



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, April 21, 2009
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

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

BOARD MEMBERS ABSENT: Gerald Goldstein

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

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

All Board Members present reviewed the Open Minutes of the March 24, 2009 Board Meeting. A Motion was made by Frank Montanaro and seconded by John Capobianco 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:

CONCLUDED CASES:

1. Case No. ULP- 5841
Warwick School Committee & Warwick Teachers' Union, AFT, Local 915

Walter Lanni, John Capobianco, Frank Montanaro, Gerald Goldstein, Elizabeth Dolan, and Ellen Jordan heard this case formally.

After review of the above-entitled matter, a preliminary Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to dismiss the Complaint; and that this matter be referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect. After discussion, Walter Lanni voted in favor of the Motion. Frank Montanaro and John Capobianco voted in opposition to the Motion. Motion passed.

2. Case No. ULP- 5853/5854
Warwick School Committee & Warwick Independent School Employees'
Union (WISE)

A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan 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- 5894
Burrillville School Committee & Burrillville Teachers' Association /NEARI

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

After review of the above-entitled matter, a preliminary 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; and that this matter be referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

4. Case No. EE- 3694
State of RI – Department of Administration – Division of Sheriffs &
International Brotherhood of Police Officers (IBPO)

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

After review of the above-entitled matter, a preliminary Motion was made by Frank Montanaro and seconded by John Capobianco to conduct a Directed Election by secret ballot, under the supervision of the Board or its Agent, at a date, time, and place to be determined by the Board relative to the Deputy Chief Sheriffs positions only; and that this matter be referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect. Said Directed Election shall include all individuals' party to said position. After discussion, all Board members present voted in favor of the Motion. Motion passed.

DRAFTED DECISION AND ORDERS:

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

This case was heard formally by Walter Lanni, John Capobianco, Joseph Mulvey, Gerald Goldstein, Elizabeth Dolan, and Frank Montanaro; Ellen Jordan reviewed the transcript(s) 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 present 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. Staff will contact Gerald Goldstein to ascertain his vote in this matter.

Staff contacted Gerald Goldstein for his vote in this matter. Mr. Goldstein voted in favor of the Motion and signed the Decision and Order as written. Motion passed.

ORDER: The Petition to accrete the position of Director of Technology to the bargaining unit certified by Case No. EE-1679 is hereby denied and dismissed.

2. Case No. ULP- 5896
City of Warwick & RI Laborers' District Council 94, Local 1033

A Motion was made by Ellen Jordan 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- 5872
State of Rhode Island – Department of Health & NEARI

A Motion was made by Ellen Jordan 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.

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

A Motion was made by Ellen Jordan 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.

MISCELLANEOUS MATTERS:

1. Case No. ULP- 5899/5906
City of Providence & International Association of Fire Fighters (IAFF)
(Motion to Consolidate)

Board Member, Frank Montanaro, recused himself from participation in this matter.

After review of the documentation submitted in above-entitled matter, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to accept the Motion for Consolidation of the aforementioned matters. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Case No. EE- 3365
State of RI – Judiciary – RI Family court & RI Laborers' District Council, Local 808

After review of the Amended Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank Montanaro and seconded by John Capobianco to acknowledge and accept the parties' signed Agreement; that the position(s) of **Principal Planning and Programming Specialist, Principal Deputy Clerk Systems, Social Caseworker II, (CASA), and CASA Coordinator**, shall be and is hereby **accreted** to the bargaining unit as defined by Certification No. EE-3365. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

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 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 9:45 a.m.

The meeting resumed in open session at 9:50 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- 5961
State of RI – Department of Children, Youth and Families & RI Council 94,
AFSCME, AFL-CIO

DETERMINATION: issue a Complaint and proceed to formal hearing.

MISCELLANEOUS MATTERS:

1. Case No. ULP- 5939
Warwick School Committee & Warwick Independent School Employees' Union
(WISE)

DETERMINATION: matter tabled.

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

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