

DEPARTMENT OF CITY CLERK

CITY HALL

JUNE 1, 1983

The Committee on Finance reconvenes this day at 5:00 o'clock P.M. in Committee Room "A",

Present: Chairwoman Brassil and Councilman Dillon, Councilman Easton, Councilwoman Fargnoli and Councilman Farmer.

Also present by invitation is John D. Mancone, Acting Personnel Director (Rose M. Mendonca, Clerk)  
Pisaturo

City Solicitor/ is requested to be present at this time to discuss the Committee going into Executive Session to discuss pending lay-offs of City Employees.

Chairwoman Brassil requests an opinion as to whether it is legal for the Committee to retire into Executive Session with Mr. Mancone.

City Solicitor Pisaturo states they may go into Executive Session as the meeting has to do with negotiations of a pending suit and may effect a prospective arbitration hearing.

MR. PISATURO: There was as you remember, an arbitration award by Mr. Rodeo a couple of years ago, upon which the City operated on at that time and I think in view of the fact that that award came down it may still be applicable, unless there are some legal ways to avoid it, or parts of it. Or some negotiations could be made to avoid it. So that its a little more conjestive in that, then I would base the law, to come down to this issue. It may proceed perhaps to arbitration if layoffs are made not satisfactory to the union leadership.

COUNCILMAN FARMER: The problem is that it says litigation in collective bargaining. We are not negotiating contracts.

MR. PISATURO: Well collective bargaining is not simply the negotiation of contract is it? Let me ask you this way, if there are matters in a contract between a union and an employee that are not clear and the two parties are negotiating to clarify them, does that constitute collective bargaining?

COUNCILMAN FARMER: Yes.

COUNCILMAN EASTON: Okay and isn't this the case, that there are on-going negotiations to enacting, and that there are on-going negotiations to clarify the procedure for conducting layoffs because of RI Labor Relations Board Ruling.

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MR. PISATURO: I think this might come under the heading of collective bargaining because it affects the existing contract. There is already ---- a potential arbitration hearing or case. An arbitration hearing eventually may become a court case anyway because the union may have to ask for its enforcement, in the courts.

COUNCILMAN DILLON: Aren't we under one of those orders from the Courts?

MR. PISATURO: That would just be to reinstate certain employees that were considered in the City not laid off in accordance with a judgement.

CHAIRWOMAN BRASSIL: If we move to meet in executive session that will be for questions pertaining to collective bargaining or litigation or work session pertaining to same, it that how the motion would read?

MR. PISATURO: That's all one section, I believe, its all one sub-section is it not?

CHAIRWOMAN BRASSIL: Yes, its all under a

MR. PISATURO: Sessions pertaining to collective bargaining or work sessions pertaining to same, that's the one, you site 42-46-5 (a) (2) that would be the section that you would use.

COUNCILMAN EASTON: I have my doubts. I was under the impression that we had pending orders from the Labor Relations Board to negotiate this, I thought that the Labor Relations Board had ordered the City and the Union to negotiate a layoff list.

CHAIRWOMAN BRASSIL: No.

COUNCILMAN EASTON: That was my understanding of what we were proceeding on, this evening.

CHAIRWOMAN BRASSIL: No, the Arbitration award says that a seniority list has to be presented to the Union for them to review, that has been done.

COUNCILMAN EASTON: But it doesn't mandate that we can negotiate. So we really had no pending basis.

MR. MANCONE: They do want to go to Expendite arbitration now that we are through with the list.

MR. PISATURO: You have correspondence from the Acting

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Personnel Director. He reads the following:

John D. Mancone  
PERSONNEL DIRECTOR



VINCENT A. CIANCI, JR.  
MAYOR

PERSONNEL DEPARTMENT  
CITY HALL, PROVIDENCE, RHODE ISLAND 02903

May 26, 1983

Mr. Joseph Virgilio  
President  
Local Union 1033  
226 South Main Street  
Providence, RI 02903

Dear Mr. Virgilio:

Enclosed, please find, a list of employees that the City of Providence is proposing to lay off.

