

VERMONT LABOR RELATIONS BOARD

COLCHESTER EDUCATION ASSOCIATION,)
VERMONT-NEA)
)
and)
)
COLCHESTER SUPERVISORY DISTRICT)
BOARD OF SCHOOL DIRECTORS)

DOCKET NO. 88-41

ORDER OF CERTIFICATION

On September 26, 1988, the Colchester Education Association, Vermont-NEA ("Association") filed a Petition for Election of Collective Bargaining Representative, requesting an election among educational support personnel employed by the Colchester Supervisory District Board of School Directors ("Employer"). On October 11, 1988, the Employer filed a response to the petition and sought the exclusion of various employees from the bargaining unit as being outside the definition of "municipal employee" pursuant to 21 VSA §1722(12).

The Association subsequently amended its petition to exclude certain employees and the parties reached agreement as to various exclusions from the bargaining unit. The parties also agreed that the systems analyst/programmer was a professional employee and, as such, would be given an opportunity to vote on whether she wished to be included in the bargaining unit.

As a result, there remained 10 employees being challenged by the Employer. The Employer contended that nine employees were confidential employees and that the head chef was a supervisory employee. Hearings were held on November 14, December 2 and December 12, 1988 before the Labor Relations Board.

The Labor Relations Board issued Findings of Fact, Opinion and Order on April 4, 1989. 12 VLRB 60. Therein, the Board concluded

that eight of the nine employees were not confidential employees, and that the head chef was a supervisory employee. The Board ordered that a representation election be conducted among the educational support employees in the bargaining unit indicated below to determine whether the employees wished to be represented by the Association or no union. The Board also ordered that the systems analyst/programmer would be given an opportunity to vote on whether she wished to be included in the bargaining unit.

William Kemsley, Sr., Labor Relations Board member, conducted an election on May 5, 1989, in Room 108 of Colchester Junior High School. Ellen David Friedman, Vermont-NEA Organizer, was present as an observer for the Association. Attorney Richard Goldsboro was present as an observer for the Employer. Eighty-three of 96 eligible employees voted. One employee cast a blank ballot. The results of the election were:

Colchester Education Association, Vermont-NEA	44
No Union	37

Also, the systems analyst/programmer voted not to be included in the bargaining unit.

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

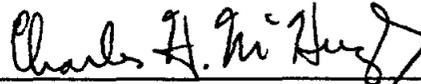
The Colchester Education Association, Vermont-NEA is CERTIFIED as the exclusive bargaining representative of the following employees of the Colchester Supervisory District Board of School Directors:

- All bus drivers, with the exception of substitute drivers and the Transportation Director;
- All secretaries, including the Central Office accounts payable bookkeeper, with the exception of the Superintendent's Administrative Assistant, Central Office secretaries Mary Beth Bouvier and Monica Larrow, and the Central Office assistant bookkeeper;

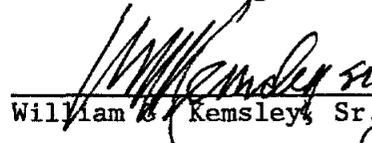
- All cafeteria employees, with the exception of the Food Services Director and Head Chef;
- All paraprofessionals and aides, including both special education and classroom aides and library aides, and
- all custodians and maintenance employees, but excluding the Maintenance Director.

Dated this 16th day of May, 1989, at Montpelier, Vermont.

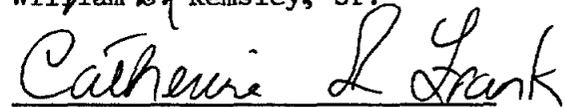
VERMONT LABOR RELATIONS BOARD



Charles H. McHugh, Chairman



William E. Kemsley, Sr.



Catherine L. Frank