



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: Monday, February 19, 2024
PLACE: 1511 Pontiac Ave., Building #73, 3rd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni
Scott G. Duhamel
Aronda R. Kirby
Stan Israel

ABSENT: Kenneth B. Chiavarini
Harry F. Winthrop
Lawrence E. Purtill

OTHERS PRESENT: Thomas A. Hanley, Administrator
Lisa L. Ribezzo, Programming Services Officer
Jeffrey W. Kastle, Esq. (by telephone)

Chairman Lanni called the meeting to order in Open Session at 9:20 A.M.

All Board Members present reviewed the Open Minutes of the December 12, 2023 Board Meeting. A Motion was made by Aronda R. Kirby and seconded by Scott G. Duhamel to accept the Open Minutes as written, and it was

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

2. CONSENT AGREEMENT & AFFIDAVIT MATTERS (Review and Determination):

- (a) EE- 3188 Town of Johnston & RI Council 94, AFSCME, AFL-CIO, Local 1491
(Merger of Two (2) Bargaining Units Within the Same Affiliation)

A Motion was made by Aronda R. Kirby and seconded by Scott G. Duhamel to acknowledge and accept the parties signed Consent Agreement & Affidavit and related documents in this matter for the Merger of Two (2) Bargaining Units Within the Same Affiliation within the Town of Johnston. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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3. UNIT CLARIFICATION/ACCRETION CASES: (Review and Determination):

- (a) EE- 3095A State of Rhode Island – Department of Behavioral Healthcare, Developmental Disabilities & Hospitals & RI Council 94, AFSCME, AFL-CIO, Local 2393
(Unit Clarification/Accretion – Chief Implementation Aide)

A Motion was made by Aronda R. Kirby and seconded by Scott G. Duhamel to accept the investigator's report in this matter, and preliminarily accrete the position of Chief Implementation Aide. All Board Members present voted in favor of the Motion. Motion passed.

A Motion was made by Aronda R. Kirby and seconded by Scott G. Duhamel to take the agenda out of order, by moving Concluded Cases to the end of the Open Session. All Board Members present voted in favor of the Motion. Motion passed.

4. DECISION & ORDER MATTERS: (Review and Determination/Signing):

- (a) ULP- 6339 State of Rhode Island – Department of Corrections & RI Brotherhood of Correctional Officers

This case was heard formally on August 17, 2023 and October 17, 2023 by Walter J. Lanni, Kenneth B. Chiavarini, Harry F. Winthrop, Stan Israel and Lawrence Purtill, as well as all Board Members present reviewed the transcript(s) and briefs, as well as the evidence submitted herein.

After review of the Drafted Decision and Order, a Motion was made by Scott G. Duhamel and seconded by Stan Israel to sign the Decision and Order, as written, and to refer the case back to the Programming Services Officer of the Board for final proofing; with the direction to issue the same as soon as possible. All Board Members present voted in favor of the Motion. Motion passed.

ORDER: 1) The Union has proven by a fair preponderance of the evidence that the Employer committed a violation of R.I.G.L. § 28-7-13(6) and (10) when it unilaterally changed the working terms and conditions of employment of bargaining unit members when it eliminated the ability of bargaining unit members to receive administrative leave if they contracted Covid or if they were getting a vaccine or booster shot. 2) The Union has proven by a fair preponderance of the evidence that the Employer committed a violation of R.I.G.L. § 28-7-13(6) and (10) when it failed and refused to



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negotiate with the Union before it unilaterally changed the working terms and conditions of employment of bargaining unit members by eliminating the ability of bargaining unit members to receive administrative leave if they contracted Covid or if they were getting a vaccine or booster shot.

1) The Employer is hereby ordered to cease and desist from making unilateral changes to working terms and conditions of employment, without first notifying the Union and giving it the opportunity to bargain over any proposed changes. 2) The Employer is hereby ordered to cease and desist from unilaterally changing how administrative leave is used for employees who contract Covid or if they are getting a vaccine or booster shot consistent with the terms of this Decision. 3) The Employer is hereby ordered to make whole any bargaining unit member who, after June 15, 2022, contracted Covid at work, was absent as a result and was denied the use or receipt of administrative leave and was required to use his/her sick time for the absence, by having the amount of sick time expended replaced to his/her account. 4) The Employer is hereby ordered to post a copy of this Decision and Order for a period of not less than sixty (60) days in each building where bargaining unit personnel work, said posting to be in a location where other materials designed to be seen, read and reviewed by bargaining unit personnel are posted.

