



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, August 15, 2006
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
John R. Capobianco
Ellen L. Jordan
Elizabeth Dolan
Gerald S. Goldstein

OTHERS PRESENT: Robyn H. Golden, Administrator
Dianalynn Saccoccio, Labor Board Case Agent
Margaret Hogan, Esquire

Chairman Lanni called the meeting to order in Open Session at 9:13 a.m.

All members reviewed the Open Minutes of the June 13, 2006. A Motion was made by Elizabeth Dolan and seconded by Joseph Mulvey 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:

UNIT CLARIFICATION/ACCRETION CASES:

1. Case No. EE-2043A
North Kingstown School Department & N. Kingstown Educational Support Professionals
UNIT CLARIFICATION: Network Manager, Data Base Manager, Senior Technician (2), Technician

After review of the investigator's report (no responses were submitted by the parties), a Motion was made by Gerald Goldstein and seconded by Joseph Mulvey to preliminarily accrete the position(s) of Data Base Manager, Senior Technician (2), Technician, and Network Manager into the bargaining unit defined in Case No. EE-2043A. After discussion, Walter Lanni, John Capobianco, and Frank Montanaro voted in favor of the Motion. Elizabeth Dolan and Ellen Jordan opposed only the accretion of the position of Network Manager portion of the Motion. Motion passed.

2. Case No. EE-3133
State of RI – Child Advocate's Office & RI Council 94, AFSCME, AFL-CIO
UNIT CLARIFICATION: Administrative Secretary

After review of the investigator's report, the Motion to Dismiss filed by the Employer, and the Objection to the Motion to Dismiss filed by the Union, a Motion was made by Frank Montanaro and seconded by John Capobianco to grant the Motion to Dismiss based on subject matter jurisdiction; that the above-entitled agency is not part of the composition of the certification named in this matter. After discussion, all Board members voted in favor of the Motion.

A Motion was made by John Capobianco and seconded by Elizabeth Dolan to move Case No. EE-3133 State of RI – RI Historic Preservation & Heritage Commission & RI Council 94, AFSCME, AFL-CIO from Miscellaneous Matters to the Unit Clarification/Accretion section for immediate review. After discussion, all Board members voted in favor of the Motion.

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3. Case No. EE- 3133
State of RI – RI Historic Preservation & Heritage Commission &
RI Council 94, AFSCME, AFL-CIO
(Motion to Dismiss & Motion to Stay)

After review of the Motion to Dismiss and the Motion for Stay filed by the Employer, and the Objection to the Motion to Dismiss and the Motion for the Stay filed by the Union, a

Motion was made by Frank Montanaro and seconded by Ellen Jordan to grant the Motion to Dismiss based on subject matter jurisdiction; that the above-entitled agency is not part of the composition of the certification named in this matter. After discussion, all Board members voted in favor of the Motion.

A motion was then made by Elizabeth Dolan and seconded by Frank Montanaro to give the Administrator of the Board the consent and authority to administratively dismiss any further matters received by this Board, regarding petitions filed for accretion of positions within agencies not contained in Certification No. EE-3133. After discussion, all Board members voted in favor of the Motion.

4. Case No. EE- 3514
Town of East Greenwich & East Greenwich Municipal Employees' Association (NEARI)
UNIT CLARIFICATION: Fiscal Specialist

After review of the investigator's report and the reports submitted by the parties, a Motion was made by Frank Montanaro and seconded by John Capobianco to preliminarily accrete the position(s) of Fiscal Specialist, into the bargaining unit defined in Case No. EE-3514. After discussion, Walter Lanni, Joseph Mulvey, and Gerald Goldstein voted in favor of the Motion. Elizabeth Dolan and Ellen Jordan opposed the Motion. Motion passed.

5. Case No. EE-3623
Town of Hopkinton & RI Council 94, AFSCME, AFL-CIO
UNIT CLARIFICATION: Finance Director

After review of the investigator's report and response submitted by the Employer, (the Union did not submit a response) a Motion was made by John Capobianco and seconded by Joseph Mulvey to proceed to Formal Hearing, in lieu of any preliminary determinations. All Board members voted in favor of the Motion.

CONCLUDED CASES:

1. Case No. ULP-5770
Town of Middletown & Middletown Municipal Employees' Association/NEARI

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

After review, a Motion was made by Gerald Goldstein and seconded by Ellen Jordan to dismiss the charge. After discussion, Elizabeth Dolan voted in favor of the motion. Walter Lanni, Frank Montanaro, Joseph Mulvey, and John Capobianco opposed the motion. Motion failed.

A Motion was then made by Joseph Mulvey and seconded by John Capobianco to uphold the charge and find that an Unfair Labor Practice had been committed by the Employer. After discussion, Walter Lanni, Frank Montanaro, Elizabeth Dolan, and Ellen Jordan voted in favor of the Motion. Gerald Goldstein opposed the Motion. Motion passed.

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

This case was heard formally by Walter Lanni, Joseph Mulvey, Gerald Goldstein, John Capobianco, 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 Ellen Jordan and seconded by Gerald Goldstein to dismiss the charge. After discussion, Elizabeth Dolan voted in favor of the motion. Walter Lanni, Frank Montanaro, Joseph Mulvey, and John Capobianco opposed the Motion. Motion failed.

A Motion was then made by Joseph Mulvey and seconded by John Capobianco to uphold the charge and find that an Unfair Labor Practice had been committed by the Employer. After discussion, Walter Lanni and Frank Montanaro voted in favor of the Motion. Gerald Goldstein, Elizabeth Dolan, and Ellen Jordan opposed the Motion. Motion passed.

MISCELLANEOUS MATTERS:

1. Case No. ULP-5657 (*Review of Superior Court Decision*)
(Superior Court Case No. PC05-3688)
Department of Corrections & RIBCO

Attorney Hogan reviewed the Superior Court Decision upholding the Board Decision in this matter.

Ellen Jordan 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 9:50 a.m.

The meeting resumed in open session at 9:55 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-5787
State of RI, CCRI & CCRI- ESPA/ NEARI Association

DETERMINATION: issue a Complaint and proceed to formal hearing.

2. Case No. ULP-5792
State of RI, Department of Health & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: issue a Complaint and proceed to formal hearing.

3. Case No. ULP-5804
Greenville Water District & Teamsters Local Union No. 251

DETERMINATION: issue a Complaint and proceed to formal hearing.

4. Case No. ULP-5811
Lincoln Park & UNITE HERE, Local 217

DETERMINATION: matter passed.

MISCELLANEOUS MATTERS:

1. Closed Minutes – May 9, 2006

DETERMINATION: open and post the Closed Minutes.

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 10:00 a.m.