

VERMONT LABOR RELATIONS BOARD

UNITED ACADEMICS-UNIVERSITY)	
OF VERMONT, AAUP/AFT)	
)	DOCKET NO. 03-28
and)	
)	
UNIVERSITY OF VERMONT)	

ORDER

On June 24, 2003, the United Academics-University of Vermont, AAUP/AFT ("Union") filed a Petition for Election of Collective Bargaining Representative with the Vermont Labor Relations Board seeking to represent certain part-time faculty of the University of Vermont ("Employer"). On July 24, 2003, the Employer responded to the petition and raised questions of unit determination. On August 4, 2003, the Union filed an amended Petition for Election of Collective Bargaining Representative. The parties subsequently agreed that the following bargaining unit is an appropriate unit:

The unit includes all part-time Officers of Instruction (i.e., less than .75 FTE for 9, 10, 11 or 12 month appointment, or those who are appointed to a semester contract of any FTE up to and including 1.0) and instructors in the Division of Continuing Education employed by the University of Vermont, excluding those whose primary appointment is in the College of Medicine or the Department of Microbiology and Molecular Genetics, who: (1) teach at least six credits per academic year, including teaching through the Evening and Summer Division ("Continuing Education"), and (2) have taught either a) for at least three semesters on a part-time basis, or who are currently teaching in their third semester on a part-time basis, within the past two academic years, or b) for one semester per academic year for at least the past three years. Also included are all Officers of Extension, Clinical Faculty outside of the College of Medicine or the Department of Microbiology and Molecular Genetics, Officers of the Library and Officers of Research, who hold less than a .75 FTE appointment for 9, 10, 11 or 12 months. Excluded from the unit are: Members of the full-time faculty bargaining unit; Graduate Teaching Assistants, Graduate Research Assistants, Graduate Teaching Fellows, Graduate Research Fellows, Post-Doctorate Fellows and Associates and other students enrolled at the University of Vermont; Faculty who teach solely non-credit courses, programs or instruction; Visiting Faculty in the first or second year of an initial employment with the University of Vermont; Department Chairs, Assistant Deans, Associate Deans and Deans; professional, administrative, technical and clerical employees whose primary assignment or appointment is to a staff position; blue collar, maintenance, security and other non-professional employees; all full-time employees regardless of title or position; and all confidential, supervisory and managerial employees.

Pursuant to the agreement by the parties on the proposed bargaining unit, the Vermont Labor Relations Board conducted a secret ballot election, pursuant to 3 V.S.A. Section 941(e) and (g), among the employees in the above-described bargaining unit. The election was conducted on-site and by mail ballot. The on-site election took place on December 3, 2003, from 10:00 a.m. – 7:00 p.m., in the Grace Coolidge Room, 5th Floor, Room 501, Waterman Building, on the University of Vermont campus.

The faculty voting in the election were asked two questions: 1) whether they wish to be included in a collective bargaining unit consisting of the above-described employees; and 2) whether they wish to be represented for exclusive bargaining purposes by the United Academics–University of Vermont, AAUP/AFT. 47 of 88 eligible employees voted. There were two challenged ballots in addition to the 47 ballots. No ruling has been made on the unchallenged ballots because they do not affect the election results. 12 of the 47 unchallenged employees voted by mail ballots. The remaining 35 employees voted on-site. The results on the first question of whether employees wish to be included in the bargaining unit were: Yes – 42, No – 5. The results on the second question of whether they wish to be represented for exclusive bargaining purposes by United Academics–University of Vermont, AAUP/AFT were: Yes – 41, No – 6.

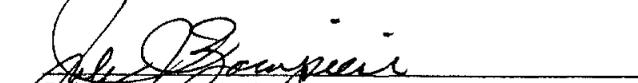
As a result of this election, it is ordered that the United Academics–University of Vermont, AAUP/AFT is certified as the exclusive bargaining representative of all part-time Officers of Instruction (i.e., less than .75 FTE for 9, 10, 11 or 12 month appointment, or those who are appointed to a semester contract of any FTE up to and including 1.0) and instructors in the Division of Continuing Education employed by the University of Vermont, excluding those whose primary appointment is in the College of Medicine or the Department of Microbiology and Molecular Genetics, who: (1) teach at least six credits per academic year, including teaching through the Evening and Summer

Division ("Continuing Education"), and (2) have taught either a) for at least three semesters on a part-time basis, or who are currently teaching in their third semester on a part-time basis, within the past two academic years, or b) for one semester per academic year for at least the past three years. Also included are all Officers of Extension, Clinical Faculty outside of the College of Medicine or the Department of Microbiology and Molecular Genetics, Officers of the Library and Officers of Research, who hold less than a .75 FTE appointment for 9, 10, 11 or 12 months. Excluded from the unit are: Members of the full-time faculty bargaining unit; Graduate Teaching Assistants, Graduate Research Assistants, Graduate Teaching Fellows, Graduate Research Fellows, Post-Doctorate Fellows and Associates and other students enrolled at the University of Vermont; Faculty who teach solely non-credit courses, programs or instruction; Visiting Faculty in the first or second year of an initial employment with the University of Vermont; Department Chairs, Assistant Deans, Associate Deans and Deans; professional, administrative, technical and clerical employees whose primary assignment or appointment is to a staff position; blue collar, maintenance, security and other non-professional employees; all full-time employees regardless of title or position; and all confidential, supervisory and managerial employees.

Dated this 18th day of December, 2003, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD


Carroll P. Comstock


John J. Zampieri


Edward R. Zuccaro