

VERMONT LABOR RELATIONS BOARD

ORANGE WINDSOR SUPPORT STAFF )  
EMPLOYEES )  
 )  
and )  
 )  
ORANGE WINDSOR EDUCATIONAL )  
ASSOCIATION )  
 )  
and )  
 )  
ROYALTON BOARD OF SCHOOL )  
DIRECTORS )

DOCKET NO. 84-51

ORDER

On October 22, 1984, Earl Lincoln ("Petitioner"), filed a petition with the Vermont Labor Relations Board alleging that the currently-certified bargaining agent, the Orange-Windsor Educational Association ("Association"), was no longer supported by at least 51 percent of employees in a bargaining unit consisting of custodians, kitchen staff and classroom aides employed by the Royalton Board of School Directors ("Employer"). The petition was supported by decertification cards signed by not less than 30 percent of the employees in the proposed unit. The Association had been certified as bargaining representative of the custodians, maintenance workers, food service workers, bus drivers, aides and registrar of the Employer on October 13, 1983, by the Labor Relations Board as a result of a September 20, 1983, election conducted by the Board (#83-40, Orange-Windsor Educational Association and Royalton Board of School Directors).

Subsequent to the filing of the petition, the Association contended the petition was untimely filed since the Association and the Employer were negotiating a contract for the 1984-85 year. The Labor Relations

Board determined the petition was timely because more than 12 months had passed since the election in which the Association was elected bargaining representative, 21 VSA §1724(h), and there was no contract in effect. Both the Association and the Employer objected to the bargaining unit proposed by Petitioner. Subsequently, all parties agreed the bargaining unit consisted of five food service worker positions, three custodian positions, three aide positions and one office and guidance aide position.

A decertification election was conducted by the Labor Relations Board on January 21, 1985, in the Library, South Royalton School. The election was conducted by Board Member William G. Kemsley, Sr. Superintendent Charles Memoe observed the election for the Employer. Gregory Andruschkevich, Vermont-NEA Uniserv Director, observed for the Association. During the election, the Association challenged the ballot cast by food service worker Marlene Wilson, contending she was a probationary employee ineligible to vote. Her ballot was cast as a challenged ballot. The results of the election were:

Orange-Windsor Educational Association	4
No Union	4
Challenged Ballot	1

Subsequently, the Labor Relations Board decided to count the challenged ballot. The vote was cast for "No Union". Accordingly, the final results of the election were:

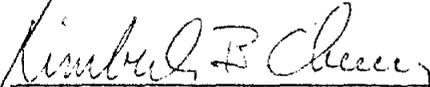
Orange-Windsor Educational Association	4
No Union	5

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

The Orange-Windsor Educational Association is DECERTIFIED as the collective bargaining representative of the food service workers, custodians, aides and office and guidance aide employed by the Royalton Board of School Directors.

Dated this 15<sup>th</sup> day of February, 1985, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

  
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Kimberly B. Cheney, Chairman

  
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James S. Gilson