(b) ULP- 6369 City of Woonsocket & New England Police Benevolent Association

This case was heard formally on September 19, 2023 by Walter J. Lanni, Scott G. Duhamel, Aronda R. Kirby, Harry F. Winthrop, Stan Israel and Lawrence Purtill, as well as all Board Members present reviewed the transcript(s) and briefs, as well as the evidence submitted herein.

After review of the Drafted Decision and Order, a Motion was made by Scott G. Duhamel and seconded by Aronda R. Kirby to sign the Decision and Order, as written, and to refer the case back to the Programming Services Officer of the Board for final proofing; with the direction to issue the same as soon as possible. All Board Members present voted in favor of the Motion. Motion passed.

ORDER: 1) The Union has proven by a fair preponderance of the evidence that the Employer committed a violation of R.I.G.L. § 28-7-13 (6) and (10) when it unilaterally changed the working terms and conditions of employment of bargaining unit members when it implemented a Body Worn Camera policy. 2) The Union has proven by a fair preponderance of the evidence that the Employer committed a violation of R.I.G.L. § 28-7-13 (6) and (10) when it failed and refused to negotiate with the Union



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before it unilaterally changed the working terms and conditions of employment of bargaining unit members by implementing a Body Worn Camera policy.

1) The Employer is hereby ordered to cease and desist from making unilateral changes to working terms and conditions of employment, without first notifying the Union and giving it the opportunity to bargain over any proposed changes. 2) The Employer is hereby ordered to cease and desist from applying or using the Body Worn Camera policy consistent with the terms of this Decision. 3) Should the Employer decide to implement, apply or use the Body Worn Camera policy or a variation thereof, consistent with the terms of this Decision, the Employer must first engage in good faith negotiations with the Union. 4) The Employer is hereby ordered to post a copy of this Decision and Order for a period of not less than sixty (60) days in each building where bargaining unit personnel work, said posting to be in a location where other materials designed to be seen, read and reviewed by bargaining unit personnel are posted.

6. **MISCELLANEOUS MATTERS: (Review and Determination):**

- (a) ULP- 6392 State of Rhode Island – Department for Children, Youth and Families & RI Alliance of Social Workers, Local 580, Service Employees International Union (SEIU)
(Motion to Intervene by RI Council 94, AFSCME, AFL-CIO)

A Motion was made by Scott G. Duhamel and seconded by Stan Israel to approve RI Council 94, AFSCME, AFL-CIO's Motion to Intervene in this matter. There were no objections to this Motion from Local 580 or the Employer. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

- (c) ULP- 6394 State of Rhode Island – Department for Children, Youth and Families & RI Alliance of Social Workers, Local 580, Service Employees International Union (SEIU)
(Motion to Intervene by RI Council 94, AFSCME, AFL-CIO)

A Motion was made by Scott G. Duhamel and seconded by Aronda R. Kirby to approve RI Council 94, AFSCME, AFL-CIO's Motion to Intervene in this matter. There were no objections to this Motion from Local 580 or the Employer. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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4. **CONCLUDED CASES: (Review and Determination):**

- (a) ULP- 6368 State of Rhode Island – Department for Children, Youth and Families & RI Council 94, AFSCME, AFL-CIO, Local 314

A Motion was made by Aronda R. Kirby and seconded by Stan Israel to find a violation of the Act in this matter; and that this matter be referred to the Board's Legal Counsel for drafting of such Decision & Order to that effect. After discussion, Walter J. Lanni, Scott G. Duhamel and Stan Israel voted in favor of the Motion. Aronda R. Kirby opposed the Motion. Motion passed.

