



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, November 28, 2006
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

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

BOARD MEMBERS ABSENT: Frank J. Montanaro
Joseph Mulvey

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

Chairman Lanni called the meeting to order in Open Session at 9:17 a.m.

All members present reviewed the Open Minutes of the October 10, 2006. A Motion was made by Gerald Goldstein and seconded by Ellen Jordan 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:

UNIT CLARIFICATION/ACCRETION CASES:

1. Case No. EE-3542
Scituate School Committee & Scituate Educational Employees'
Association/NEARI
UNIT CLARIFICATION: Assistant Director of Building and Grounds

After review of the Investigator's report and the Parties' responses, a Motion was made by John Capobianco and seconded by Elizabeth Dolan to proceed to Formal Hearing, in lieu of any preliminary determinations. All Board members present voted in favor of the Motion.

2. Case No. EE-1778/2060
RI Airport Corporation & RI Council 94, AFSCME, AFL-CIO
UNIT CLARIFICATION: IT Analyst, IT Systems, Planning Manager

After review of the Investigator's report and the parties' responses, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to accept the Investigator's report as written; thus, to **preliminarily accrete** the position(s) of IT Analyst and IT Systems Analyst into the bargaining unit defined in Case No. EE-1778/2060; and to **preliminarily exclude** the position(s) of Planning Manager from the bargaining unit defined in Case No. EE-1778/2060. After discussion, Walter Lanni and Gerald Goldstein voted in favor of the Motion. John Capobianco opposed the motion. Motion passed.

TRANSFER PETITION

1. Case No. EE-3590A
Town of Richmond, Local 57, I.U.O.E. &
RI Council 94, AFSCME, AFL-CIO

After review of the Consent Agreement and Affidavit and all corresponding documentation executed and presented by the parties, as well as the Objection to the Transfer from the Town of Richmond, and the Response to the Objection to the Transfer filed by RI Council 94, AFSCME, AFL-CIO, a Motion was made by Ellen Jordan and seconded by Gerald Goldstein to deny the request filed for the Transfer of Bargaining Units between National Organizations – Change of Jurisdiction. After discussion, all Board Members present voted in favor of the Motion.

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-3133
State of RI – Water Resources Board
-and-
RI Council 94, AFSCME, AFL-CIO
UNIT CLARIFICATION: Programming Services Officer; Supervising Planner

After review of the Consent Agreement and Affidavit 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 agreement; that the position(s) of **Programming Services Officer and Supervising Planner**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3133. After discussion, all Board Members present voted in favor of the Motion.

CONCLUDED CASES:

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

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

After review, a Motion was made by John Capobianco and seconded by Elizabeth Dolan to uphold the charge and find that the Employer had committed an Unfair Labor Practice. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

DRAFTED DECISIONS:

1. Case No. ULP-5706
Department of MHRH & AFSCME

The Board Members received the drafted Decision and Order in this matter, to be reviewed and signed at the next monthly Board Meeting.

2. Case No. ULP-5744
City of Cranston & Teamsters Local Union No. 251

A Motion was made by Gerald Goldstein and seconded by Elizabeth Dolan to table this matter until the next Board Meeting. After discussion, all Board Members present voted in favor of the Motion.

3. Case No. ULP-5761
City of Cranston & RI Laborers' District Council

The Board Members received the drafted Decision and Order in this matter, to be reviewed and signed at the next monthly Board Meeting.

4. Case No. ULP-5769
Newport School Committee & Teachers' Association of Newport/NEARI

A Motion was made by Gerald Goldstein and seconded by Elizabeth Dolan to table this matter until the next Board Meeting. After discussion, all Board Members present voted in favor of the Motion.

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

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

ORDER: 1) The Employer is hereby ordered to Cease and Desist and to refrain from taking such actions in the future.

2) The Employer is hereby ordered to post a copy of this Decision and Order on all employee bulletin boards for a period for thirty (30) days after receipt.

After review of the drafted decision, a Motion was made by John Capobianco 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. Gerald Goldstein signed the Decision and Order as dissenting. Staff will contact Frank Montanaro and Joseph Mulvey to ascertain their vote in this matter.

Staff contacted Frank Montanaro for his vote in this matter. Frank Montanaro voted in favor of the motion, and did sign the Decision and Order, as written.

Staff contacted Joseph Mulvey for his vote in this matter. Joseph Mulvey voted in favor of the motion, and did sign the Decision and Order, as written.

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

The Board Members received the drafted Decision and Order in this matter, to be reviewed and signed at the next monthly Board Meeting.

MISCELLANEOUS MATTERS:

1. NLRB Decision

Attorney Hogan reviewed and discussed, for informational purposes only, the NLRB Oakwood Healthcare, Inc. Decision with the Board Members.

Elizabeth Dolan made a Motion for the Board to go into Closed Session for the purpose of reviewing 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 9:55 a.m.

The meeting resumed in open session at 10:00 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-5803
Cumberland School Committee & NEARI

DETERMINATION: issue a Complaint and proceed to formal hearing.

2. Case No. ULP-5816
Town of Lincoln & International Brother of Police Officers

DETERMINATION: issue a Complaint and proceed to formal hearing.

3. Case No. ULP-5817
Town of Lincoln & International Brother of Police Officers

DETERMINATION: issue a Complaint and proceed to formal hearing.

4. Case No. ULP- 5819
Woonsocket Housing Authority & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: issue a Complaint and proceed to formal hearing.

5. Case No. ULP- 5821
Burrillville School Department & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: Motion To Dismiss failed; matter set down for further review and discussion on how to proceed at the next monthly Board meeting.

A Motion to adjourn was made by John Capobianco and seconded by Gerald Goldstein, and it was unanimously,

VOTED: to adjourn the meeting at 10:05 a.m.