

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PROVIDENCE, Sc. SUPERIOR COURT

CITY OF PAWTUCKET

v.

M.P. No. 13267

STATE LABOR RELATIONS BOARD :

1981 OCT 1 PM 2:39

D E C I S I O N

COCHRAN, J. The matter currently before the Court is an appeal by the petitioner, the City of Pawtucket (hereafter City) from a decision of the Rhode Island State Labor Relations Board (hereafter Board). The decision appealed from was the result of a petition by the City for clarification of an existing bargaining unit represented by Rhode Island Council 94.

Under the Board's decision, certain classes of employees were either included or omitted from the bargaining unit pursuant to G.L. 1956 (1979 Reenactment) § 28-7-15, which provides:

Determination of bargaining unit.--The board shall decide in each case whether, in order to insure to employees the full benefit of their right to self organization, to collective bargaining and otherwise to effectuate the policies of this chapter, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or any other unit; provided, however, that in any case where the majority of employees of a particular craft shall so decide the board shall designate such craft as a unit appropriate for the purpose of collective bargaining.

Dissatisfied with the decision of the Board as to which employees should comprise the bargaining unit,

City acquired a stay of the Board's order pending the result of this appeal. Petitioner seeks this appeal pursuant to G.L. 1956 (1979 Reenactment) § 28-7-29, which states:

Appeal from decision of board.--A person aggrieved by a final decision of the board, or a final order of the board, granting or denying in whole or in part the relief sought may obtain a review of such final decision or final order in the superior court of the county where the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business. (Emphasis added.)

In McGee v. Local No. 682, 70 R.I. 200, 38 A.2d

(1944) the Court addressed the issue of an employer's right to appeal an order of certification under the Rhode Island Labor Relations Act. The McGee Court held that an order of certifi-

cation is in the nature of an interlocutory decision and is not a final order of the Board from which an appeal may be taken. This view was upheld in Local 494 Mutual Race Track Employees of Rhode Island of International Hod Carriers' Building & Common Laborers' Union of America, A.F. of L.-C.I.O. v. Edmund Kelley, et al., 89 R.I. 128, 151 A.2d 374 (1959). As such, an order of Certification may not be reviewed in this Court.

Petitioner's appeal is hereby dismissed. Counsel may prepare and submit for approval of this Court, an order in conformity with this decision.