



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, April 16, 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
Lawrence Purtill

ABSENT: Kenneth B. Chiavarini
Harry F. Winthrop

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 9:10 A.M.

All Board Members present reviewed the Open Minutes of the February 19, 2024 Board Meeting. A Motion was made by Aronda R. Kirby and seconded by Stan Israel 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. DECISION & ORDER MATTERS: (Review and Determination/Signing):

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

This case was heard formally on November 16, 2023 by Walter J. Lanni, 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.



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After review of the Drafted Decision and Order, a Motion was made by Aronda R. Kirby 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/or (10) when it unilaterally decided to freeze in Shift Coordinators to unfilled JPW overtime slots; 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/or (10) when it unilaterally decided to freeze in Shift Coordinators to unfilled JPW overtime slots and failed and/or refused to bargain with the Union over the implementation of its decision.

1. The Employer is hereby ordered to cease and desist from freezing in or ordering in or mandating Shift Coordinators to fill vacant JPW overtime slots without first notifying and bargaining with the Union; 2. Should the Employer decide to mandate, freeze or order in Shift Coordinators to fill vacant JPW overtime slots, it may not do so without first notifying and bargaining with the Union; 3. 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) EE- 3762 Donald W. Wyatt Detention Facility & National Fraternal Order of Police
(Representation Matter)

This case was heard formally on December 5, 2023 by Walter J. Lanni, Aronda R. Kirby, Kenneth B. Chiavarini, Harry F. Winthrop and Stan Israel, as well as all Board Members present reviewed the transcript(s) and briefs, as well as the evidence submitted herein.



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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 evidence in the record does not establish that Lieutenants formulate and effectuate management policies by expressing and making operative the decisions of the Employer, or that the position exercises discretion within or even independently of established Employer policy; 2. The evidence in the record does not establish that Lieutenants have the authority, in the interest of the Employer, to hire, fire, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or to adjust their grievances, or effectively recommend such action. Further, the evidence in the record does not establish that Lieutenants exercise of the foregoing authority was not of a merely routine or clerical nature nor did it require the use of independent judgment; 3. The position of Lieutenant is not supervisory or managerial and is, therefore, permitted to engage in collective bargaining; 4. The position of Captain is supervisory and, therefore, excluded from engaging in collective bargaining.

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

- (a) ULP- 6392, ULP- 6394 & ULP- 6395 State of Rhode Island – Department for Children, Youth and Families & RI Alliance of Social Workers, Local 580, Service Employees International Union (SEIU) **(Motion to Consolidate)**

A Motion was made by Stan Israel and seconded by Aronda R. Kirby to accept the Assented Motion to Consolidate in these matters. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

A Motion was made by Scott G. Duhamel 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 pending litigation, pursuant to R.I. Gen. Laws §42-46-5(a)(2)(4) of the Open Meetings Law. Stan Israel seconded the Motion, and it was unanimously

VOTED: by all Board Members present to go into closed session and to seal the minutes.



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The meeting and minutes were closed at 9:15 A.M.

A Motion was made by Aronda R. Kirby and seconded by Lawrence Purtill to re-open the Open session at 9:40 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 9:40 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 February 19, 2024

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- 6394 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.



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- (b) ULP- 6396 State of Rhode Island – Department of Public Safety – Division of Sheriffs & RI Council 94, AFSCME, AFL-CIO, Local 2409

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.

- (c) ULP- 6397 Providence Public School Department – RI Department of Education – Mayor Brett Smiley – Commissioner Angelica Infante-Green & RI Council 94, AFSCME, AFL-CIO, Local 1339

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.

3. MISCELLANEOUS MATTERS:

- (a) 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 9:45 a.m. All Board Members present voted in favor of the Motion. Motion passed.