



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, August 18, 2009
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

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

BOARD MEMBERS ABSENT: Frank Montanaro
Gerald Goldstein
Elizabeth Dolan

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 9:15 a.m.

All Board Members present reviewed the Open Minutes of the May 21, 2009 Board Meeting. A Motion was made by John Capobianco and seconded by Ellen Jordan 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:

1. Case No. EE- 1715/3152
State of Rhode Island – Department of Labor & Training & RI Council 94,
AFSCME, AFL-CIO (**Chief Plumbing Investigator**)

After review of the Investigator's report, as well as the response submitted by the Employer, a Motion was made by John Capobianco and seconded by Ellen Jordan to accept the Investigator's report as written; thus, to **preliminarily accrete** the position(s) of **Chief Plumbing Investigator**, into the bargaining unit defined in Case No. EE-1715. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Case No. EE- 3133
State of Rhode Island – Commissions and Agencies/Governor's Commission on
Disabilities & RI Council 94, AFSCME, AFL-CIO (**Assistant ADA Coordinator**)

After review of the Investigator's report, as well as the response submitted by the Employer, a Motion was made by John Capobianco and seconded by Ellen Jordan to accept the Investigator's report as written; thus, to **preliminarily accrete** the position(s) of **Assistant ADA Coordinator**, into the bargaining unit defined in Case No. EE-3133. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

3. Case No. EE- 3315
Narragansett Bay Commission & RI Laborers District Council, Local 1033
(**Laboratory Technician**)

After review of the Investigator's report, as well as the response submitted by the Employer, a Motion was made by John Capobianco and seconded by Ellen Jordan to proceed to the formal hearing process. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

4. Case No. EE- 3575
State of Rhode Island – Department of Health & NEARI
(**Principal Public Health Promotion Specialist**)

After review of the Investigator's report, a Motion was made by John Capobianco and seconded by Ellen Jordan to accept the Investigator's report as written; thus, to **preliminarily accrete** the position(s) of **Principal Public Health Promotion Specialist**, into the bargaining unit defined in Case No. EE-3575. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

CONCLUDED CASES:

1. Case No. EE- 3690
Town of West Greenwich & RI Laborers District Council, Local 1322

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

After review of the above-entitled matter, a preliminary Motion was made by Ellen Jordan and seconded by John Capobianco to **accrete** the position of **Animal Control Officer** into the bargaining unit as defined in Case No. EE-3690; 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.

DRAFTED DECISION AND ORDERS:

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

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.

2. Case No. ULP- 5872
State of Rhode Island – Department of Health & 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.

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

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. ULP- 5841
Warwick School Committee & Warwick Teachers' Union, AFT, Local 915

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.

5. Case No. ULP- 5894
Burrillville School Committee & Burrillville Teachers Association/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.

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

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.

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

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.

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

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 Frank Montanaro, Gerald Goldstein, and Elizabeth Dolan for their votes in this matter.

Mr. Montanaro, Mr. Goldstein, and Ms. Dolan voted in favor of the Motion and did sign the Decision and Order, as written. Motion Passed.

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 Chief Deputy Sheriffs employed by the State of RI – Department of Administration, Division of Sheriffs who were employed on January 11, 2007 to determine whether they wish to be represented, for the purposes of collective bargaining, as provided for in the Act, by International Brotherhood of Police Officers (IBPO) or by no labor organization.

MISCELLANEOUS MATTERS:

1. Case No. ULP- 5955
State of Rhode Island – Board of Governors for Higher
Education – URI & URI/AAUP Part-Time Faculty United (PTFU) & URI/AAUP
Full-Time Faculty (**Motion to Intervene**)

After review of the Motion to Intervene, submitted by Attorney Gursky on behalf of the URI/AAUP Full-Time Faculty, a Motion was made by John Capobianco, and seconded by Ellen Jordan to grant Attorney Gursky's Motion in the above-entitled matter. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Case No. EE- 3092
State of Rhode Island – Department of Mental Health, Retardation and Hospitals –
Zambarano Hospital & RI Laborers District Council, Local 808
(**Certification of Representatives Amendment**)

After review of the correspondence submitted in this matter, a Motion was made by Ellen Jordan and seconded by John Capobianco to accept the request for an amendment to the Certification of Representatives, in the above-entitled matter, to reflect the name change of Local Union 15 to Local Union 808. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

3. Case No. EE- 1867
Westerly School Committee & RI Laborers District Council, Local 808
(**Certification of Representatives Amendment**)

After review of the correspondence submitted in this matter, a Motion was made by Ellen Jordan, and seconded by John Capobianco to accept the request for an amendment to the Certification of Representatives, in the above-entitled matter, to reflect the name change of Local Union 15 to Local Union 808. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

