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 8, 2013
**PLACE:** 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

**BOARD MEMBERS IN ATTENDANCE:**
Walter Lanni
Frank Montanaro
Gerald Goldstein
Elizabeth S. Dolan
Marcia B. Reback
Scott G. Duhamel
Bruce A. Wolpert

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

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Chairman Lanni called the meeting to order in Open Session at 9:05 a.m.

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All Board Members reviewed the Open Minutes of the September 18, 2013 Board Meeting. A Motion was made by Frank Montanaro and seconded by Marcia B. Reback to accept the Open Minutes as written, and it was unanimously

**VOTED:** by all Board Members to accept the minutes as written. Motion passed.

All Board Members reviewed the Open Minutes of the September 25, 2013 Board Meeting. A Motion was made by Frank Montanaro and seconded by Scott G. Duhamel to accept the Open Minutes as written, and it was unanimously

**VOTED:** by all Board Members to accept the minutes as written. Motion passed.

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**CONCLUDED CASES:**

1. Case No. ULP- 6071
   Town of North Kingstown & North Kingstown Fire Fighters, Local 1651
   **(Elizabeth S. Dolan is recused in this matter)**

A Motion was made by Marcia B. Reback and seconded by Scott G. Duhamel to move the aforementioned matter to the end of the Agenda. After discussion, all Board Members voted in favor of the Motion. Motion passed.

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**DRAFTED CASES:**

1. Case No. ULP-6086
   RI Board of Governors for Higher Education & URI & Graduate Assistants United Chapter of AAUP (Tentative – Review & Adoption of Decision and Order)

A Motion was made Marcia B. Reback and seconded by Gerald S. Goldstein to table this matter until the next applicable monthly Board Meeting. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No. EE-3717
   Central Falls Detention Facility Corporation & Fraternal Order of Police (FOP), Lodge 50 (Directed Election) (Tentative – Review & Adoption of Decision and Order)

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

**MISCELLANEOUS MATTERS:**

1. Case No. EE- 3731
   State of Rhode Island – Department of Administration & Service Employees International Union (SEIU) (Letter of Request)

After review of the documentation submitted by Mike Stenhouse, CEO, RI Center for Freedom & Prosperity, a Motion was made by Scott G. Duhamel and seconded by Marcia B. Reback that the request submitted herein, shall hereby be denied, to wit: a request for cancellation of the election process in the above-entitled matter. As discussed, the Board stated that in matters of this nature, it is not within the Board's statutory authority to cancel the election process as requested; nor is it the Board's policy to entertain requests from organizations that are not a party to the case for which they do not have any standing within. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Open Minutes of July 31, 2013 (Amendment)

A Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro to move the aforementioned matter to the end of the Agenda. After discussion, all Board Members voted in favor of the Motion. Motion passed.



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A Motion was made by Marcia B. Reback and seconded by Bruce A. Wolpert at 9:20 a.m. to temporarily suspend the Open Session of the Board Meeting and proceed into Executive Session. After discussion, all Board Members voted in favor of the Motion. Motion passed.

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A Motion was then made by Marcia B. Reback for the Board to go into Closed Session for the purpose of reviewing the Unfair Labor Practice Charges and the Miscellaneous matters, pursuant to R.I.G.L. 42-46-5(a) (2) (4) of the Open Meetings Law. Frank J. Montanaro 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 9:35 a.m.

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A Motion was then made by Marcia B. Reback and Frank J. Montanaro to resume the meeting in open session at 9:40 a.m. for the purposes of addressing the Concluded Cases from the Open Session, Section #2a, the Miscellaneous Matter, Section #4b, and reading into the minutes the determinations made by the Board in Closed Session. After discussion, Walter J. Lanni, Frank J. Montanaro, Gerald S. Goldstein, Marcia B. Reback, and Scott G. Duhamel voted in favor of the Motion. Elizabeth S. Dolan and Bruce A. Wolpert left the Board Meeting at 9:25 a.m. Motion passed.

**CONCLUDED CASES:**

1. Case No. ULP-6071
   Town of North Kingstown & North Kingstown Fire Fighters, Local 1651
   (Elizabeth S. Dolan is recused in this matter)

A Motion was made Frank J. Montanaro and seconded by Marcia B. Reback to table this matter until the next applicable monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

**MISCELLANEOUS MATTERS:**

2. Open Minutes of July 31, 2013 (Amendment)

Clarification by the Administrator of the Board, regarding the administrative procedures used to modify the "drafted" Minutes of July 31, 2013:

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On September 18, 2013, the Board reviewed the "drafted" minutes of July 31, 2013. (The "drafted" minutes were previously posted to the Secretary of State and RI State Labor Relations Board's websites prior to the September 18, 2013 Board meeting.) Upon review of the Minutes at the September 18, 2013 Board meeting, it was determined that a modification was necessary regarding the verbiage written within the matter of Case No. ULP-6088; thus, to reflect the actual determination made by the Board. A Motion was then made by Marcia B. Reback and seconded by Frank J. Montanaro, with the consent of Walter J. Lanni, Gerald S. Goldstein, Marcia B. Reback, Scott G. Duhamel, and Bruce A. Wolpert to change the verbiage as correctly reflected. (Elizabeth S. Dolan is recused from this matter; and she was not present at the July 31, 2013 Board meeting.) Upon the Administrator of the Board modifying the "drafted" minutes as directed, she wrote the changes in red and put the word "Amended" on the front of the July 31, 2013 open minutes to reflect that there was a modification within the Minutes. The modified minutes were then voted on and accepted at the September 25, 2013 Board meeting.

After discussion, a Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro to accept the clarification from the Administrator of the Board regarding the word "Amended" on the July 31, 2013 Minutes. All Board Members present voted in favor of the Motion. Motion passed.

**UNFAIR LABOR PRACTICE CASES:**

1. Case No. ULP-6115
   Warwick School Committee & Warwick Teachers' Union, AFT, Local 915

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

**MISCELLANEOUS MATTERS:**

1. Superior Court Case NO. School Committee-2013-4261 - Case No. ULP-6088
   Town of North Kingstown & North Kingstown Fire Fighters, Local 1651,
   International Association of Fire Fighters (IAFF) **(Litigation)**
   (Elizabeth S. Dolan is recused in this matter)

**DETERMINATION:** Matter tabled.

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A Motion to adjourn was made by Marcia B. Reback and seconded by Frank Montanaro, and it was unanimously,

**VOTED:** to adjourn the meeting at 9:45 a.m.