STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island State Labor Relations Board

1511 Pontiac Avenue
Building 73, 2nd floor
Cranston, Rhode Island 02920-4407
Website: www.dlt.ri.gov/lrb

DRAFT

OPEN MINUTES
BOARD MEETING

TIME: 9:00 a.m.
DATE: Tuesday, October 12, 2010
PLACE: 1511 Pontiac Ave., Building #73, 2nd [illegible]oor, Cranst[illegible], RI 02920

BOARD MEMBERS IN ATTENDANCE:
Wa[illegible]r Lanni
Frank [illegible]naro
Ellen Jo[illegible]n
John R. Ca[illegible]bianco
Gerald Goldst[illegible]
Elizabeth Dolan

OTHERS PRESENT:
Robyn H. Golde[illegible], Administrator
[illegible]L. Ribezzo, Labor Board Case Agent
Marg[illegible] Hogan, Esq.

Chairman Lanni called the meeting to or[illegible] Open Sessi[illegible] at 9:10 a.m.

All Board M[illegible]bers pres[illegible]t reviewed the O[illegible]en Minutes of the August 19, 2010 Board Meeting. A Motion w[illegible] made by Fra[illegible]k Montanaro and [illegible]ec[illegible]ded by Gerald Goldstein to accept the Open Minute[illegible]s written, and it [illegible]as unanimously

VOTED: [illegible] all Board [illegible] [illegible]e minutes as written.

The meeting c[illegible]tin[illegible]ed in open session:

CERTI[illegible]CATION OF [illegible]EPRE[illegible]ENTATIVES:

1. Case [illegible]. EE-3448 [illegible]ow known as EE-3448A)
   Covent[illegible] Fire Distr[illegible]ct & International Association of Fire Fighters (IAFF)

As a result [illegible] a merger of two (2) Locals within the Coventry Fire District / Anthony Fire Department, [illegible]e International Association of Fire Fighters (IAFF) petitioned this Board for an amendment [illegible]f the Certification of Representatives; thus, reflecting a name change of Coventry [illegible]re Dis[illegible]t / Anthony Fire Department and Central Coventry Fire Fighters, Local 3372, In[illegible]n[illegible]onal Association of Fire Fighters (IAFF). Additionally, the parties submitted an additional am[illegible]ument of the Certification of Representatives to exclude three (3) positions, Chief of the De[illegible]partment, Secretary to the Chief, and Tax Collector.

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Upon review of all documentation submitted by the parties, a Motion was made by Frank Montanaro and seconded by Gerald Goldstein to acknowledge and approve the amended Certification of Representatives reflecting a name change to Coventry Fire District / Anthony Fire Department and Central Coventry Fire Fighters, Local 3372, International Association of Fire Fighters (IAFF). After discussion, all Board Members voted in favor of the Motion. Motion passed.

A second Motion was then made by Frank Montanaro and seconded by Gerald Goldstein to acknowledge and approve the amendment to the Certification of Representatives, reflecting that the position(s) of **Chief of the Department, Secretary to the Chief, and Tax Collector,** be **excluded** from the bargaining unit now known as and defined by Certification No. EE-3448A. After discussion, all Board Members voted in favor of the Motion. Motion passed.

UNIT CLARIFICATION/ACCRETION CASES:

1. Case No. EE- 1715
   State of RI – Department of Labor and Training & RI Council 94, AFSCME, AFL-CIO
   (Senior Employment & Training Monitoring Evaluation Specialist (6 Positions)

After review of the Investigator's Report and the Employer's response, a Motion was made by Gerald Goldstein and seconded by Ellen Jordan to accept the Investigator's report as written; thus, to proceed to formal hearing. After discussion, Walter Lanni and Elizabeth Dolan voted in favor of the Motion. Frank Montanaro and John Capobianco opposed the Motion. Motion passed.

CONSENT AGREEMENTS & AFFIDAVITS:

1. Case No. EE-1805
   State of RI – RI Veterans Home & RI Council 94, AFSCME, AFL-CIO
   (Principal Dietitian)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to acknowledge and accept the parties' signed agreement; that the position(s) of **Principal Dietitian**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-1805. After discussion, all Board Members voted in favor of the Motion. Motion passed.

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2. Case No. EE-1805
   State of RI – RI Veterans Home & RI Council 94, AFSCME, AFL-CIO
   (Senior Food Service Administrator)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Ellen Jordan and seconded by Frank Montanaro to acknowledge and accept the parties' signed agreement; that the position(s) of **Senior Food Service Administrator**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-1805. After discussion, all Board Members voted in favor of the Motion. Motion passed.

3. Case No. EE-3039-3042
   City of Providence & RI Laborers' District Council, Local 1033
   (Program Assistant)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by John Capobianco and seconded by Frank Montanaro to acknowledge and accept the parties' signed agreement; that the position(s) of **Program Assistant**, shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3039-3042. After discussion, all Board Members voted in favor of the Motion. Motion passed.

DRAFTED DECISION AND ORDERS:

1. Case No. ULP- 5827
   State of RI – Department of Administration, Department of Education, Department of Health & RI Council 94, AFSCME, AFL-CIO

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

2. Case No. ULP- 5928
   City of Providence & International Association of Fire Fighters (IAFF), Local 799

This case was heard formally by Walter Lanni, John Capobianco, Gerald Goldstein, and Ellen Jordan. Frank Montanaro AND Elizabeth Dolan 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 voted in favor of the Motion and did sign the Decision and Order, as written.

ORDER: 1) The Employer is hereby ordered to provide the requested documents to the Union within ten (10) calendar days from the date that this decision and order is issued. 2) The Employer is also hereby ordered to Cease and Desist from requiring written releases from employees prior to releasing personnel records that are requested by the Union in the course of their exclusive representation of bargaining unit members.

3. Case No. ULP- 5955
   Board of Governors for Higher Education - URI & URI/AAUP Part-Time Faculty United (PTFU)

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

MISCELLANEOUS MATTERS:

1. Case No. EE- 3717
   Central Falls Detention Facility Corporation & Fraternal Order of Police, Lodge 50

After review of the Joint Motion to Conduct Testimonial Depositions, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to accept the parties' Motion in lieu of formal hearing. After discussion, all Board Members voted in favor of the Motion. Motion passed.

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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. 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 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- 6007
   Town of Scituate & International Association of Fire Fighters (IAFF)

DETERMINATION: uphold the charge, issue a Complaint, and proceed to formal hearing.

2. Case No. ULP- 6009
   Town of Coventry & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: matter tabled.

3. Case No. ULP- 6012
   Central Falls Detention Facility Corporation & Fraternal Order of Police, Lodge 50

DETERMINATION: uphold the charge, issue a Complaint, and proceed to formal hearing.

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MISCELLANEOUS MATTERS:

1. Closed Minutes – January 31, 2008

DETERMINATION: publish minutes.

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

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