



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, April 29, 2008
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

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

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

Chairman Lanni called the meeting to order in Open Session at 9:10 a.m.

All members reviewed the Open Minutes of the March 11, 2008 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 to accept the minutes as written.

The meeting continued in open session:

REPRESENTATION CASES:

1. Case No. EE- 3704
Department of Environmental Management & Local 400, IFPTE

After review of the informal notes and attachments, a Motion was made by John Capobianco and seconded by Elizabeth Dolan to proceed to formal hearing. After discussion, all Board Members voted in favor of the Motion. Motion passed.

CONCLUDED CASES:

1. Case No. EE- 3700
Central Falls Detention Facility Corporation & Teamsters, Local 251

This case was heard formally by Walter Lanni, Frank Montanaro, Joseph Mulvey, John Capobianco, Gerald Goldstein, and Ellen Jordan. Elizabeth Dolan 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 conduct a Directed Election by secret ballot, under the supervision of the Board or its Agent, at a time, date and place to be determined by the Board relative to the Correctional Officers' positions only. Said Director Election shall include all individuals' party to said position. After discussion, all Board members present voted in favor of the Motion. Motion passed.

2. Case No. ULP- 5848
State of RI – Community College of Rhode Island & NEARI

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

3. Case No. EE- 1652
Burrillville School Committee & Burrillville Teachers Association /NEARI

This case was heard formally by Walter Lanni, John Capobianco, and Ellen Jordan. Frank Montanaro, Joseph Mulvey, Gerald Goldstein, and Elizabeth Dolan 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 **exclude** the position of **Technology Director** from the bargaining unit as defined in Case No. EE-1652. After discussion, all Board Members voted in favor of the Motion. Motion passed.

4. Case No. ULP- 5865
Little Compton School Committee & Little Compton Educational Support Personnel /NEARI

This case was heard formally by Walter Lanni, John Capobianco, and Ellen Jordan. Frank Montanaro, Joseph Mulvey, Gerald Goldstein, and Elizabeth Dolan 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 Union's charge in this matter. After discussion, Walter Lanni, John Capobianco, Frank Montanaro, and Elizabeth Dolan voted in favor of the Motion. Joseph Mulvey opposed the Motion. Motion passed.

5. Case No. ULP- 5867
Middletown School Committee & NEA Middletown /NEARI

This case was heard formally by Walter Lanni, John Capobianco, Gerald Goldstein, and Ellen Jordan. Frank Montanaro, Joseph Mulvey, and Elizabeth Dolan 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, Walter Lanni, Gerald Goldstein, and Elizabeth Dolan voted in favor of the Motion. Frank Montanar, John Capobianco, and Joseph Mulvey opposed the Motion. Motion passed.

DECISION AND ORDERS:

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

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

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 voted in favor of the Motion and did sign the Decision

and Order, as written. Frank Montanaro and John Capobianco signed the Decision and Order as dissenting. Motion passed.

BOARD MEMBER, JOSEPH MULVEY, DID NOT PARTICIPATE IN THIS MATTER.

ORDER: The petition to accrete the position of Athletic Director to the bargaining unit certified by Case No. EE-1630 is hereby denied and dismissed.

2. Case No. EE-3535
Town of Warren & IBPO

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

After review of the drafted decision, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to sign the Decision and Order, as written. After discussion, all Board Members voted in favor of the Motion and did sign the Decision and Order, as written. Frank Montanaro, Joseph Mulvey, and John Capobianco signed the Decision and Order as dissenting. Motion passed.

ORDER: The position of Chief of Police in the Town of Warren is hereby removed from the bargaining unit certified by Case No. EE-3535. This order shall not preclude a later petition for accretion back into the bargaining unit, if the position of Police Chief ever loses its managerial and supervisory functions.

3. Case No. ULP- 5832
City of East Providence & USW, LOCAL 15509

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

After review of the drafted decision, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to sign the Decision and Order, as written. After discussion, all Board Members voted in favor of the Motion and did sign the Decision and Order, as written. Motion passed.

ORDER: The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

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 10:15 a.m.

The meeting resumed in open session at 10:25 a.m. for the purposes of reading into the Minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CASES:

1. Case No. ULP- 5859
Middletown Public Library & Middletown Public Library Employees Association /NEARI

DETERMINATION: Motion to Dismiss.

2. Case No. ULP- 5888
State of RI & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: issue a Complaint and proceed to formal hearing.

3. Case No. ULP- 5893
RI Public Telecommunications Authority, WSBE & RIDE, Professionals Employee Union, Local 2012, AFT

DETERMINATION: issue a Complaint and proceed to formal hearing.

4. Case No. ULP- 5895
East Providence School Committee & East Providence Educational Support Personnel /NEARI

DETERMINATION: issue a Complaint and proceed to formal hearing.

5. Case No. ULP- 5898
State of RI – Emergency Management Agency & RI Laborers' District Council,
Local 808

DETERMINATION: issue a Complaint and proceed to formal hearing.

6. Case No. ULP- 5899
City of Providence & Local 799, International Association of Fire Fighters (IAFF)

DETERMINATION: issue a Complaint and proceed to formal hearing.

7. Case No. ULP- 5901
Newport School Committee & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: issue a Complaint and proceed to formal hearing.

8. Case No. ULP- 5902
Central Falls School Department & Central Falls Teacher's Union, Local 1567

DETERMINATION: issue a Complaint and proceed to formal hearing.

MISCELLANEOUS MATTERS:

1. Appointment of Legal Counsel - 7-1-08 to 6-30-09

DETERMINATION: that Margaret Hogan, Esquire, has been reappointed as the Board's Legal Counsel for Fiscal Year July 1, 2008 to June 30, 2009.

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

VOTED: to adjourn the meeting at 10:30 a.m.