- (b) EE-3762 Donald W. Wyatt Detention Facility & National Fraternal Order of Police
(Representation Matter)

A Motion was made by Stan Israel and seconded by Scott G. Duhamel to find that Captains and Lieutenants in the Donald W. Wyatt Detention Facility are eligible for collective bargaining and to direct that an election be conducted. After discussion, Stan Israel withdrew his Motion and Scott G. Duhamel withdrew his second.

A second Motion was made by Stan Israel and seconded by Scott G. Duhamel that based on the evidence and testimony presented in the formal hearing, the Board finds that Lieutenants are eligible for collective bargaining; however, Captains shall remain excluded as there was no testimony or evidence presented in the formal hearing to prove the eligibility of Captains to vote in an election; and that this matter be referred to the Board's Legal Counsel for drafting of such Decision & Direction of Election to that effect. After discussion, Walter J. Lanni, Scott G. Duhamel and Stan Israel voted in favor of the Motion. Aronda R. Kirby opposed the Motion. Motion passed.

A Motion was made by Stan Israel to go into Closed Session for the purpose of review/voting on the Closed Minutes and Unfair Labor Practice Matters, as well as an update by Legal Counsel on the Open Meetings Act Complaint and pending litigation, pursuant to R.I. Gen. Laws §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 present to go into closed session and to seal the minutes.

The meeting and minutes were closed at 10:00 A.M.



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A Motion was made by Aronda R. Kirby and seconded by Scott G. Duhamel to re-open the Open session at 10:20 a.m. for the purpose of reading into the record, a record of all votes taken in Closed Session. All Board Members present voted in favor of the Motion. Motion passed.

The meeting resumed in open session at 10:20 A.M. for the purpose of reading into the minutes, the determinations made by the Board in Closed Session, and adjourning the Board meeting.

1. REVIEW OF CLOSED MINUTES:

Minutes of December 12, 2023

DETERMINATION: A Motion was made by Aronda R. Kirby, and seconded by Scott G. Duhamel, to accept and seal the Closed Minutes as written, and it was voted by all Board Members present to accept the minutes as written. Motion passed.

2. UNFAIR LABOR PRACTICE MATTERS:

- (a) ULP- 6387 State of Rhode Island – Department for Children, Youth and Families & RI Council 94, AFSCME, AFL-CIO, Local 314

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

- (b) ULP- 6389 Community College of Rhode Island/RI Council on Post-Secondary Education & Community College of Rhode Island Faculty Association/NEARI

DETERMINATION: A Motion was made by Scott G. Duhamel and seconded by Stan Israel to uphold the Charge, issue a Complaint and proceed to formal hearing in this matter. After discussion, all Board Members present voted in favor of the Motion. Motion passed.



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- (c) ULP- 6390 State of Rhode Island – Department for Children, Youth and Families & RI Alliance of Social Workers, Local 580, SEIU

DETERMINATION: A Motion was made by Stan Israel and seconded by Aronda R. Kirby to uphold the Charge, issue a Complaint and proceed to formal hearing in this matter. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

- (d) ULP- 6392 State of Rhode Island – Department for Children, Youth and Families & RI Alliance of Social Workers, Local 580, SEIU

DETERMINATION: A Motion was made by Stan Israel and seconded by Scott G. Duhamel to uphold the Charge, issue a Complaint and proceed to formal hearing in this matter. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

- (e) ULP- 6395 State of Rhode Island – Department for Children, Youth and Families & RI Alliance of Social Workers, Local 580, SEIU

DETERMINATION: A Motion was made by Stan Israel and seconded by Aronda R. Kirby to uphold the Charge, issue a Complaint and proceed to formal hearing in this matter. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

3. MISCELLANEOUS MATTERS:

- (a) Update on Open Meetings Act Complaint – Case No.: ULP- 6298 and ULP- 6349 (RIDE Legal Counsel/Hearing Officer Professional Union) – Informational Only – No votes taken

- (b) Update on pending litigation – Informational Only – No votes taken

A Motion was made by Aronda R. Kirby, and seconded by Scott G. Duhamel, to adjourn at 10:30 a.m. All Board Members present voted in favor of the Motion. Motion passed.