

VERMONT LABOR RELATIONS BOARD

AFSCME, LOCAL 490

AND

TOWN OF BENNINGTON

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DOCKET NO. 87-45

ORDER OF CERTIFICATION

On September 23, 1987, AFSCME, Local 490 ("Union") filed a Petition for Election of Collective Bargaining Representative. Therein, the Union requested that the present bargaining unit of members of the Bennington Police Department represented by the Union be expanded to include captains, lieutenants, dispatchers, parking meter clerks, meter officers, clerk dispatchers and secretaries.

On October 15, 1987, the Town of Bennington ("Town") filed a response to the petition. The Town asserted that the proposed bargaining unit would be inappropriate because it would consist of supervisory employees, confidential employees, part-time employees and temporary employees.

A hearing was held in the Labor Relations Board hearing room on January 21, 1988. At the hearing, the parties narrowed the issues before the Board through stipulation. According to the terms of the stipulation, the Union withdrew its petition to have the positions of captain and lieutenant, as well as the position of secretary to the chief of police, included within the bargaining unit. The withdrawal with respect to the position of lieutenant was made on the basis of the current situation in the Bennington Police Department, and was

agreed to be without prejudice to the right of the Union to resubmit a petition concerning that position at a later time. The Town withdrew its opposition to the inclusion of the dispatchers within the bargaining unit. The parties further agreed that if employees in the positions of file clerk and parking meter clerk worked more than 20 hours per week, then those positions could also be included within the bargaining unit.

Due to the above stipulation, the dispute between the Union and the Town was reduced to two issues. The Union requested the inclusion of Police Department sergeants within the bargaining unit, and the Town objected on the grounds that they are supervisory. The Union also requested the inclusion of the payroll clerk within the bargaining unit, and the Town objected on the grounds that such position was one held by a confidential employee.

The Board issued Findings of Fact, Opinion and Order on April 8, 1988. The Board concluded that the sergeants were not supervisory employees and were appropriately included in the Police Department bargaining unit represented by the Union. The Board concluded that the payroll clerk was a confidential employee and thus ineligible to be included in a bargaining unit. The Board further ordered that a representation election be conducted among the sergeants, dispatchers, parking meter clerk and file clerk whom work more than 20 hours per week to determine whether the employees wished to be represented by the Union.

Labor Relations Board Member William G. Kemsley, Sr., conducted a representation election on May 3, 1988, in the Jury Room of the County

Courthouse, Bennington, Vermont. Ralph Crippen, Union Representative, observed the election for the Union. The Town had no observers. Six of the seven eligible employees voted. The results of the election were:

AFSCME, Local 490	5
No Union	1

As a result of this election, it is hereby ORDERED:

AFSCME, Local 490, is CERTIFIED as the exclusive bargaining representative of the sergeants, dispatchers, parking meter clerk and file clerk, whom work more than 20 hours per week, employed by the Bennington Police Department, and such employees are added to the bargaining unit of Bennington Police Department employees represented by AFSCME, Local 490.

Dated the 19th day of May, 1988, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

Dinah Yessne  
Dinah Yessne, Acting Chair

Catherine L. Frank  
Catherine L. Frank

Louis A. Toepfer  
Louis A. Toepfer