



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, October 16, 2018
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.
Derek M. Silva

OTHERS PRESENT: Robyn H. Golden, Administrator
Lisa L. Ribezzo, Agent of the Board
Jeffrey W. Kastle, Esq.

Chairman Lanni called the meeting to order in Open Session at 9:00 A.M.

All Board Members reviewed the Open Minutes of the August 30, 2018 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 to accept the minutes as written. Motion passed.

UNIT CLARIFICATION / ACCRETION MATTERS:

1. Case No. EE-3167
Providence School Board & RI Laborers' District Council, Local 1033

(School Culture Coordinator)
(Board Member, Kenneth B. Chiavarini, has recused himself from participation in this matter)

After review of the investigative report, a Motion was made by Aronda R. Kirby and seconded by Marcia B. Reback to proceed to formal hearing in this matter. After discussion, all participating Board Members voted in favor of the Motion. Motion passed.



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CONSENT AGREEMENT & AFFIDAVITS:

1. Case No. EE-3735
Town of Scituate & National Association of Government Employees (NAGE)
(Accretion – Animal Control Director; Animal Control Officer)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Kenneth B. Chiavarini and seconded by Marcia B. Reback to acknowledge and accept the parties' signed Consent Agreement and Affidavit. Accordingly, the position(s) of **Animal Control Director; Animal Control Officer** shall be accreted into the bargaining unit as defined in Certification of Representatives – Case No. EE-3735. After discussion, all Board Members voted in favor of the Motion. Motion passed.

CONCLUDED MATTERS:

1. Case No. ULP- 6213
Warwick School Committee & Warwick Teachers' Union, AFT Local 915

A Consent Order, stipulating to the facts, was entered on this matter; therefore, there are no transcripts for review. All Board Members reviewed the parties' briefs.

After review of the above-entitled matter, a preliminary Motion was made by Marcia B. Reback and seconded by Derek M. Silva to uphold the violation 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, Scott G. Duhamel, Alberto Aponte Cardona, and Derek M. Silva voted in favor of the Motion. Aronda R. Kirby and Kenneth B. Chiavarini opposed the Motion. Motion passed.

MISCELLANEOUS MATTERS:

1. Case No. ULP- 6220
Town of East Greenwich & East Greenwich Fire Fighters Association, Local 3228,
International Association of Fire Fighters (IAFF), AFL-CIO **(Respondent's Motion to Quash
Petitioner's Subpoenas)**

After review of the parties' Motions, a Motion was made by Marcia B. Reback and seconded by Alberto Aponte Cardona to deny the Motion to Quash Petitioner's Subpoenas with the following determinations:



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Motion to Quash – As to points 1 – 4 and 6, the Board denies the Motion To Quash; As to Point 5 raised by the Town, the Board denies the Town’s Motion, but said denial is without prejudice to the Town being able to object to and argue as to each of the individual areas of questioning identified by the Union; that said area may be subject to the Doctrine of Legislative immunity.

After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No. ULP- 6220
Town of East Greenwich & East Greenwich Fire Fighters Association, Local 3228,
International Association of Fire Fighters (IAFF), AFL-CIO (**Respondent’s Motion to Dismiss**)

After review of the parties’ Motions, a Motion was made by Marcia B. Reback and seconded by Scott G. Duhamel to deny the Motion to Dismiss with the following determinations:

Motion to Dismiss – Election of Remedy: Paragraphs 1,4,13 and 15 – These items have been placed in abeyance at the request of the Union; therefore, no decision needs to be made at this time;
As to Paragraph 18 – This charge has been withdrawn by the Union; therefore, no decision needs to be made as the Town’s request to dismiss is moot;
As to Paragraphs 5,14 and 19 – the Motion to Dismiss is denied.

Motion to Dismiss – Statute of Limitations: As to Paragraphs 1 & 4, these items have been placed in abeyance at the request of the Union; therefore, no decision needs to be made at this time;
As to Paragraphs 6 and 14 – Motion to Dismiss is denied.

Subsequently, a Motion was made by Kenneth B. Chiavarini and seconded by Alberto Aponte Cardona to amend the denial of the Motion to Dismiss to include - Paragraphs 6, 25, 27 and 28 – The Board will defer to arbitration with regard to each of these pending charges. After discussion, Walter J. Lanni, Scott G. Duhamel, Derek M. Silva, Aronda R. Kirby, Alberto Aponte Cardona and Derek M. Silva voted in favor of the Motion. Marcia B. Reback opposed 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 Closed Minutes, and Unfair Labor Practice Charges, pursuant to R.I. Gen. Laws §42-46-5(a) (2) (4) of the Open Meetings Law. Kenneth B. Chiavarini 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 9:40 a.m.

The meeting resumed in open session at 9:45 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-6226
Town of East Greenwich & East Greenwich Fire Fighters Association, Local 3228,
International Association of Fire Fighters (IAFF), AFL-CIO

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-6227
Town of East Greenwich & East Greenwich Fire Fighters Association, Local 3228,
International Association of Fire Fighters (IAFF), AFL-CIO

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.

3. Case No. ULP-6228
Newport School Committee & Teachers' Association of Newport / NEARI

DETERMINATION: A Motion was made by Scott G. Duhamel and seconded by Aronda R. Kirby 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.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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A Motion to adjourn was made by Kenneth B. Chiavarini and seconded by Derek M. Silva and it was unanimously,

VOTED: to adjourn the meeting at 9:50 a.m.