



Rhode Island State Labor Relations Board

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

OPEN MINUTES BOARD MEETING

TIME: 9:00 A.M.
DATE: Tuesday, August 22, 2017
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni
Marcia B. Reback
Scott G. Duhamel
Aronda R. Kirby
Alberto Aponte Cardona
Kenneth B. Chiavarini, Esq.

BOARD MEMBERS ABSENT: Frank J. Montanaro

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

Chairman Lanni called the meeting to order in Open Session at 9:05 A.M.

All Board Members present reviewed the Open Minutes of the June 6, 2017 Board Meeting. A Motion was made by Marcia B. Reback and seconded by Aronda R. Kirby to accept the Open Minutes as written, and it was

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

CONSENT AGREEMENT & AFFIDAVIT MATTERS:

1. **Case No. EE-3115**
State of Rhode Island - Department of Transportation & Local 400, IFPTE
(Office Manager - Office of Storm Water Management; Principal Equal Opportunity Officer – Office of Civil Rights)

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 and Affidavit. Accordingly, the position(s) of **Office Manager - Office of Storm Water Management; Principal Equal Opportunity Officer – Office of Civil Rights** shall be **accreted** into the bargaining unit as defined in Certification of Representatives - Case No. EE-3115. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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2. Case No. EE-3419

State of Rhode Island - Executive Department - Emergency Management Agency & RI Laborers' District Council, Local 808

(Emergency Management Planner; Emergency Management Communications Supervisor; Emergency Management Communications Technician; Emergency Management Radiological Supervisor; Emergency Management Information Services & Warning Officer Technician; Emergency Management Exercise Coordinator; Emergency Management Training Supervisor; Emergency Management Preparedness Coordinator; Fiscal Management Officer; Emergency Management Recovery Coordinator; Emergency Management Logistics Coordinator; Emergency Management Recovery Supervisor; Emergency Management Radiological Technician)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Scott G. Duhamel and seconded by Alberto Aponte Cardona to acknowledge and accept the parties' signed Agreement and Affidavit. Accordingly, the aforementioned position(s) shall be **accreted** into the bargaining unit as defined in Certification of Representatives - Case No. EE-3419. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

3. Case No. EE-3457

State of Rhode Island - Department of Corrections/Department for Children, Youth and Families & RI Probation and Parole Association

(Administrative Officer - Probation and Parole Unit)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Aronda R. Kirby and seconded by Marcia B. Reback to acknowledge and accept the parties' signed Agreement and Affidavit. Accordingly, the position(s) of **Administrative Officer - Probation and Parole Unit** shall be **accreted** into the bargaining unit as defined in Certification of Representatives - Case No. EE-3457. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

4. Case No. EE-3503

State of Rhode Island - Department of Corrections/Department for Children, Youth and Families & RI Probation and Parole Association (RIPPA)

(Information Aide; Information Services Technician II - Probation and Parole Unit)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Aronda R. Kirby and seconded by Marcia B. Reback to acknowledge and



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accept the parties' signed Agreement and Affidavit. Accordingly, the position(s) of **Information Aide; Information Services Technician II - Probation and Parole Unit** shall be **accreted** into the bargaining unit as defined in Certification of Representatives - Case No. EE-3503. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

5. Case No. EE-3575

State of Rhode Island - Department of Health & RI Department of Health Professional Staff Association/NEARI/NEA

(Health Economics Specialist – Office of Health System Development; Center for Health Systems Police and Regulation, Division of Policy Information and Communications)

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 and Affidavit. Accordingly, the position(s) of **Health Economics Specialist – Office of Health System Development; Center for Health Systems Police and Regulation, Division of Policy Information and Communications** shall be **accreted** into the bargaining unit as defined in Certification of Representatives - Case No. EE-3575. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

6. Case No. EE-3704

State of Rhode Island - Department of Environmental Management & Local 400, IFPTE
(Chief Implementation Aide – Division of Parks and Recreation)

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 and Affidavit. Accordingly, the position(s) of **Chief Implementation Aide – Division of Parks and Recreation** shall be **accreted** into the bargaining unit as defined in Certification of Representatives - Case No. EE-3704. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

MISCELLANEOUS MATTERS:

1. Case No. ULP-6198

Town of North Providence & Elizabeth Iafate

(Motion to File a Contingent, Limited Purpose, Rebuttal Brief)

Board Member, Alberto Aponte Cardona, is recused from participation in this matter.
Board Member, Kenneth B. Chiavarini, abstained from participation in this matter.



