

JOHN S. BURGESS, Chairman  
12 Park Place  
Brattleboro, Vermont 05301



WILLIAM KEMSLEY, Commissioner  
H. JAMES WALLACE, Commissioner

Tel: (802) 254-2353

## Vermont Labor Relations Board

LOCAL 490, AMERICAN FEDERATION OF STATE, ]  
COUNTY & MUNICIPAL EMPLOYEES, AFL-CIO ]  
- and - ] DOCKET #77-46R  
TOWN OF BENNINGTON ]

### ORDER OF CERTIFICATION

This matter came before the Vermont Labor Relations Board pursuant to a Petition for Election of Collective Bargaining Representative dated 13 April 1977, brought by Local 490, AFSCME, AFL-CIO through its President, George Rogers. By its letter of 13 May 1977, the Town of Bennington consented to an election with the Petitioner. On 6 June 1977, the Board issued its Election Notice, directing an election by secret ballot to determine whether or not certain employees of the Town of Bennington desired to be represented by the Petitioner or whether they desired to be represented by No Union. Copies of the Election Notice were duly transmitted to the parties and posted in the places of work of the various departments of Petitioner.

An election was held on Wednesday, 22 June 1977, between 10:30 and 11:30 A.M. in the Town Clerk's Office, Town of Bennington Offices, 205 South Street, Bennington, Vermont. Mr. George Rogers, President of Local 490, acted as observer for the Petitioner. The Honorable Louis C. Sarelas, Town Manager, acted as observer for the Town of Bennington. Commissioners William G. Kemsley, Sr. and H. James Wallace supervised the election in behalf of the Labor Relations Board.

The polls were open at 10:30 A.M. and closed at 11:45 A.M. Nineteen employees were listed and agreed upon as eligible to vote, 10 ballots being cast. Of the 10 ballots cast, 1 vote was not challenged and 9 ballots were challenged by the Petitionee. No grounds were given for the challenge and no memorandum filed. Accordingly, the Board met and tallied the ballots with the following result: Those voting in favor of Local 490, American Federation of State, County and Municipal Employees, AFL-CIO, 9; those voting in favor of No Union, 1.

In consideration of the foregoing, it is ORDERED that Local 490, American Federation of State, County and Municipal Employees, AFL-CIO, shall be the exclusive bargaining representative for the following employees, Clerk, Treasurer's Office; Secretary, Lister's Office; Licensed Practical Nurse, Home Health Agency; Secretary, Home Health Agency; Registered Nurses (2) Home Health Agency; Driver, Senior Citizens Center; Superintendent, Fire Alarm System-Traffic Control; Secretary, Recreation Department; Supervisor, Water Department; Working Foremen (2), Highway Department; Superintendent, Treatment Plant; Assistant Superintendents-Operators (2); and such other employees serving in similar capacity as may have been included in the list of eligible employees. Such certification is made under the provisions of 21 V.S.A., Section 1724. The Board notes that it is possible that some of the employees might have been considered as holding supervisory positions, but owing to the Consent Election these issues were never brought before the Board. The Board grants the right of either party to petition to the Board at a future date for the exclusion of any employee or employees on the grounds that they are confidential employees, supervisory employees, elected officials or on any similar grounds. It is FURTHER ORDERED that the

Petitioner shall be the exclusive bargaining representative of the above named employees until further ORDER of this Board.

Commissioner Robert H. Brown took no part in these proceedings.

Dated at Montpelier, Vermont this 14th day of October. A.D. 1977.

VERMONT LABOR RELATIONS BOARD

By John S. Burgess  
JOHN S. BURGESS, CHAIRMAN

William G. Kemsley, Sr.  
WILLIAM G. KEMSLEY, SR.

Robert H. Brown  
ROBERT H. BROWN