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

OPEN MINUTES
BOARD MEETING

TIME: 9:00 A.M.
DATE: Tuesday, June 25, 2015
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE:
Walter Lanni
Frank Montanaro
Marcia B. Reback
Scott G. Duhamel
Aronda Kirby
Harry F. Winthrop

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

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

All Board Members reviewed the Open Minutes of the May 19, 2015 Board Meeting. A Motion was made by Frank J. Montanaro and seconded by Marcia B. Reback to accept the Open Minutes as written, and it was

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

UNIT CLARIFICATION/ACCRETION CASES:

1. Case No. EE-3039-3042
   City of Providence & RI Laborers' District Council, Local 1033
   (Motion to Conduct Testimonial Depositions of Witnesses)

After review of the Motion to Conduct Testimonial Depositions of Witnesses submitted in the above-entitled matter, a Motion was made by Scott G. Duhamel and seconded by Frank J. Montanaro to grant the said Motion, with the understanding that the parties will conclude the process within 120 days from the date of the correspondence informing them of the Board's decision. Additionally, upon completion of the depositions, the parties shall notify the Board of said completion, for the purpose of determining a briefing schedule. After discussion, all Board Members voted in favor of the Motion. Motion passed.

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2. Case No. EE- 3264
   Town of Narragansett & RI Council 94, AFSCME, AFL-CIO
   (Towers Coordinator – Preliminary Determination)

After review of the Investigator's Report, (Neither party submitted a response to this matter) a Motion was made by Frank J. Montanaro and seconded by Marcia B. Reback to accept the Investigator's report as written; thus, to preliminarily **exclude** the position of **Towers Coordinator** from the bargaining unit within EE-3264. After discussion, all Board Members voted in favor of the Motion. Motion passed.

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-3417
   State of Rhode Island – University of Rhode Island (URI) & RI Council 94, AFSCME, AFL-CIO
   (Accretion – University of Rhode Island (URI) Police Officers)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro to acknowledge and accept the parties' signed Agreement; that the position(s) of **University of Rhode Island (URI) Police Officers,** shall be and is hereby **accreted** into the bargaining unit as defined by Certification No. EE-3417. After discussion, all Board Members voted in favor of the Motion. Motion passed.

CONCLUDED CASES:

1. Case No. ULP-6150
   Town of North Kingstown & International Brotherhood of Police Officers (IBPO), Local 473

Walter J. Lanni, Frank J. Montanaro, Marcia B. Reback, Scott G. Duhamel, Bruce A. Wolpert, and Peder A. Schaefer heard this matter formally. (**NOTE**: Bruce A. Wolpert and Peder A. Schaefer were no longer participating Board Members at the time of this vote) All current Board Members 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 Marcia B. Reback and seconded by Aronda Kirby 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 J. Lanni, Frank J. Montanaro, Marcia B. Reback and Aronda Kirby voted in favor of the Motion. Scott G. Duhamel voted in opposition to this matter. Harry F. Winthrop abstained from voting in this matter. Motion passed.

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DRAFTED CASES:

1. Case No. EE-1715
   State of Rhode Island - Department of Labor and Training & RI Council 94, AFSCME, AFL-CIO **(Office Manager)**

As a result of the Decision and Order being presented to the Board Members on the morning of the Board meeting, a Motion was made by Frank J. Montanaro and seconded by Scott G. Duhamel to review the matter at the end of the Board meeting; thus, to allow all Board Members the opportunity to read the Decision and Order instead of tabling the matter. All Board Members voted in favor of the Motion. Motion passed.

MISCELLEANOUS MATTERS:

1. Case No. ULP- 6159
   West Warwick Housing Authority & RI Council 94, AFSCME, AFL-CIO
   (Motion to Dismiss)

After review of the Motion to Dismiss in the aforementioned matter, a Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro to deny the Motion without prejudice. After discussion all Board Members voted in favor of the Motion. Motion passed.

2. Litigation: Town of North Kingstown & International Association of Fire Fighters (IAFF), Local 1651 **(Reversal and Vacate – Decision and Order)**

A Motion was made by Marcia B. Reback and seconded by Aronda Kirby to hold the review and discussion of the aforementioned Litigation Matter pending discussion of litigation in closed session. After discussion, all Board Members voted in favor of the Motion. Motion passed.

