



Rhode Island State Labor Relations Board

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

OPEN MINUTES BOARD MEETING

TIME: 9:00 a.m.
DATE: Tuesday, December 11, 2012
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter Lanni
Frank Montanaro
Ellen Jordan
Elizabeth Dolan
Gerald Goldstein
John R. Capobianco

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 9:20 a.m.

All Board Members reviewed the Open Minutes of the October 9, 2012 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 Board Members Walter Lanni, Ellen Jordan, and Elizabeth Dolan to accept the minutes as written. Gerald Goldstein and John Capobianco abstained from voting in this matter. Motion passed.

A Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to move Agenda item #4, Miscellaneous Cases, up to second position on the Agenda. After discussion, all Board Members voted in favor of the Motion. Motion passed.

MISCELLANEOUS CASES:

1. Case No. ULP-6086
State of RI – Board of Governors for Higher Education – University of Rhode Island (URI) & URI/AAUP (**Motions**)

After review of the Motions submitted by both parties, a Motion was made by Elizabeth Dolan and seconded by Frank Montanaro to sustain the Board's original granting of the Discovery and the issuance of Subpoenas in this matter. After discussion, Gerald Goldstein, John Capobianco, and Walter Lanni voted in favor of the Motion. Ellen Jordan opposed the Motion. Motion passed.



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Page 2
Open Minutes
Board Meeting 12/11/12

CONCLUDED CASES:

1. Case No. ULP- 6038
Portsmouth School Committee & NEA Portsmouth

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

After review of the above-entitled matter, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to dismiss the Complaint. Gerald Goldstein voted in favor of the Motion. Frank Montanaro, John Capobianco, and Walter Lanni opposed the Motion. Motion failed based on procedural grounds.

Subsequently, a Motion was made by Frank Montanaro and seconded by John Capobianco to uphold the Complaint. Walter Lanni voted in favor of the Motion. Ellen Jordan, Elizabeth Dolan, and Gerald Goldstein opposed the Motion. Motion failed based on procedural grounds.

The matter has been referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect.

2. Case No. ULP- 6073
State of RI – State of RI – Department of Corrections & RI Probation and Parole Association

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

After review of the above-entitled matter, a Motion was made by Frank Montanaro and seconded by John Capobianco to uphold the Complaint, as it relates to Section 28-7-13 (3)(6) and (10). Walter Lanni voted in favor of the Motion. Ellen Jordan, Elizabeth Dolan, and Gerald Goldstein opposed the Motion. Motion failed based on procedural grounds.

Subsequently, a Motion was made by Ellen Jordan and seconded by Elizabeth Dolan to dismiss the Complaint, as it relates to Section 28-7-13 (3)(6) and (10). Gerald Goldstein voted in favor of the Motion. Frank Montanaro, John Capobianco, and Walter Lanni opposed the Motion. Motion failed based on procedural grounds.



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Page 3
Open Minutes
Board Meeting 12/11/12

A Motion was then made by Frank Montanaro and seconded by John Capobianco to uphold the Complaint, as it relates to Section 28-7-13 (2)(5) and (10). Walter Lanni, Ellen Jordan, and Gerald Goldstein, voted in favor of the Motion. Elizabeth Dolan opposed the Motion. Motion passed.

The matter has been referred to the Board's Legal Counsel for drafting of the Decision and Order to that effect.

DECISION AND ORDERS:

1. Case No. ULP-6056
Town of Portsmouth & National Association of Government Employees, Local 280

This case was heard formally by Walter Lanni, Frank Montanaro, John Capobianco, Elizabeth Dolan, Ellen Jordan, and Gerald Goldstein. All Board Members 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: The within matter is hereby dismissed, without prejudice, to the possibility of further proceedings upon the appointment of a seventh Board Member.

2. Case No. EE-3723
State of RI – RI Higher Education Assistance Authority & RI Council 94, AFSCME, AFL-CIO

This case was heard formally by Frank Montanaro, John Capobianco, Elizabeth Dolan, Ellen Jordan, and Gerald Goldstein. Walter Lanni 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: The Petition in this matter is hereby dismissed, without prejudice, to the possible reconsideration upon the appointment of a seventh Board Member.



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Page 4
Open Minutes
Board Meeting 12/11/12

A Motion was made by Frank Montanaro 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 R.I.G.L. 42-46-5(a) (2) (4) of the Open Meetings Law. Elizabeth Dolan 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 10:20 a.m.

The meeting resumed in open session at 10:30 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-6089
North Kingstown School Committee & North Kingstown ESPA/NEARI/NEARI
Board Member, Elizabeth Dolan, has recused herself from participation in this matter.

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

2. Case No. ULP- 6090
North Kingstown School Committee & North Kingstown ESPA/NEARI/NEARI

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

3. Case No. ULP-6091
North Kingstown School Committee & North Kingstown ESPA/NEARI/NEARI

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

4. Case No. ULP-6092
Chariho Regional School Committee & NEA Chariho

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



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Page 5
Open Minutes
Board Meeting 12/11/12

5. Case No. ULP-6093
North Kingstown School Committee & North Kingstown ESPA/NEARI/NEARI

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

6. Case No. ULP-6094
North Kingstown School Committee & North Kingstown ESPA/NEARI/NEARI

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

7. Case No. ULP-6095
City of Pawtucket & RI Council 94, AFSCME, AFL-CIO

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

MISCELLANEOUS CASES:

1. Case No. ULP- 5890
Providence Community Action Program & RI Laborers' District Council, Local 1033

DETERMINATION: Matter dismissed with prejudice.

2. Case No. ULP- 6088 (WC 2012-0542) (Litigation Matter)
Town of North Kingstown & North Kingstown Fire Fighters, IAFF
Board Member, Elizabeth Dolan, has recused herself from participation in this matter.

DETERMINATION: Board to intervene and submit Briefs.

3. Closed Minutes: March 11, 2003 (Minutes to be opened and posted)

DETERMINATION: Publish minutes.

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

VOTED: to adjourn the meeting at 10:40 a.m.