

VERMONT LABOR RELATIONS BOARD

TOWN OF BENNINGTON	)	
	)	
-and-	)	DOCKET NO. 83-32
	)	
AMERICAN FEDERATION OF STATE,	)	
COUNTY AND MUNICIPAL EMPLOYEES,	)	
AFL-CIO, LOCAL 490	)	

ORDER

Pursuant to 21 VSA §1724 and based on a stipulation filed with the Labor Relations Board on July 8, 1983, by the American Federation of State, County and Municipal Employees, AFL-CIO, Local 490 ("Union") and the Town of Bennington ("Town"), it is hereby ORDERED:

1. The following bargaining units of Town employees are appropriate under Board criteria:

a. The Home Health Agency Unit which consists of all the employees of the Home Health Agency except those employees who are not "municipal employees" as defined by 21 VSA §1722(12) and includes the Secretary of the Recreation Department. The Home Health Agency Unit includes at the present time the following positions: Secretary of the Recreation Department, Secretary of Home Health Agency, Licensed Practical Nurse, eight Registered Nurses, three Nurses Aides and two Clerks.

b. The Highway, Water and Sewer Unit which consists of all the employees of the Highway, Water and Sewer Departments plus two maintenance workers from the Recreation Department, the driver from the Senior Citizen Center, the Fire Alarm Superintendent, the Landfill Supervisor and the Landfill Operator, but excluding the two Working Foremen in the Highway Department and also excluding every employee who is not a "municipal employee" as defined by 21 VSA §1722(12). The Highway, Water and Sewer Unit includes at the present time the following positions: Landfill Supervisor, Landfill Operator, Fire Alarm Superintendent, Senior Citizen Center Driver, 15 Highway Crew Workers, four Water Workers, five Waste Water Workers and two Recreation Maintenance Workers.

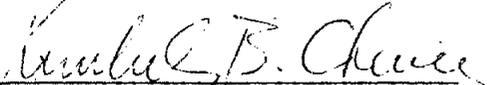
2. The Union is certified as the exclusive bargaining agent for the Highway, Water and Sewer Unit.

3. The Board shall conduct an election by secret ballot to determine whether employees in the Home Health Agency Unit wish to be represented by the Union or by no union.

4. This Order supercedes all previous Board orders relating to the composition of bargaining units for Town employees and collective bargaining representation of Town employees.

Dated this 14<sup>th</sup> day of July, 1983, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

  
\_\_\_\_\_  
Kimberly B. Cheney, Chairman

  
\_\_\_\_\_  
William G. Kemsley, Sr.

  
\_\_\_\_\_  
James S. Gilson

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ORDER OF DECERTIFICATION

On April 28, 1983, the Town of Bennington ("Town") filed a petition with the Labor Relations Board, alleging that the certified bargaining unit was no longer appropriate under Board criteria; that the appropriate bargaining units were a Highway, Water and Sewer Unit and a Home Health Agency Unit. The petition also alleged that the certified bargaining agent, the American Federation of State, County and Municipal Employees, Local 490 ("Union") was no longer supported by 51 percent of the employees in either of the proposed bargaining units.

On July 14, 1983, pursuant to a stipulation filed with the Board by the Town and the Union, the Board issued an order providing the Home Health Agency Unit and the Highway, Water and Sewer Units were appropriate bargaining units. The Board certified the Union as the exclusive bargaining agent for the Highway, Water and Sewer Unit, and ordered an election to determine whether employees in the Home Health Agency Unit wish to be represented by the Union or by no union.

The Board held a representation election on August 10, 1983. The election was conducted by William G. Kemsley, Sr., Board Member. The

Union was represented by Ralph Crippen. Michael McDonough, assistant Town Manager, represented the Town. The results of the election were:

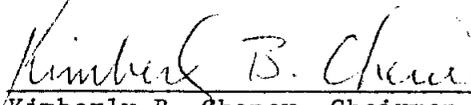
American Federation of State, County and Municipal Employees, AFL-CIO, Local 490	2
No Union	11

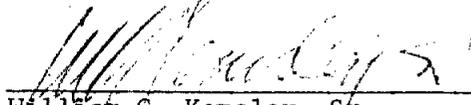
As a result of this election, it is hereby ORDERED:

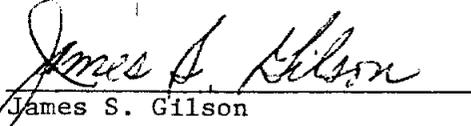
The American Federation of State, County and Municipal Employees, AFL-CIO, Local 490, is DECERTIFIED as the collective bargaining representative of the employees in the Home Health Agency bargaining unit consisting of all the employees of the Home Health Agency except those employees who are not "municipal employees" as defined by 21 VSA §1722(12) and the Secretary of the Recreation Department; which unit includes at the present time the following positions: Secretary of the Recreation Department, Secretary of the Home Health Agency, Licensed Practical Nurse, eight Registered Nurses, three Nurses Aides and two Clerks.

Dated this 22<sup>nd</sup> day of August, 1983, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

  
Kimberly B. Cheney, Chairman

  
William G. Kemsley, Sr.

  
James S. Gilson