



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

OPEN MINUTES BOARD MEETING

TIME: 9:00 a.m.
DATE: Tuesday, November 18, 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

Chairman Lanni called the meeting to order in Open Session at 9:20 a.m.

All Board Members present reviewed the Open Minutes of the October 14, 2008 Board Meeting. A Motion was made by John Capobianco and seconded by Gerald Goldstein 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 CASES/ACCRETION CASES:

1. Case No. EE- 3400
Little Compton School Department and Little Compton Educational Support Personnel/NEARI/NEA.

After review of the Investigator's report and the parties' responses, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to proceed to formal hearing. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

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AFFILIATION/MERGER CASES:

1. Case No. EE- 3667A
Town of New Shoreham & Block Island Policemen's Association & International Brotherhood of Police Officers (IBPO) (Consent Agreement and Affidavit)

After review of the Consent Agreement and Affidavit, as well as all the documentation executed and presented by the parties, a Motion was made by John Capobianco and seconded by Ellen Jordan to acknowledge and accept the parties' signed Agreement; that the **Affiliation/Merger** between the Block Island Policeman's Association and the International Brotherhood of Police Officers (IBPO) shall be and is hereby granted to the bargaining unit as defined by Certification No. EE-3667A. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

DRAFTED DECISION AND ORDERS:

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

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.

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. Elizabeth Dolan, Ellen Jordan, and Gerald Goldstein signed the Decision and Order as dissenting. Staff shall contact 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.

ORDER: The Employer is hereby ordered to cease and desist from subcontracting out bargaining unit work until it has bargained the same in good faith with the certified bargaining representative.

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

A Motion was made by Ellen Jordan and seconded by John Capobianco 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- 5867
Middletown School Committee & CCRI PSA/NEARI/NEA

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

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

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

Frank Montanaro 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 Gerald Goldstein 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 10:00 a.m.

The meeting resumed in open session at 10:05 a.m. for the purpose of reading into the Minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CASES:

1. Case No. ULP- 5863
State of Rhode Island – Department of Mental Health, Retardation and Hospitals & RI Council 94, AFSCME, AFL-CIO.

DETERMINATION: issue a Complaint and proceed to formal hearing.

2. Case No. ULP- 5907
RI Public Telecommunications Authority, WSBE & Professional Employees Union, Local 2012, AFT.

DETERMINATION: Matter dismissed.

3. Case No. ULP- 5910
Lincoln Water Commission & RI Laborers District Council 94, Local 1033

DETERMINATION: issue a Complaint and proceed to formal hearing.

4. Case No. ULP- 5911
State of Rhode Island – Department of Corrections & Rhode Island
Brotherhood of Correctional Officers (RIBCO).

DETERMINATION: issue a Complaint and proceed to formal hearing.

5. Case No. ULP- 5929
Central Falls School Department & Central Falls Teachers' Union, Local 1567

DETERMINATION: issue a Complaint and proceed to formal hearing.

6. Case No. ULP- 5930
Westerly School Department & RI Laborers' District Council, Local 15

DETERMINATION: issue a Complaint and proceed to formal hearing.

7. Case No. ULP- 5933
East Providence Educational Association/NEARI &
East Providence School Committee (Employer's Case).

DETERMINATION: Matter dismissed.

8. Case No. ULP- 5934
East Providence Educational Association/NEARI &
East Providence School Committee (Employer's Case).

DETERMINATION: Matter dismissed.

A Motion to adjourn was made by Frank Montanaro and seconded by John Capobianco,
and it was unanimously,

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