

VERMONT LABOR RELATIONS BOARD

VERMONT EARLY EDUCATORS)	
UNITED, AFT)	
)	
and)	DOCKET NO. 14-61
)	
STATE OF VERMONT)	

ORDER

On September 26, 2014, Vermont Early Educators United, AFT (“Union”), filed a Petition for Election of Collective Bargaining Representative, pursuant to the Early Care and Education Providers Labor Relations Act, 33 V.S.A. Chapter 36, seeking to represent early care and education providers as defined in the Act who have an agreement with the Vermont Department for Children and Families to accept a subsidy. The State of Vermont (“State”) provided a response to the petition on October 16, 2014, stating that there is a question of representation that would need to be determined by an election due to the uncertainty as to whether the petitioned-for early care and education providers wish to be represented by a union. The Labor Relations Board issued an order on October 28, 2014, setting forth the details of the election.

The Board conducted a secret ballot election by mail ballot among early care and education providers who have an agreement with the Vermont Department for Children and Families to accept a subsidy: “Early care and education provider” means a licensed child care home provider, a registered child care home provider, or a legally exempt child care home provider, which is defined by the Legally Exempt Child Care Provider Requirements set forth by the Vermont Department for Children and Families, Child Development Division, who provides child care services as defined in §351(4) of Title 33 of Vermont Statutes Annotated. Early care

and education providers eligible to vote in the election were those who had an agreement with the Vermont Department for Children and Families to accept a subsidy as of October 22, 2014.

The early care and education providers eligible to vote in the election were asked if they desire to be represented for exclusive collective bargaining purposes by Vermont Early Educators United, AFT.

On November 17, 2014, the Board mailed ballots to the 1,323 early care and education providers eligible to vote in the election. On December 9, 2014, in the Board hearing room, 13 Baldwin Street, Montpelier, Board agents opened the returned mail ballots and placed them in the ballot box while preserving the secrecy of the ballots. The Union had designated observers present during this process. The State had no observers. The ballots were commingled for the actual counting of the ballots. The counting of the ballots occurred subsequently on December 9, 2014, in the Board hearing room. The Union had a designated observer present during the counting of the ballots. The State had no observer.

819 of the early care and education providers eligible to vote in the election cast ballots. The results on the question of whether the early care and education providers eligible to vote in the election desire to be represented for exclusive collective bargaining purposes by Vermont Early Educators United, AFT, were:

Yes	398
No	418
Spoiled Ballots.	3

The Union filed objections to the conduct of the election pursuant to Section 73.22 of Board *Rules of Practice* on December 15, 2014. The Board issued a Memorandum and Order on December 31, 2014, denying the objections. 33 VLRB 142.

As a result of this election, it is ordered that Vermont Early Educators United, AFT, is not certified as the exclusive collective bargaining representative of the early care and education providers who have an agreement with the Vermont Department for Children and Families to accept a subsidy.

Dated this 31st day of December, 2014, at Montpelier Vermont.

VERMONT LABOR RELATIONS BOARD

/s/ Gary F. Karnedy

Gary F. Karnedy, Chairperson

/s/ Richard W. Park

Richard W. Park

/s/ Edward W. Clark, Jr.

Edward W. Clark, Jr.