENT & AFFIDAVITS:

1. Case No. EE-1714
Department of Administration, Department of Human Services & RI
Council 94, AFSCME, AFL-CIO (*Transfer of positions*)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank Montanaro and seconded by John Capobianco to acknowledge and accept the parties' signed Agreement; that the seventy-five (75) positions within the Division of Child Support Enforcement, shall be and is hereby transferred from the bargaining unit as defined by Certification No. EE-1714 into the bargaining unit defined by Certification No. EE-2089. After discussion, all Board Members present voted in favor of the Motion.

CONCLUDED CASES:

1. Case No. ULP-5744
City of Cranston & International Brotherhood of Teamsters, Local 251

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

After review, a Motion was made by John Capobianco and seconded by Frank Montanaro to table this matter until the next Board Meeting. After discussion, all Board Members present voted in favor of the Motion.

2. Case No. ULP-5687
Town of Warren & IBPO, Local 470

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

After review, a Motion was made by Frank Montanaro 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 voted in favor of the Motion. Ellen Jordan, Elizabeth Dolan and Gerald Goldstein voted against the Motion.

Staff will contact Joseph Mulvey to obtain his vote on this motion.

Staff contacted Joseph Mulvey for his vote in this matter. Mr. Mulvey voted in favor of the motion. Motion passed.

Ellen Jordan left the meeting at 9:40 a.m.

3. Case No. ULP-5750
Woonsocket School Department & RI Council 94, AFSCME, AFL-CIO

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

After review, a Motion was made by Elizabeth Dolan and seconded by Gerald Goldstein to dismiss the charge and find that an Unfair Labor Practice has not been committed by the Employer. After discussion, Walter Lanni, Frank Montanaro and John Capobianco voted against the Motion. Staff will contact Joseph Mulvey and Ellen Jordan to obtain their votes on this motion.

Staff contacted Joseph Mulvey for his vote in this matter. Mr. Mulvey voted against this motion. Staff contacted Ellen Jordan for her vote in this matter. Ms. Jordan voted in favor of the motion. Motion failed. This matter shall be tabled until the next Board Meeting for further determination of the case.

DRAFTED DECISIONS:

1. Case No. ULP-5689
State of Rhode Island & RI Council 94, AFSCME, AFL-CIO

A Motion was made by Frank Montanaro and seconded by John Capobianco to table this matter until the next Board Meeting. After discussion, all Board Members present voted in favor of the Motion.

2. Case No. ULP-5704
RI Airport Corporation & RI Council 94, AFSCME, AFL-CIO

Frank Montanaro recused himself from participation in this matter.

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

ORDER: This Unfair Labor Practice Charge and Complaint in this matter are 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, 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 Joseph Mulvey and Ellen Jordan to obtain their votes on this motion.

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

Staff contacted Ellen Jordan for her vote in this matter. Ms. Jordan voted in favor of this Motion, and signed the Decision and Order, as written.

3. Case No. ULP-5706
Mental Health, Retardation and Hospitals & RI Council 94, AFSCME,
AFL-CIO

A Motion was made by Frank Montanaro and seconded by John Capobianco to table this matter until the next Board Meeting. After discussion, all Board Members present voted in favor of the Motion.

4. Case No. ULP-5567
RIBCO & Department of Corrections

A Motion was made by Frank Montanaro and seconded by John Capobianco to table this matter until the next Board Meeting. After discussion, all Board Members present voted in favor of the Motion.

MISCELLANEOUS:

1. Case No. EE-3412
Town of Scituate & IBPO (*Amendment of Certification of
Representatives*)

After review of the Stipulation Amending Composition of the Bargaining Unit defined by Certification No. EE-3412, executed and presented by the parties, a Motion was made by Elizabeth Dolan and seconded by Gerald Goldstein to acknowledge and accept the parties' signed Stipulation, and grant the Amendment of the Certification of Representatives in this matter. All Board

Members present voted in favor of the Motion. Staff will contact Joseph Mulvey and Ellen Jordan to obtain their votes on this motion.

Staff contacted Joseph Mulvey for his vote in this matter. Mr. Mulvey voted in favor of this Motion, and signed the Amended Certification of Representatives, as written.

Staff contacted Ellen Jordan for her vote in this matter. Ms. Jordan voted in favor of this Motion, and signed the Amended Certification of Representatives, as written.

2. Case No. ULP-5673
CA No. 04-5950
Coventry Fire District & IAFF (*Superior Court Decision*)

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. ULP-5673.

3. Case No. EE-3671
CA No. 04-1899
State of RI, Dept. of Human Services, DCYF & NE Health Care
Employees Union (*Superior Court Decision*)

Attorney Hogan advised the Board Members that the Decision rendered by the Superior Court in this matter reversed the Board's Decision in Case No. EE-3671. A Motion was made by Frank Montanaro and seconded by John Capobianco to table this matter until the next Board Meeting for further discussion. After discussion, all Board Members present voted in favor of the Motion.

4. Case No. ULP-5711
State of RI, Dept. of Business Regulations, Racing & Athletics & RI
Laborers' District Council, Local 808

A Motion was made by John Capobianco and seconded by Elizabeth Dolan to table this matter until the next Board Meeting for amendment of the Decision an Order. All Board Members present voted in favor of the Motion.

Frank Montanaro 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 Gerald Goldstein, 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.

The meeting resumed in open session at 10:35 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-5771
Middletown School Committee & NEARI

DETERMINATION: issue a Complaint and proceed to formal hearing.

2. Case No. ULP-5768
City of East Providence & United Steelworkers of America

DETERMINATION: issue a Complaint and proceed to formal hearing.

3. Case No. ULP-5777
City of Warwick, Warwick Public Library & RI Federation of Teachers
and Health Professionals

DETERMINATION: issue a Complaint and proceed to formal hearing.

MISCELLANEOUS MATTERS:

1. Closed Minutes of May 10, 2005 Board Meeting
(Motion to open and post minutes)

After review, a Motion was made by Elizabeth Dolan and seconded by Gerald Goldstein to publish the closed minutes from the May 10, 2005 Board Meeting. All Board Members present voted in favor of the Motion.

2. Conciliator Listing Information

The Acting Administrator reviewed the Conciliator listing information and applicant requirements with all the Board Members present. It was decided to have the Conciliator listing strictly for the Board's use only and for it to run for a term of 3 years.

3. Board Discussion

Chairman Lanni informed the Board that he will be out on medical leave for the month January.

January Board Meeting: After discussion, a Motion was made by John Capobianco and seconded by Frank Montanaro to cancel the January Board Meeting. All Board Members present voted in favor of the Motion.

A Motion to adjourn was made by Elizabeth Dolan and it was seconded by Frank Montanaro, and it was unanimously,

VOTED: to adjourn the meeting at 10:40 a.m.