

VERMONT LABOR RELATIONS BOARD

LOCAL 1201, AFSCME)	
)	
and)	DOCKET NO. 89-57
)	
RUTLAND FREE LIBRARY ASSOCIATION)	

ORDER OF CERTIFICATION

On August 14, 1989, Local 1201, AFSCME ("Union") filed a Petition for Election of Collective Bargaining Representative under the Vermont State Labor Relations Act ("SLRA"), seeking to represent all employees of the Rutland Free Library Association, excluding the Director. On August 29, 1989, the Rutland Free Library Association ("Employer") filed a response to the petition, raising various questions of jurisdiction, unit determination and representation.

After conducting an investigation, the Vermont Labor Relations Board determined that there was a question as to whether the National Labor Relations Board ("NLRB") would decline to assert jurisdiction in this matter or would cede jurisdiction to the Vermont Labor Relations Board. The Vermont Labor Relations Board, pursuant to Section 102.98(b) and Section 102.99(b) of the NLRB's Rules and Regulations, filed a petition for Advisory Opinion with the NLRB on the issue of jurisdiction on January 4, 1990. On August 22, 1990, the NLRB issued an Advisory Opinion, indicating that the NLRB would not assert jurisdiction over the Employer.

Pursuant to the Advisory Opinion, the Vermont Labor Relations Board took jurisdiction under SLRA. On October 5, 1990, the Union and the Employer informed the Board that they had resolved the following unit determination issues in dispute: 1) that Jean Boyce, the

circulation supervisor, was excluded from the bargaining unit as a supervisory employee; 2) that Rhoda Horne, the bookkeeper, was not a confidential employee and thus was eligible to be included in the bargaining unit; and 3) that librarians Carol Chatfield and Jacob Sherman are professional employees as defined in 21 VSA §1502(11).

As a result of these stipulations by the parties, the only issue which remained to be decided by the Board was the procedure by which the two professional librarians would vote in the election to be conducted by the Board. On November 1, 1990, the Board issued a Memorandum and Order on that issue, deciding that professional employees had the right to cast two votes in the election: one vote on whether they wished to be included in the bargaining unit with other library employees, and a second vote on whether they wished to be represented by the Union or no union.

Timothy Noonan, Labor Relations Board Executive Director, along with Linda McIntire, Board Legal Assistant, conducted an election on December 4, 1990, in one of the conference rooms off the Fox Room, Rutland Free Library, Rutland, Vermont. Paula Baker, Library Director, was present as an observer for the Employer. Ralph Crippen, AFSCME Organizer II, was present as an observer for the Union. All eleven eligible employees voted.

The two professional employees voted 2-0 to be included in the bargaining unit with the other Library employees. The second ballots cast by the two professional employees on whether they wished to be represented by the Union or no union were co-mingled with the ballots

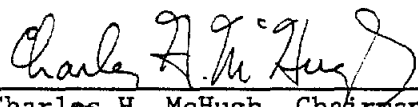
cast by non-professional employees, and all such ballots were tabulated together. The results were:

Local 1201, AFSCME	10
No Union	1

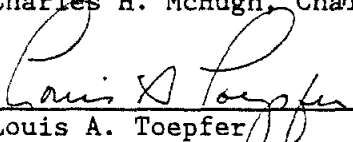
As a result of this election, it is hereby ORDERED that Local 1201, AFSCME, is CERTIFIED as the exclusive bargaining representative of all employees of the Rutland Free Library Association, excluding the Library Director and the Circulation Supervisor.

Dated this 19th day of December, 1990, at Montpelier, Vermont.

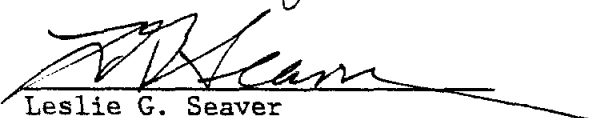
VERMONT LABOR RELATIONS BOARD



Charles H. McHugh, Chairman



Louis A. Toepfer



Leslie G. Seaver