3. Litigation: PC14-2730 (EE-3729) RI Board Council on Elementary and Secondary Education/ RI Department of Education & RIDE Legal Counsel/Hearing Officer Professional Union **(Remand)**

A Motion was made by Marcia B. Reback and seconded by Aronda Kirby to hold the review and discussion of the aforementioned Litigation Matter pending discussion of litigation in closed session. After discussion, all Board Members voted in favor of the Motion. Motion passed.

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A Motion was then made by Frank J. Montanaro for the Board to go into Closed Session for the purpose of reviewing the Closed Minutes, Unfair Labor Practice Cases, and Miscellaneous Matters, pursuant to R.I.G.L. 42-46-5(a) (2) (4) of the Open Meetings Law. Scott G. Duhamel seconded the Motion and it was unanimously

VOTED: by all Board Members for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 10:05 a.m.

The meeting resumed in open session at 10:10 a.m. for the purposes of reading into the minutes, the determinations made by the Board in Closed Session, as well as addressing the Miscellaneous Matters of the Open Session.

DRAFTED CASES:

1. Case No. EE-1715
   State of Rhode Island - Department of Labor and Training & RI Council 94, AFSCME, AFL-CIO **(Office Manager)**

This case was heard formally by Walter Lanni, Elizabeth Dolan, Marcia B. Reback, Scott G. Duhamel, Bruce A. Wolpert, and Peder A. Schaefer. (**NOTE**: Bruce A. Wolpert and Peder A. Schaefer were no longer participating Board Members at the time of the signing of the Decision and Order) Board Member, Scott G. Duhamel, abstained from voting in this matter. New

Board Members, Aronda Kirby and Harry F. Winthrop, did not participate in this matter. All participating Board Members reviewed the transcript(s) and briefs, as well as the evidence submitted therein.

After review of the drafted Decision and Order, a Motion was made by Frank J. Montanaro and seconded by Marcia B. Reback to sign the Decision and Order as written, and to refer the case back to the Administrator of the Board for final proofing; with the direction to issue the same as soon as possible. After discussion, all participating Board Members voted in favor of the Motion and did sign the signature page of the Decision and Order, as written. Motion passed.

ORDER: 1) The position of Office Manager shall be excluded from the bargaining unit certified under EE-1715. 2) The petition is hereby denied and dismissed.

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UNFAIR LABOR PRACTICE CASES:

1. Case No. ULP-6158
   RI Board Council on Elementary and Secondary Education/RI Department of Education & RIDE Legal Counsel/Hearing Officer Professional Union

DETERMINATION: A Motion to table the charge was made by Marcia B. Reback and seconded by Scott G. Duhamel. After discussion, all Board Members voted in favor of the Motion. Motion passed.

Board Member, Scott G. Duhame, left the Board meeting at 9:55 a.m.

2. Case No. ULP-6161
   North Smithfield School Committee & North Smithfield Education Association/National Education Association of RI (NEARI)

DETERMINATION: A Motion to dismiss was made by Harry F. Winthrop and seconded by Marcia B. Reback. After discussion, all Board Members voted in favor of the Motion. Motion passed.

MISCELLEANOUS MATTERS:

1. Litigation: Town of North Kingstown & International Association of Fire Fighters (IAFF), Local 1651
   (Settlement Agreement – reversal and vacate of Decision and Order)

DETERMINATION: A Motion to sign the Order Vacating Final Decision was made by Frank J. Montanaro and seconded by Marcia B. Reback. After discussion, Walter J. Lanni, Frank J. Montanaro, and Marcia B. Reback signed the Order as written. Scott G. Duhamel was not present to sign the Order. New Board Members, Aronda Kirby and Harry F. Winthrop did not participate in this matter. Motion passed.

2. Litigation: PC14-2730 (EE-3729) RI Board Council on Elementary and Secondary Education/ RI Department of Education & RIDE Legal Counsel/Hearing Officer Professional Union **(Remand)**

DETERMINATION: A Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro that the position of Hearing Officer/Legal Counsel is not managerial; that there is enough evidence to that determination; and that the parties should not be permitted to enter any further evidence or briefs on the matter. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

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

VOTED: to adjourn the meeting at 10:15 a.m.