

VERMONT LABOR RELATIONS BOARD

UNITED PROFESSIONS OF	)	
VERMONT/AFT	)	
	)	
and	)	DOCKET NO. 06-14
	)	
COMMUNITY COLLEGE OF	)	
VERMONT	)	

ORDER

On April 17, 2006, United Professions of Vermont/AFT (“Union”) filed a petition to represent certain part-time instructors of the Community College of Vermont (“Employer”). On May 11, 2006, the Employer responded to the petition, contending that the bargaining unit proposed by the Union was inappropriate and proposing an alternative unit. On June 8, 2006, the Union agreed that the bargaining unit proposed by the Employer, and described below, is an appropriate unit:

Instructors employed by the Community College of Vermont who meet the following requirements comprise an appropriate bargaining unit: 1) have been employed for at least four semesters out of the previous four academic years, or who currently are in their fourth teaching semester; and 2) teach at least three credit hours per academic year (fall semester, spring semester and summer semester taken together is considered the academic year as defined by Community College of Vermont). After initial entry into the bargaining unit, instructors will exit from the bargaining unit following any complete September to August period in which they have not taught at least three credits. August 31 will be considered the exit date (e.g., If someone teaches in the Fall of 2006, he or she stays in the unit until August 31, 2008, even if he or she has not taught three credits during that period.) Excluded from the unit are full or part-time Coordinators of Academic Services, Deans, Associate Deans, Assistant Deans, and Directors; professional, administrative, technical and clerical employees whose primary assignment or appointment is as a staff person; all full-time employees regardless of position; blue collar, maintenance, security and other non-professional employees; and all other confidential, supervisory and managerial employees. Teaching service during a period of employment with Community College of Vermont in which such an employee was excluded from the unit will not count for future unit eligibility.

Pursuant to the agreement by the parties on the proposed bargaining unit, the Vermont Labor Relations Board ordered 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 by mail ballot. On September 8, 2006, the Board mailed ballots to all employees deemed eligible to vote. Employees were required to return mail ballots to the Board postmarked by September 29, 2006.

The votes were counted on October 4, 2006, in the Board hearing room, 13 Baldwin Street, Montpelier, Vermont, by Board Executive Director Timothy Noonan and Board Clerk Jan Burrus. Union Organizer Daniel Justice was present as an observer for the Union. CCV President Timothy Donovan was an observer for the Employer.

Instructors 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 United Professions of Vermont/AFT. 404 of 464 eligible employees voted. The results on the first question of whether employees wish to be included in the bargaining unit were: Yes – 144, No – 260. Since fifty percent or more of the votes on the first question on the ballot was “no”, then no tally was made of the second question on whether the employees wish to be represented by the Union, and the employees are deemed to have voted not to be organized into the bargaining unit.

The Union filed Objections to Election Conduct on October 19, 2006. The Employer filed an Answer to Objections to Election Conduct on November 6, 2006. The Union withdrew its Objections to Election Conduct on December 11, 2006.

As a result of this election, it is ordered that the United Professions of Vermont/AFT is not certified as the exclusive bargaining representative of the above-described Community College of Vermont instructors.

Dated this \_\_\_\_ day of December, 2006, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

By: \_\_\_\_\_  
Edward R. Zuccaro, Chairperson