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.rislrb.ri.gov

OPEN MINUTES
BOARD MEETING

TIME: 9:00 A.M.
DATE: Tuesday, September 13, 2016
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

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

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 9:20 a.m.

All Board Members reviewed the Open Minutes of the July 5, 2016 Board Meeting. A Motion was made by Harry F. Winthrop and seconded by Marcia B. Reback to accept the Open Minutes as written, and it was

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

REPRESENTATION CASES:

1. Case No. EE-3740
   The Paul Cuffee School & National Education Association of RI (NEARI)
   (Motion to Dismiss)

After review of the supplemental documentation submitted by the Employer, it was so noted that that the Union had not had the opportunity to respond to the information submitted by the Employer.

As a result, a Motion was made by Marcia B. Reback and seconded by Alberto Aponte Cardona that the matter shall be tabled until the next applicable monthly Board meeting; and that the Union's Representative shall be notified of the submission and given an opportunity to respond to said documentation. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

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CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE-3514/3069
   Town of East Greenwich & National Education Association of RI (NEARI) & International Brotherhood of Police Officers (IBPO), Local 472 **(Transfer of Bargaining Units Between National Organizations – Change of Jurisdiction)**

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 Scott G. Duhamel to acknowledge and accept the parties' signed Agreement; that the Transfer of Bargaining Units Between National Organizations – Change of Jurisdiction for the position(s) of **Administrative Assistant (Deborah A. Gregory)** and **Detective Secretary (Janet Zartarian),** shall be and is hereby transferred from Certification of Representatives Case No. EE- 3514 into the bargaining unit as defined by Certification of Representatives Case No. EE-3069. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

NOTE: Board Member, Aronda R. Kirby, arrived at 9:50 a.m.

CONCLUDED CASES:

1. Case No. EE-2068
   West Warwick Housing Authority & RI Council 94, AFSCME, AFL-CIO
   (Employer's Case) (Motion to Dismiss)

After review of the documentation submitted in the aforementioned matter, a Motion was made by Frank J. Montanaro and seconded by Marcia B. Reback to re-open the Formal Hearing process, for the purpose of verification of factual information requested by the Board; and to contact the Employer's Representative for further requested information by the Board. After discussion, all Board Members voted in favor the Motion. Motion passed.

Subsequently, a Motion was made by Marcia B. Reback and seconded by Frank J. Montanaro to table the matter until the conclusion of the Formal Hearing process. After discussion, all Board Members voted in favor the Motion. Motion passed.

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DECISION AND ORDER CASES:

1. Case No. ULP-6167
   City of Cranston & International Brotherhood of Police Officers (IBPO), Local 301

Walter J. Lanni, Frank J. Montanaro, Marcia B. Reback, Scott G. Duhamel, Aronda Kirby, Harry F. Winthrop, and Alberto Aponte Cardona heard this matter formally. All 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 Marcia B. Reback and seconded by Scott G. Duhamel 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 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 Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

2. Case No. ULP-6178
   West Warwick Housing Authority & RI Council 94, AFSCME, AFL-CIO

Walter J. Lanni, Frank J. Montanaro, Marcia B. Reback, Aronda Kirby, and Harry F. Winthrop, heard this matter formally. All 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 Scott G. Duhamel 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 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 Employer is hereby ordered to provide the Union with the name and contact information of every employee at the West Warwick Housing Authority holding the position of Maintenance Foreman, Maintenance Mechanic Aid, Sr. Housing Specialist, Housing Specialist, and Receptionist. 2) The Employer is hereby ordered to immediately resume collecting Union dues from the pay of any employee holding the title of Maintenance Foreman, Maintenance Mechanic Aid, Sr. Housing Specialist, Housing Specialist, and Receptionist and remit those funds to the Union, in the same frequency as was done in 2015 and prior years.

A Motion was then made by Harry F. Winthrop for the Board to go into Closed Session for the purpose of reviewing the Closed Minutes, and Unfair Labor Practice Charges, 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: by all Board Members for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 10:15 a.m.

The meeting resumed in open session at 10:20 a.m. for the purposes of reading into the minutes, the determinations made by the Board in Closed Session, as well as adjourning the monthly Board meeting.

UNFAIR LABOR PRACTICE CHARGES:

1. Case No.ULP-6181
   City of Pawtucket & Pawtucket Fraternal Order of Police, Lodge 4

DETERMINATION: A Motion was made by Marcia B. Reback and seconded by Scott G. Duhamel to uphold the charge, issue a Complaint, and proceed to formal hearing. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No.ULP-6184
   Pawtucket School Committee & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: A Motion was made by Harry F. Winthrop and seconded by Alberto Aponte Cardona to administratively dismiss the above-entitled matter. After discussion, all Board Members voted in favor of the Motion. Motion passed.

3. Case No.ULP-6185
   Pawtucket School Committee & RI Council 94, AFSCME, AFL-CIO

DETERMINATION: A Motion was made by Frank J. Montanaro and seconded by Marcia B. Reback to uphold the charge, issue a Complaint, and proceed to formal hearing. After discussion, Walter J. Lanni, Frank J. Montanaro, Marcia B. Reback, Scott G. Duhamel, and Harry F. Winthrop voted in favor of the Motion. Aronda R. Kirby and Alberto Aponte Cardona opposed the Motion. Motion passed.

4. Case No.ULP-6186
Town of North Providence & Fraternal Order of Police, Lodge 13
(Board Member, Alberto Aponte Cardona, recused himself from participation in this matter)

DETERMINATION: A Motion was made by Harry F. Winthrop and seconded by Aronda R. Kirby to administratively dismiss the above-entitled matter. After discussion, all participating Board Members voted in favor of the Motion. Motion passed.

A Motion to adjourn was made by Aronda R. Kirby seconded by Scott G. Duhamel and it was unanimously,

VOTED: to adjourn the meeting at 10:25 a.m.