

VERMONT LABOR RELATIONS BOARD

LOCAL 1343, AFSCME, AFL-CIO	)	
	)	
and	)	DOCKET NO. 95-78
	)	
TOWN OF ESSEX	)	
	)	

ORDER OF CERTIFICATION

On October 20, 1995, Local 1343, AFSCME, AFL-CIO ("Union") filed a Petition for Election of Collective Bargaining Representative to expand its bargaining unit comprised of eligible employees of the Public Works Department employed by the Town of Essex ("Town"); originally certified by the Vermont Labor Relations Board on April 25, 1995; to add employees in finance, parks and recreation, public works, personnel, community development, the clerk's office, planning, zoning and the library to the existing bargaining unit.

In response to the petition, the Town raised issues of unit determination, contending that two secretarial positions were confidential and the zoning administrator position was supervisory and, thus, should be excluded from the expanded bargaining unit. The Town subsequently withdrew its objection to the exclusion of the zoning administrator from the bargaining unit and subsequent to a reorganization of the workforce, the parties agreed that the position of Secretary to the Town Manager should be excluded from the bargaining unit and the newly created position of Payroll Clerk was included in the unit. The Union and the Town

further agreed that the position of Assistant Public Works Director is a professional employee and should be provided the right to chose whether he wished to be included in a unit with nonprofessional employees. As a result of these agreements between the Union and the Employer, the parties agreed that it was appropriate to add the Assistant Assessor, Cartographer, Assessment and Recreation Department Clerk and Program Director, Town Clerk's Receptionist, Accounts Payable in the Finance Department, Bookkeeper in the Finance Department, Public Works Secretary, Appraiser, Community Development Secretary, Recreation Secretary, Assistant Town Clerk, Assistant Librarian, Zoning Administrator and Payroll Clerk to the existing bargaining unit. The Town agreed to the conducting of a consent election among these employees to determine whether they wished to be represented by the Union.

On March 6, 1996, Linda P. McIntire, Legal Assistant/Election Officer for the Vermont Labor Relations Board, conducted an election in the conference room of the Essex Municipal Offices, Essex Junction, Vermont. Lindol Atkins, Jr., Union President, observed for the Union. Lilianne Limieux, Secretary to the Town Manager, observed for the Town. All fourteen eligible employees voted. The Assistant Public Works Director, as a professional employee, was given two ballots. On the first ballot, he was asked if he wished to be included in the same bargaining unit as the nonprofessional employees; he voted not to be included in such unit. On the second ballot, he was asked if he wished to be represented for exclusive bargaining purposes by Local 1343, AFSCME, AFL-CIO; he voted not to be represented by the Union. The other thirteen employees were asked if they wished

to be represented for elusive bargaining purposes by Local 1343, AFSCME, AFL-CIO. One employee voted by absentee ballot. The results of the election were:

Yes            11

No             2

As a result of this election, it is hereby ORDERED that Local 1343, AFSCME, AFL-CIO is CERTIFIED as the exclusive bargaining representative of the Assistant Assessor, Cartographer, Assessment and Recreation Department Clerk and Program Director, Town Clerk's Receptionist, Accounts Payable in the Finance Department, Bookkeeper in the Finance Department, Public Works Secretary, Appraiser, Community Development Secretary, Recreation Secretary, Assistant Town Clerk, Assistant Librarian, Zoning Administrator and Payroll Clerk employed by the Town of Essex; and such employees are added to the existing bargaining unit of Town employees represented by Local 1343, AFSCME, AFL-CIO.

Dated this 27<sup>th</sup> day of March, 1996, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

/s/ Catherine L. Frank

Catherine L. Frank, Chairperson

/s/ Louis A. Toepfer

Louis A. Toepfer

/s/ Leslie G. Seaver

Leslie G. Seaver