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A Motion was made by Marcia B. Reback and seconded by Aronda R. Kirby to hold this matter to the end of Open Session for further review. After discussion, all Board members present voted in favor of the Motion. Motion passed.

CONCLUDED CASES:

1. Case No. ULP- 6198

Town of North Providence & Elizabeth Iafrate

**Board Member, Alberto Aponte Cardona, is recused from participation in this matter.
Board Member, Kenneth B. Chiavarini, abstained from participation in this matter.**

Walter J. Lanni, Frank J. Montanaro, Marcia B. Reback, Scott G. Duhamel, and Aronda R. Kirby, heard this matter formally. All 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 Scott G. Duhamel to uphold the violation as it relates to Section 28-7-13 (8) and find that the Employer had committed an Unfair Labor Practice; 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, Marcia B. Reback, and Scott G. Duhamel, voted in favor of the Motion. Aronda R. Kirby voted in opposition to this matter. Matter passed.

2. Case No. EE- 3704

State of Rhode Island - Department of Environmental Management & Local 400, IFPTE

Walter J. Lanni, Frank J. Montanaro, Marcia B. Reback, Aronda R. Kirby, Alberto Aponte Cardona, and Kenneth B. Chiavarini, heard this matter formally. All 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 R. Kirby to **accrete** the position of **Federal Aide Program Coordinator** into the bargaining unit, as defined by Certification No. EE-3704; 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, Marcia B. Reback, and Scott G. Duhamel voted in favor of the Motion. Aronda R. Kirby, Alberto Aponte Cardona, and Kenneth B. Chiavarini, Esq. opposed the Motion. Motion failed on procedural grounds.



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MISCELLANEOUS MATTERS:

1. Case No. ULP- 6198

Town of North Providence & Elizabeth Iafate

(Motion to File a Contingent, Limited Purpose, Rebuttal Brief)

Board Member, Alberto Aponte Cardona, is recused from participation in this matter.

Board Member, Kenneth B. Chiavarini, abstained from participation in this matter.

After review of the above-entitled matter, a Motion was made by Marcia B. Reback and seconded by Aronda R. Kirby, to deny the Motion to File a Contingent, Limited Purpose, Rebuttal Brief filed by the Employer's Representative. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

Board Member, Kenneth B. Chiavarini, left the Board Meeting at 9:50 a.m.

A Motion was then made by Scott G. Duhamel 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. Aronda R. Kirby seconded the Motion and it was unanimously

VOTED: by all Board Members present 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 10:25 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 PRACTICES:

1. Case No. ULP- 6202

Burrillville School Committee & Burrillville Teachers' Association/NEARI

DETERMINATION: A Motion was made by Aronda R. Kirby and seconded by Scott G. Duhamel to uphold the charge, issue a Complaint, and proceed to Formal Hearing. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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- 2. Case No. ULP- 6204
Town of Middletown & Fraternal Order of Police, Lodge #21

DETERMINATION: A Motion was made by Marcia B. Reback and seconded by Aronda R. Kirby to uphold the charge, issue a Complaint, and proceed to Formal Hearing. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

- 3. Case No. ULP- 6205
State of Rhode Island - Department of Human Services & RI Council 94, AFSCME, AFL-CIO

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

- 4. Case No. ULP- 6206
City of Providence & RI Council 94, AFSCME, AFL-CIO

Board Member, Kenneth B. Chiavarini, is recused from participation in this matter.

DETERMINATION: A Motion was made by Marcia B. Reback and seconded by Aronda R. Kirby to uphold the charge, issue a Complaint, and proceed to Formal Hearing. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

- 5. Case No. ULP- 6207
City of Providence & RI Council 94, AFSCME, AFL-CIO

Board Member, Kenneth B. Chiavarini, is recused from participation in this matter.

DETERMINATION: A Motion was made by Aronda R. Kirby and seconded by Scott G. Duhamel to uphold the charge, issue a Complaint, and proceed to Formal Hearing. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

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

VOTED: to adjourn the meeting at 10:30 a.m.