In accordance with the June 11, 1981 agreement, we are requesting that you immediately review the list, and, if you have any objections to it, immediately contact us so that we may engage in expedited arbitration.

Very truly yours,

JOHN D. MANCONE  
Acting Personnel Director

JDM/gc

LIPSEY & SKOLNIK, ESQUIRES, LTD.  
ATTORNEYS AT LAW  
369 SOUTH MAIN STREET  
PROVIDENCE, RHODE ISLAND 02903

HOWARD I. LIPSEY  
RICHARD A. SKOLNIK  
RICHARD A. BOREN  
OF COUNSEL:  
WILLIAM RENZULLI  
RICHARD P. BRIGULLETTE

AREA CODE 401  
351-7700

May 31, 1983

COVENTRY:  
121 SANDY BOTTOM ROAD  
COVENTRY, R. I. 02816  
(401) 821-8642  
BY APPOINTMENT ONLY

Mr. John D. Mancone  
Acting Personnel Director  
City Hall  
Providence, Rhode Island

Re: Public Service Employees, Local 1033

Dear Mr. Mancone:

On behalf of my client, Public Service Employees, Local Union 1033, I respond to your letter dated May 26, 1983 and the enclosure therein.

The Union objects to said list of employees, the procedures followed by and any and all doings of the City of Providence with respect thereto, specifically reserving any and all defenses with respect to same.

Demand for expedited arbitration and compliance by the City with all its obligations is hereby made.

Very truly yours

*Richard A. Skolnik*  
Richard A. Skolnik

ras/hb

cc: Joseph Virgilio

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COUNCILMAN FARMER: If we do this, it seems to me that the only thing that we could do, is to discuss the City's position in arbitration. The only thing that really relates to the pending arbitration and the purpose of this Union negotiation is so that we don't discuss things that would get disclosed prejudicial to any pending arbitration so it seems to me that if we are going to go into closed session, then the reason to do it is for the purpose of discussing the City's position in regards to arbitration.

CHAIRWOMAN BRASSIL: That's exactly what we are trying to find out, is the City's position.

COUNCILMAN FARMER: And that's all we can discuss, and then we have to go back into open session.

COUNCILMAN EASTON: Well wait a second demand for expedited arbitration and compliance by the City with all its obligations is hereby made in other words.....

COUNCILMAN FARMER: That's what we are supposed to be doing.

COUNCILMAN EASTON: Right, but they have requested arbitration which is a collective bargaining matter, so effective on our receipt of that letter, the matter is now in collective bargaining, is that correct?

COUNCILMAN FARMER: .....right now, ....before its pending litigation because arbitration could begin litigation because

COUNCILMAN EASTON: One or the other, but what I'm saying is on receipt of this letter, we are now in a phase where we are in the process of litigating or bargaining.

COUNCILMAN FARMER: Limited to we are going to be consistent with the statute discussing closed session, limited to the City's position with regard to that pending litigation

COUNCILMAN DILLON: I move that we go into closed session under the section that the City Solicitor cited, we pay him \$40,000.00 to know what he's talking about.

COUNCILWOMAN FARGNOLI: I'll second it.

CHAIRWOMAN BRASSIL: Oppose?

COUNCILMAN EASTON and COUNCILMAN FARMER: "No".

CHAIRWOMAN BRASSIL votes "Aye"

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The Committee retires into Executive Session at 5:25 o'clock P.M.

The Committee reconvenes in open session at 6:45 o'clock P.M.

Katherine Gregg, Staff Writer for the Providence Journal Bulletin informs the Members at this time that she left this meeting under protest when the Committee voted to go into Executive Session.

On motion of Councilman Dillon, seconded by Councilman Easton, the Committee recesses at 6:50 o'clock P.M. to reconvene on Thursday, June 2, 1983 at 5:00 o'clock P.M.

*Rose M. Neundorfer*  
Clerk

Copied *JMA*

Compared *hgg*