



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, June 12, 2007  
**PLACE:** 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

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

**MEMBERS ABSENT:** Joseph Mulvey

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

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Chairman Lanni called the meeting to order in Open Session at 9:16 a.m.

All members reviewed the Open Minutes of the April 5, 2007 Board Meeting. A Motion was made by John Capobianco and seconded by Frank Montanaro 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:

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**CONSENT AGREEMENT AND AFFIDAVITS:**

1. Case No. EE-3451  
State of RI – Public Defenders Office & RI Laborers' District Council, Local 808  
**(Amended Certification)**

A Consent Agreement & Affidavit was filed by the parties to amend the Certification of Representation in the above-entitled matter, to reflect the correct job titles presently utilized by the State of RI – Public Defenders Office. After review, a Motion was made by Frank Montanaro and seconded by John Capobianco to accept the Amended Certification in this matter. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Case No. EE-3365  
State of RI – Judiciary (Pre-Trial Services Unit) &  
RI Laborers' District Council, Local 808

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Gerald Goldstein and seconded by Elizabeth Dolan to acknowledge and accept the parties' signed agreement; that the position(s) of **Assistant Administrator of Policy/Programs**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3365. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

**UNIT CLARIFICATION / ACCRETION CASES:**

1. Case No. EE-3243A  
Town of New Shoreham & RI Council 94, AFSCME, AFL-CIO

After review of the informal notes and attachments submitted by the parties, a Motion to Dismiss, without prejudice, based on subject matter jurisdiction, was made by Frank Montanaro and seconded by John Capobianco. After discussion, all Board members present voted in favor of the Motion. Motion passed.

2. Case No. EE-1679  
Middletown School Committee & NEARI

A Motion to move the aforementioned issue from Concluded Cases to Unit Clarification / Accretion Cases was made by John Capobianco and seconded by Ellen Jordan. After discussion, all Board members present voted in favor of the Motion. Motion passed.

After review of the Investigator's report and the Union's response, a Motion was made by John Capobianco and seconded by Elizabeth Dolan to proceed to Formal Hearing, in lieu of a preliminary determination. After discussion, all Board members present voted in favor of the Motion. Motion passed.

**CONCLUDED CASES:**

1. Case No. EE-1630  
East Greenwich School Department & East Greenwich Educational Association  
NEARI/NEA

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

After review, a Motion was made by Frank Montanaro and seconded by John Capobianco to accrete the position of **Athletic Director** into the bargaining unit as defined in Case No. EE-1630. After discussion, Walter Lanni, Elizabeth Dolan, Ellen Jordan, and Gerald Goldstein opposed the Motion. Motion failed.

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John Capobianco made a Motion for the Board to go into Closed Session for the purpose of reviewing the Unfair Labor Practice Charges, 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 9:30 a.m.

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The meeting resumed in open session at 9:40 a.m. for the purposes of reading into the Minutes the determinations made by the Board in Closed Session.

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**UNFAIR LABOR PRACTICE CASES:**

1. ULP- 5827  
State of RI – Department of Administration –Department of Education –  
Department of Health & RI Council 94, AFSCME, AFL-CIO

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

2. ULP- 5842  
State of RI – Department of Labor and Training & RI Council 94, AFSCME, AFL-CIO

**DETERMINATION:** deny Motion to Dismiss without prejudice; issue a Complaint and proceed to formal hearing.

3. ULP- 5845  
State of RI – Department of Administration & RI Council 94, AFSCME, AFL-CIO

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

**MISCELLANEOUS MATTERS:**

1. ULP- 5835  
State of RI – Department of Health & NEARI

**DETERMINATION:** matter reconsidered; matter dismissed.

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

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