

VERMONT LABOR RELATIONS BOARD

INTERNATIONAL BROTHERHOOD	)	
OF ELECTRICAL WORKERS,	)	
LOCAL 300	)	
	)	DOCKET NO. 08-26
and	)	
	)	
TOWN OF ROXBURY	)	

ORDER OF CERTIFICATION

The International Brotherhood of Electrical Workers, Local 300 (“Union”), filed a Petition for Election of Collective Bargaining Representative on July 15, 2008, to represent the highway department road crew of the Town of Roxbury. The Town of Roxbury (“Town”) filed a response to the petition on July 31, 2008, contending that the Labor Relations Board did not have jurisdiction over this matter because the Town was not an “employer” as defined in the Vermont Municipal Employee Relations Act (“MERA”). MERA states that a “town . . . which employs five or more employees as defined in this section” is a “municipal employer under the Act. 21 V.S.A. Section 1722(13).

The Labor Relations Board conducted a hearing on December 11, 2008. The Union and the Town indicated at the outset of the hearing that they had reached agreement on the following matters concerning individuals employed by the Town: 1) the road foreman is excluded from the definition of “employee” under MERA as a supervisory employee; 2) the other two full-time members of the road crew are municipal employees as defined by MERA, 3) the assistant town clerk is a municipal employee as defined by MERA; and 4) the town clerk/select board assistant is excluded from the definition of employee under MERA. The parties indicated that the remaining issues in dispute were whether the town librarian and an on-call road crew member are employees as defined by the Act.

The Board issued Findings of Fact, Opinion and Order on February 15, 2009. Therein, the Board concluded that the town librarian and on-call road crew member are municipal employees, and that the Town of Roxbury is a municipal employer within the meaning of MERA. The Board ordered that a representation election be conducted in

which the full-time employees of the Town of Roxbury highway department, excluding the road foreman, would vote on whether they desired to be represented by the Union. 30 VLRB 125.

On March 6, 2009, Labor Relations Board Executive Director Timothy Noonan conducted an election in the meeting room of the Town of Roxbury Office Building. Select board Chairperson Frank Morgano was present as an observer for the Town. Union Representative Matthew Lash observed for the Union. Employees were asked if they wished to be represented for exclusive bargaining purposes by the International Brotherhood of Electrical Workers, Local 300. The results of the election were:

Yes 2

No 0

As a result of this election, it is ordered that the International Brotherhood of Electrical Workers, Local 300, is certified as the exclusive bargaining representative of the full-time employees of the Town of Roxbury highway department, excluding the road foreman.

Dated this 23rd day of March, 2009, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

By: \_\_\_\_\_  
Edward R. Zuccaro, Chairperson