



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: 12:00 Noon
DATE: Thursday, January 31, 2008
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

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

OTHERS PRESENT: Robyn H. Golden, Administrator
Margaret Hogan, Esquire

Chairman Lanni called the meeting to order in Open Session at 12:00 noon.

All members reviewed the Open Minutes of the December 6, 2007 Board Meeting. A Motion was made by John Capobianco and seconded by Joseph Mulvey to accept the Open Minutes as written, and it was unanimously

VOTED: by all Board Members to accepted the minutes as written.

The meeting continued in open session:

CONCLUDED CASES:

1. Case No. EE-3535
Town of Warren & IBPO
(Chief of Police - Concluded case)

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

After review, a Motion was made by Elizabeth Dolan and seconded by Ellen Jordan to **exclude** the position of **Chief of Police** from the bargaining unit as defined in Certification No. EE- 3535. After discussion, Walter Lanni, and Gerald Goldstein voted in favor of the motion. Frank Montanaro, Joseph Mulvey, and John Capobianco voted against the Motion. Motion passed.

2. Case No. ULP- 5833
State of RI – Department of Education & RI Council 94, AFSCME, AFL-CIO

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

3. Case No. ULP- 5842
State of RI – Department of Labor and Training & RI Council 94, AFSCME, AFL-CIO

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

After review, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to dismiss the Union's charge in this matter. After discussion, all Board Members voted in favor of the Motion. Motion passed.

4. Case No. EE-1679
Middletown School Committee & NEA Middletown
(Director of Technology)

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

After review, a Motion was made by Joseph Mulvey and seconded by Frank Montanaro to **accrete** the position of **Director of Technology** into the bargaining unit as defined in Certification No. EE-1679. After discussion, John Capobianco voted in favor of the motion. Elizabeth Dolan, Ellen Jordan, Gerald Goldstein, and Walter Lanni voted against the Motion. Motion failed.

A Motion was then made by Ellen Jordan and seconded by Elizabeth Dolan to **exclude** the position of **Director of Technology** from the bargaining unit as defined in Certification No. EE-1679. Gerald Goldstein and Walter Lanni voted in favor of the motion. Frank Montanaro, John Capobianco, and Joseph Mulvey voted against the Motion. Motion passed.

MISCELLANEOUS MATTERS:

1. Case No. EE- 3623
Town of Hopkinton & RI Council 94, AFSCME, AFL-CIO
(Finance Director)

Upon receipt of a request made by both parties, as well as in settlement of Litigation in the above-entitled matter, a Motion was made by John Capobianco and seconded by Elizabeth Dolan to vacate the Board's previous Decision and Order in this matter. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No. ULP- 5795
State of RI-Department of Health & RI Council 94, AFSCME, AFL-CIO

Upon receipt of a request made by the Petitioner to withdraw this matter, as well as a request to have the Complaint dismissed by this Board, a Motion was made by Frank Montanaro and seconded by John Capobianco to dismiss the Complaint filed in the above-entitled matter. After discussion, all Board Members voted in favor of the Motion. Motion passed.

Elizabeth Dolan made a Motion for the Board to go into Closed Session for the purpose of reviewing the Unfair Labor Practice Charges, and 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 1:15 p.m.

The meeting resumed in open session at 1:20 p.m. for the purposes of reading into the Minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CASES:

1. ULP- 5853
Warwick School Committee & Warwick Independent School Employees' Union (WISE)

DETERMINATION: issue a Complaint and proceed to formal hearing.

2. ULP- 5854
Warwick School Committee & Warwick Independent School Employees' Union (WISE)

DETERMINATION: issue a Complaint and proceed to formal hearing.

3. ULP- 5855
Warwick School Committee & Warwick Independent School Employees' Union (WISE)

DETERMINATION: matter dismissed.

4. ULP- 5869
Central Falls Detention Facility Corporation & Teamsters, Local 251

DETERMINATION: issue a Complaint and proceed to formal hearing.

5. ULP- 5880
City of Pawtucket & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: matter tabled until next practicable Board Meeting.

6. ULP- 5885
State of RI – Department of Human Services & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: matter dismissed.

7. ULP- 5896
City of Warwick & RI Laborers' District Council, Local 1033

DETERMINATION: issue a Complaint and proceed to formal hearing.

A Motion to adjourn was made by John Capobianco and seconded by Elizabeth Dolan, and it was unanimously,

VOTED: to adjourn the meeting at 1:25 p.m.