

VERMONT LABOR RELATIONS BOARD

LOCAL 1201, AFSCME, AFL-CIO	)	
	)	
and	)	DOCKET NO. 90-70
	)	
TOWN OF MIDDLEBURY	)	

ORDER

On October 30, 1990, Local 1201, AFSCME, AFL-CIO ("Union") filed a Petition for Election of Collective Bargaining Representative, requesting that the present bargaining unit of the Town of Middlebury Police Department employees represented by the Union be expanded to include all employees of the Department of Public Works and all office employees employed by the Town of Middlebury ("Town"), excluding the secretary to the Town manager, administrative assistant, account clerk II, director of public works, planning officer, recreation director, highway department foreman, and utilities superintendent.

The Town responded to the petition, contending: 1) that it is inappropriate to include the positions identified by the Union within the existing bargaining unit; 2) that it is inappropriate to include both clerical and public works employees in the same bargaining unit; and 3) that the secretary to the public works director and the assistant bookkeeper should be excluded as confidential employees.

A hearing was held on February 21, 1991 before Vermont Labor Relations Board Members Charles McHugh, Chairman, Catherine Frank, and Louis Topeffer. At the hearing, the Town withdrew its claims that the secretary to the public works director and the

assistant bookkeeper are confidential employees. On April 11, 1991, the Board issued Findings of Fact, Opinion and Order. 14 VLRB 93. Therein, the Board concluded that all employees of the Department of Public works and all office employees employed by the Town, excluding the secretary to the Town manager, administrative assistant, account clerk II, director of public works, planning officer, recreation director, highway department foreman, and utilities superintendent, are appropriately included in the present bargaining unit represented by Local 1201, AFSCME, AFL-CIO, consisting of the employees of the Town of Middlebury Police Department. The Board ordered the conducting of a representation election by the Board among all the above employees, to determine whether they wish to be represented by the Union or no union.

An election was conducted by Linda McIntire, Board Legal Assistant, on May 28, 1991, in the Town of Middlebury municipal conference room, Middlebury, Vermont. Ralph Crippen, AFSCME Organizer, observed for the Union. Pauline Singley, Town Business/Personnel Director, observed for the Town. All 22 eligible employees voted. The results of the election were:

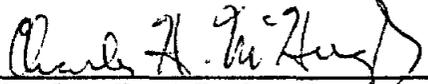
Local 1201, AFSCME, AFL-CIO	10
No Union	12

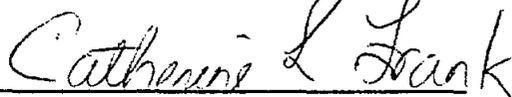
As a result of this election, it is hereby ORDERED that Local 1201. AFSCME, AFL-CIO, is NOT CERTIFIED as the exclusive bargaining representative of all employees of the Department of Public Works and all office employees, excluding the secretary to

the Town manager, administrative assistant, account clerk II, director of public works, planning officer, recreation director, highway foreman, and utilities superintendent, employed by the Town of Middlebury.

Dated this 10<sup>th</sup> day of June, 1991, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

  
Charles H. McHugh, Chairman

  
Catherine L. Frank

  
Leslie G. Seaver