

VERMONT LABOR RELATIONS BOARD

VERMONT STATE EMPLOYEES')	
ASSOCIATION PETITION FOR ELECTION)	
OF COLLECTIVE BARGAINING)	DOCKET NO. 14-35
REPRESENTATIVE (RE: WINDSOR COUNTY)	
STATE'S ATTORNEY EMPLOYEES))	

ORDER OF CERTIFICATION

The Vermont State Employees' Association ("VSEA") filed a Petition for Election of Collective Bargaining Representative on April 14, 2014, to represent the Deputy State's Attorneys, Victim's Advocates, Administrative Secretary and Secretary IV of the Windsor County State's Attorney. The Labor Relations Board issued a decision on November 3, 2014, dismissing the petition. 33 VLRB 119. The Vermont Supreme Court issued an Entry Order on January 8, 2016, reversing the Board decision and remanding to the Board to proceed according to the unit determination and representation provisions of Section 1724(c)-(h) of the Municipal Employee Relations Act. The Windsor County State's Attorney agreed to a consent election among the employees VSEA sought to represent.

The Vermont Labor Relations Board conducted a unit determination and representation election by secret ballot among the Deputy State's Attorneys, Victim's Advocates, Administrative Secretary and Secretary IV of the Windsor County State's Attorney on May 13, 2016, from 2:30 p.m. to 4:30 p.m., in the 3rd Floor Conference Room, Windsor County State's Attorney Office, 5 South Main Street, White River Junction, Vermont. Timothy Noonan, Labor Relations Board Executive Director, conducted the election as the agent for the Board. Timothy Boyle, VSEA Organizer, was present as an observer for VSEA. The Employer had no observer.

The purpose of this election was: 1) to determine whether the professional employees (i.e., Deputy State's Attorneys, Victim's Advocates) of the Windsor County State's Attorney Office wish to be included in the same bargaining unit as the non-professional employees (i.e.,

Administrative Secretary, Secretary IV); and 2) to determine whether the Deputy State's Attorneys, Victim's Advocates, Administrative Secretary and Secretary IV wish to be represented for exclusive bargaining purposes by the Vermont State Employees' Association. 8 of the 10 employees eligible to vote in the election cast ballots.

The professional employees (i.e., Deputy State's Attorneys, Victim's Advocates) of the Windsor County State's Attorney were provided the opportunity to cast two ballots at the election. One ballot provided:

Do you wish to be included in the same bargaining unit as the non-professional employees (i.e., Administrative Secretary, Secretary IV) of the Windsor County State's Attorney?

Yes ☐

No ☐

The other ballot provided:

Do you wish to be represented for exclusive bargaining purposes by the Vermont State Employees' Association?

Yes ☐

No ☐

The non-professional employees (i.e., Administrative Secretary, Secretary IV) of the Winndsor County State's Attorney were provided the opportunity to cast one ballot at the election. The ballot provided:

Do you wish to be represented for exclusive bargaining purposes by the Vermont State Employees' Association?

Yes ☐

No ☐

The ballots cast by the professional employees were segregated from the other cast ballots during the course of the election. At the counting of ballots, the Board agent counting the ballots reviewed the ballots cast by the professional employees concerning whether they wish to be included in the bargaining unit with non-professional employees. The professional employees decided by a vote of 7 to 0 to be included in the unit with non-professional employees. The majority of professional employees casting ballots so voting, the ballots cast by professional employees on whether they wish to be represented by the Vermont State Employees' Association were then commingled with the ballots cast by non-professional employees. The employees decided by a vote of 5 to 3 to not be represented for exclusive bargaining representative by the Vermont State Employees' Association.

As a result of this election, it is ordered that the Vermont State Employees' Association is not certified as the exclusive bargaining representative of employees in a bargaining unit consisting of the Deputy State's Attorneys, Victim's Advocates, Administrative Secretary and Secretary IV of the Windsor County State's Attorney.

Dated this 31st day of May, 2016, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

/s/ Gary F. Karnedy

By:

 Gary F. Karnedy, Chairperson