

STATE OF RHODE ISLAND

SUPERIOR COURT

RHODE ISLAND BOARD OF REGENTS
/DEPARTMENT OF EDUCATION,
Plaintiffs/Appellants,

vs.

C.A. No.: 14-2730

RHODE ISLAND STATE LABOR
RELATIONS BOARD by and through
its Chairman, WALTER J. LANNI,
and its Members, MARCIA B. REBACK,
GERALD S. GOLDSTEIN, ELIZABETH
S. DOLAN, BRUCE A. WOLPERT,
FRANK J. MONTANARO, and SCOTT G.
DUHAMEL, and RIDE LEGAL COUNSEL
HEARING OFFICER PROFESSIONAL
UNION

Defendants/Appellees

ANTHONY F. COTTONE,

Intervenor

ORDER GRANTING THE MOTION TO REMAND

The above matter came to be heard on March 17, 2015, Justice Van Couyghen presiding, on the Motion to Remand the above appeal to Defendant/Appellee, RHODE ISLAND STATE LABOR RELATIONS BOARD (the "SLRB") filed by Defendants/Appellants, RHODE ISLAND DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION ("RIDE") and RHODE ISLAND BOARD OF EDUCATION (formerly, the Rhode Island Board of Regents), as well as by Intervenor, ANTHONY F. COTTONE; and

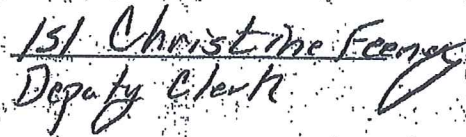
After a hearing on the objections filed by the SLRB and by Defendant/Appellee, RIDE LEGAL COUNSEL HEARING OFFICER PROFESSIONAL UNION, it is hereby ORDERED, ADJUDGED AND DECREED THAT:

1. The Motion to Remand is granted.
2. Upon remand, the SLRB shall:
 - (a) reconsider whether the Legal Counsel/Hearing Officer position at RIDE should have been deemed managerial, and thus exempt from collective bargaining, at the time the Union's petition was filed with the SLRB; and
 - (b) determine, in its discretion: (i) if the parties should be permitted to introduce additional evidence on the issue; and (ii) if so, what additional evidence should be admitted.

ENTER:

PER ORDER:




1st Christine Feeney
Deputy Clerk

DATED: 6/12/15

SUBMITTED BY:



Anthony P. Cottone (#3922)
Rhode Island Department of Education
255 Westminster Street, 4th Floor
Providence, Rhode Island 02903
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anthony.cottone@ride.ri.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June, 2015, I caused a copy of the foregoing Order to be electronically filed and served via electronic mail upon: Paul Pontarelli, 160 Dalehill Drive, East Greenwich, RI 02818; Margaret Hogan, Esq., Hogan & Hogan, Ltd., 344 Main Street, Suite 200, Wakefield, RI 02879; and Meghan E. Siket, Esq., Whelan, Corrente, Kinder & Siket, LLP, 30 Kennedy Plaza, Suite 402 Providence, RI 02903.

