

# Rhode Island State Labor Relations Board

## **Agency Mission:**

The Rhode Island State Labor Relations Board administers and enforces the provisions of the RI State Labor Relations Act (RI General Laws 28-7, et.seq.) and its Amendments. The Board is responsible for determining the appropriateness of collective bargaining units, certifying employees' representatives, and remedying and preventing unfair labor practices. The public policy of the State of Rhode Island is to encourage collective bargaining and protect employees in the rights to organize and belong to unions. Neither the Director of the Department of Labor and Training, nor any board or other agency, shall review, modify or reverse any decision or finding of the Board, or supervise or control the Board in performing its duties as defined by law.

## **Structure:**

The Board is composed of seven (7) members who are appointed by the Governor, with the advice and consent of the Senate. Three (3) members of the Board represent Labor, three (3) members represent Management, including at least one (1) member of Local Government, and one (1) member is a representative of the Public generally. The Board member appointments are for terms of six (6) years; the Governor designates one member to serve as Chairperson of the Board. Two (2) members of the Board constitute a quorum, pursuant to R.I.G.L. 28-7-5.

The seven-member Board generally meets monthly to decide cases pending before it. In addition, the Board meets several additional times per month to hold formal hearings on pending matters. The Board's staff consists of its Administrator, the Labor Board Case Agent and an Executive Assistant. The Board also retains the services of outside, independent legal counsel. Pursuant to statute and to the rules and regulations contained herein, the Board often delegates some of its powers and duties to its administrative staff.

State law does not expressly limit the Board's jurisdiction over employers; however, the Board's jurisdiction over employers is preempted as to certain employers by federal law. As a practical matter, for many years the Board's cases have been limited to municipal, state and quasi-state (various "authorities") employers.

## **Statutes Administered by the Board:**

The Rhode Island State Labor Relations Board was established by Public Law in 1941 to administer the provisions of the Rhode Island State Labor Relations Act (RI General Laws 28-7, et.seq.), and the following amendments to the Act:

R.I.G.L.	§28-9.1	Firefighters' Arbitration Act
R.I.G.L.	§28-9.2	Municipal Police Arbitration Act
R.I.G.L.	§28-9.3	Certified School Teachers' Arbitration Act
R.I.G.L.	§28-9.4	Municipal Employees' Arbitration Act
R.I.G.L.	§28-9.5	State Police Arbitration Act
R.I.G.L.	§28-9.6	911 Employees' Arbitration Act
R.I.G.L.	§28-9.7	Correctional Officer's Arbitration Act
R.I.G.L.	§36-11	State Employees' Arbitration Act

## **Functions of the Board:**

**Representation Petitions:** Representation petitions are filed in accordance with R.I.G.L. §28-7-9. Upon the filing of a valid Petition for Representation, the Board conducts an informal proceeding to assist the parties in attempting to reach an agreement on the appropriate unit of employees for representation. The employer may agree to voluntarily recognize the union or the parties may agree to the conducting of a consent election by the Board. If parties cannot agree on the bargaining unit, the Board may either decide to proceed to formal hearing or dismiss the petition based on objections raised at the informal hearing. If the petition proceeds to formal hearing, the Board will issue a decision and order on pending unit issues and either direct an election or dismiss the petition. If an election is directed, office staff will conduct a second informal hearing to schedule the time, date and place of election.

In addition to representation petitions, the Board oversees Unit **Clarification/Accretion Petitions** to allow for changes to existing bargaining units when new positions are created or there are changes to existing positions. Once a petition is filed, an informal hearing is scheduled with representatives of the employer and the union. If the parties are unable to reach agreement at an informal hearing, an investigation is conducted by a Board investigator. The Board, based on the investigative information, may issue a dismissal order and make no change to the bargaining unit; make a preliminary determination as to the inclusion and/or exclusion of position(s); proceed to a formal hearing; or request additional information. If a formal hearing is conducted, the Board issues a written decision and order.

**Unfair Labor Practice Charges:** R.I.G.L. §28-7-13 and 13.1 list employer and union unfair labor practices. Once a charge has been filed, the Board's Administrator conducts an informal hearing to obtain information from the employer and the union. Board Members review the information gathered in the investigation and either dismiss the charge or decide to issue a complaint. If a complaint is issued, there is a formal hearing before the Board. Subsequently, the Board issues a written decision and order.

## **Websites and Publications:**

More information regarding the RI State Labor Relations Board may be found on its website at [www.dlt.ri.gov/lrb](http://www.dlt.ri.gov/lrb). The website encompasses certifications and decisions of the Board dating back to the year 2000, as well as the Board's Rules and Regulations, the Board's monthly meeting and formal hearing schedules, the Board's agendas and open minutes, forms and petitions, and the State Labor Relations Act and its Amendments.

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\*Information compiled by New England Consortium of State Labor Relations agencies