



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.ri.gov/lrb](http://www.dlt.ri.gov/lrb)

## OPEN MINUTES BOARD MEETING

**TIME:** 12:00 p.m.  
**DATE:** Tuesday, August 19, 2008  
**PLACE:** 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

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

**MEMBERS ABSENT:** Joseph Mulvey

**OTHERS PRESENT:** Robyn H. Golden, Administrator  
Lisa L. Ribezzo, Labor Board Case Agent  
Margaret Hogan, Esquire

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

All Board Members present reviewed the Open Minutes of the June 24, 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 present to accept the minutes as written.

The meeting continued in open session:

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**UNIT CLARIFICATION CASES:**

1. Case No. EE- 3498  
Town of Charlestown & Teamsters, Local 251

After review of the Investigator's report and the Employer's response, a Motion was made by John Capobianco and seconded by Frank Montanaro to accept the Investigator's report as written; thus, to **preliminarily accrete** the position(s) of **Secretary/Clerk to the DPW** into the bargaining unit defined in Case No. EE-3498. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

**CONCLUDED CASES:**

1. Case No. ULP- 5868  
Middletown School Committee & RI Council 94, AFSCME, AFL-CIO

After review of the Agenda, Ellen Jordan addressed the Board to inform them that the caption in this matter was incorrect. A Motion to amend the caption of this matter was made by Ellen Jordan and seconded by Elizabeth Dolan to read Middletown School Committee & RI Council 94, AFSCME, AFL-CIO. After discussion, all Board members present voted in favor of the Motion. Motion passed.

Walter Lanni, Elizabeth Dolan, and John Capobianco heard this matter formally. Frank Montanaro, Ellen Jordan, and Gerald Goldstein reviewed the transcript and briefs, as well as the evidence submitted therein.

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

**Joseph Mulvey did not participate in this matter.**

2. Case No. ULP- 5872  
Department of Health & Department of Health Professional Association /NEARI

Upon review of the documentation submitted by both parties regarding a Motion to Continue the Matter for Decision and a Motion to File a Rebuttal Brief, a Motion was made by Gerald Goldstein and seconded by Ellen Jordan to table this matter to the next monthly Board Meeting. All Board Members present voted in favor of the Motion. Motion passed.

A second Motion was made by Elizabeth Dolan and seconded by John Capobianco to grant the Motion of the parties to File a Rebuttal Brief with a due date of September 5, 2008 in the above-entitled matter. All Board Members present voted in favor of the Motion. Motion passed.

**Joseph Mulvey did not participate in this matter.**

3. Case No. ULP- 5880  
City of Pawtucket & RI Council 94, AFSCME, AFL-CIO

Walter Lanni, Elizabeth Dolan, and John Capobianco heard this matter formally. Ellen Jordan, John Capobianco, and Gerald Goldstein. Frank Montanaro 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, Walter Lanni, Frank Montanaro, Elizabeth Dolan, and John Capobianco voted in opposition of the Motion. The Motion failed.

A Motion was subsequently 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 Elizabeth Dolan voted in favor of the Motion. Gerald Goldstein and Ellen Jordan voted in opposition to the Motion. Motion passed.

**Joseph Mulvey did not participate in this matter.**

4. Case No. ULP- 5896  
City of Warwick & RI Laborers' District Council, Local 1033

Walter Lanni, Elizabeth Dolan, John Capobianco, Ellen Jordan, and Joseph Mulvey heard this matter formally. Frank Montanaro and Gerald Goldstein 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 and John Capobianco voted in opposition of the Motion. Staff will contact Joseph Mulvey to ascertain his vote in this matter.

Staff contacted Joseph Mulvey for his vote in this matter. Mr. Mulvey voted in opposition of the Motion. Motion failed.

A Motion was subsequently 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 voted in favor of the Motion. Gerald Goldstein, Elizabeth Dolan, and Ellen Jordan voted in opposition to the Motion. Staff contacted Joseph Mulvey to ascertain his vote in this matter.

Staff contacted Joseph Mulvey for his vote in this matter. Mr. Mulvey voted in favor of the motion. Motion passed.

**DRAFTED DECISION AND ORDERS:**

1. Case No. ULP- 5818  
Town of Charlestown & Teamsters Local Union No. 251

After review of the drafted decision, a Motion was made by John Capobianco and seconded by Gerald Goldstein 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.

**Joseph Mulvey abstained from voting in this matter.**

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

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

A Motion was made by John Capobianco and seconded by Frank Montanaro to table this matter until the next monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

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

After review of the drafted decision, a Motion was made by Gerald Goldstein and seconded by Ellen Jordan 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. Staff contacted Joseph Mulvey for his vote in this matter.

Mr. Mulvey voted in favor of the Motion and did sign the Decision and Order, as written.

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

4. Case No. ULP- 5848  
CCRI & CCRI ESPA/NEA

A Motion was made by John Capobianco and seconded by Frank Montanaro to table this matter until the next monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

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

After review of the drafted decision, a Motion was made by Elizabeth Dolan and seconded by Frank Montanaro 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. Staff contacted Joseph Mulvey for his vote in this matter.

Mr. Mulvey voted in favor of the Motion and did sign the Decision and Order, as written.

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

6. Case No. ULP- 5867  
Middletown School Committee & CCRI PSA/NEARI/NEA

A Motion was made by John Capobianco and seconded by Frank Montanaro to table this matter until the next monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

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

After review of the drafted decision, a Motion was made by Ellen Jordan and seconded by John Capobianco 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. Staff contacted Joseph Mulvey for his vote in this matter.

Mr. Mulvey voted in favor of the Motion and did sign the Decision and Order, as written.

**ORDER:** The petition to accrete the position of Director of Technology to the bargaining unit certified by Case No. EE-1652 is hereby denied and dismissed.

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

A Motion was made by John Capobianco and seconded by Frank Montanaro to table this matter until the next monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

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

After review of the drafted decision, a Motion was made by Frank Montanaro 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. Staff contacted Joseph Mulvey for his vote in this matter.

Mr. Mulvey voted in favor of the Motion and did sign the Decision and Order, as written.

**ORDER: DIRECTION OF ELECTION** - By virtue of and pursuant to the power vested in the Rhode Island State Labor Relations Board by the Rhode Island Labor Relations Act, it is hereby: **DIRECTED** that an election by secret ballot shall be conducted within sixty (60) days hereafter, under the supervision of the Board or its agents, at a time, place and during hours to be fixed by the Board, among the Correctional Officer Unit employees employed by the Central Falls Detention Facility Corporation who were employed on September 5, 2007 to determine whether they wish to be represented, for the purposes of collective bargaining, as provided for in the Act, by Teamsters, Local 251 or by no labor organization.

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Elizabeth Dolan made a Motion for the Board to go into Closed Session for the purpose of reviewing 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 Ellen Jordan, 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 12:55 p.m.

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The meeting resumed in open session at 1:00 p.m. for the purpose of reading into the Minutes the determinations made by the Board in Closed Session.

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**MISCELLANEOUS MATTERS:**

1. Closed Minutes: October 12, 2004; June 13, 2006; January 9, 2007; April 4, 2007  
**Motion to Open and Post Minutes**

**DETERMINATION:** To open and post the Closed Minutes.

**STATUS LETTERS – ABEYANCE CASES:**

1. Case No. ULP- 5844  
Town of Warren & USW, Local 14845

**DETERMINATION:** To dismiss the matter and close the file.

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

**VOTED:** to adjourn the meeting at 1:05 p.m.