4. Case No. EE- 1877
Westerly School Committee & RI Laborers District Council, Local 808
(Certification of Representatives Amendment)

After review of the correspondence submitted in this matter, a Motion was made by Ellen Jordan, and seconded by John Capobianco to accept the request for an amendment to the Certification of Representatives, in the above-entitled matter, to reflect the name change of Local Union 15 to Local Union 808. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

5. Case No. EE- 3196
Westerly School Committee & RI Laborers District Council, Local 808
(Certification of Representatives Amendment)

After review of the correspondence submitted in this matter, a Motion was made by Ellen Jordan, and seconded by John Capobianco to accept the request for an amendment to the Certification of Representatives, in the above-entitled matter, to reflect the name change of Local Union 15 to Local Union 808. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

6. Case No. EE- 1837
Town of Westerly – Public Works Department & RI Laborers District Council,
Local 808 **(Certification of Representatives Amendment)**

After review of the correspondence submitted in this matter, a Motion was made by Ellen Jordan, and seconded by John Capobianco to accept the request for an amendment to the Certification of Representatives, in the above-entitled matter, to reflect the name change of Local Union 15 to Local Union 808. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

7. Case No. EE- 1946
Town of Westerly – Public Works Department & RI Laborers District Council,
Local 808 **(Certification of Representatives Amendment)**

After review of the correspondence submitted in this matter, a Motion was made by Ellen Jordan, and seconded by John Capobianco to accept the request for an amendment to the Certification of Representatives, in the above-entitled matter, to reflect the name change of Local Union 15 to Local Union 808. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

8. Case No. EE- 3464
Town of Hopkinton – Police Department & RI Laborers District Council, Local 808
(Certification of Representatives Amendment)

After review of the correspondence submitted in this matter, a Motion was made by Ellen Jordan, and seconded by John Capobianco to accept the request for an amendment to the Certification of Representatives, in the above-entitled matter, to reflect the name change of Local Union 15 to Local Union 808. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

9. Case No. EE- 3495
Town of Hopkinton & RI Laborers District Council, Local 808
(Certification of Representatives Amendment)

After review of the correspondence submitted in this matter, a Motion was made by Ellen Jordan, and seconded by John Capobianco to accept the request for an amendment to the Certification of Representatives, in the above-entitled matter, to reflect the name change of Local Union 15 to Local Union 808. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

10. Case No. EE- 3467
Town of Charlestown & RI Laborers District Council, Local 808
(Certification of Representatives Amendment)

After review of the correspondence submitted in this matter, a Motion was made by Ellen Jordan, and seconded by John Capobianco to accept the request for an amendment to the Certification of Representatives, in the above-entitled matter, to reflect the name change of Local Union 15 to Local Union 808. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

Ellen Jordan 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. John Capobianco seconded the Motion 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 purposes of reading, into the Minutes, the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CASES:

1. Case No. ULP- 5964
Town of Warren & United Steelworkers, Local 14845

DETERMINATION: issue a Complaint and proceed to formal hearing.

2. Case No. ULP- 5965
State of RI – Department of Health & RI Department of Health/PSA/NEARI

DETERMINATION: Motion to Dismiss.

3. Case No. ULP- 5966
City of East Providence & IBPO, Local 569

DETERMINATION: Motion to Dismiss.

4. Case No. ULP- 5967
State of Rhode Island – Department of Revenue – Division of Motor Vehicles &
RI Council 94, AFSCME, AFL-CIO

DETERMINATION: Motion to Dismiss.

5. Case No. ULP- 5968
Coventry Fire District & International Association of Fire Fighters (IAFF)

DETERMINATION: issue a Complaint and proceed to formal hearing.

6. Case No. ULP- 5969
Town of North Providence & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: matter tabled.

7. Case No. ULP- 5970
Town of Westerly & RI Laborers District Council, Local 15

DETERMINATION: Motion to Dismiss.

8. Case No. ULP- 5971
State of Rhode Island – Department of Revenue – Division of Motor Vehicles
& RI Council 94, AFSCME, AFL-CIO

DETERMINATION: Motion to Dismiss.

9. Case No. ULP- 5973
Providence School Committee & RI Laborers District Council, Local 1033

DETERMINATION: issue a Complaint and proceed to formal hearing.

10. Case No. ULP- 5975
Providence School Committee & RI Laborers District Council, Local 1033

DETERMINATION: issue a Complaint and proceed to formal hearing.

MISCELLANEOUS MATTERS:

1. Case No. ULP- 5951
East Providence School Committee & NEARI

DETERMINATION: Abeyance Status.

A Motion to adjourn was made by John Capobianco and seconded by Ellen Jordan, and it was unanimously,

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