



7 Oct '69

STATE OF VERMONT
 STATE EMPLOYEES LABOR RELATIONS BOARD
 STATE ADMINISTRATION BLDG.
 MONTPELIER
 05602

DOCKET NO. 50-39

CERTIFICATION OF VERMONT STATE EMPLOYEES ASSOCIATION, INC.

FINDINGS OF FACT

In the above-captioned matter, the State Employees Labor Relations Board finds as follows:

1. Pursuant to Section 941(m) (941 (1) as printed by Equity Publishing Corporation in Vermont Statutes Annotated) of the State Employees Labor Relations Act, the Vermont State Employees Association, Inc. filed a petition on or about July 18, 1969 with the State Employees Labor Relations Board.

2. The petition requested that the State Employees Labor Relations Board determine and certify as follows:

(1) That two collective bargaining units be established and certified by the Board as follows:

- (a) A single unit for state employees.
- (b) A single unit for employees at the Vermont State Colleges.

(2) That the Vermont State Employees Association, Inc. be recognized and certified by the Board as the exclusive bargaining agent for said units.

3. The petition further stated that "as signer of this petition,

I certify that:

- (a) I have been duly and appropriately advised of my right to exercise my individual freedom of choice to sign or not to sign the same.
- (b) There was no threat, coercion, undue pressure, or any other act, condition, or thing done or implied in violation of 3.V.S.A., Chapter 27 by any person or persons to secure my signature on this petition.
- (c) I signed this petition of my own volition."

4. By letter dated July 2, 1969, the Vermont State Employees Association, Inc. stated "that the petitions for Vermont State Colleges do not qualify those employees to a unit or bargaining representative because of non-attainment of 51% or more of member signatures, and therefore, no request is made on their behalf at this time".

5. Petitions were signed by a majority of the state employees and a majority of the employees of an employee organization.

6. The Board conducted an investigation and satisfied itself that the signatures were obtained without threats, coercion or undue pressure and that each signer was advised, by a statement in the Petition, that he was free to exercise independent judgment without fear of subsequent retaliation or discrimination of any kind. However, the Board does find that some employees may not have known alternative courses of action available to them.

7. Reasonable notice was given to permit protest petitions to be filed by eligible objecting employees.

8. A hearing to consider the aforesaid certification petition was held Wednesday, September 10, 1969, at the State House, Montpelier, Vermont.

9. At the hearing, David H. Gray, M.D., Mr. Terrance MacCaig and Mr. Ben Levaide from the Health Department stated that the Health Department was different from other state departments because of the nature of the work and the personnel requirements.

10. The Board further finds that the employees of the Health Department had filed a petition requesting an election to determine an exclusive bargaining agent if the Board determines that it is an appropriate bargaining unit.

11. A protest petition was filed by the American Federation of State, County and Municipal Employees, Local 1953.

12. The Board further finds that Local 1953 of the American Federation of State, County and Municipal Employees Union filed a petition requesting that the Union be certified as collective bargaining agent for the employees at the Vermont State Prison. Subsequently, at the meeting of the Board on August 6, 1969, the Union requested that the bargaining unit be limited to custodial officers below the rank of sergeant at Vermont State Prison.

13. The petitions of the employees of the Health Department and the custodial officers of the Vermont State Prison are currently pending before the Board.

14. The Vermont State Employees Association, Inc. and the State of Vermont have indicated that time is of the essence because of the problems facing the State and its employees and the expiration of the State Employees Labor Relations Act on July 1, 1970.

15. The Vermont State Employees Association, Inc. plans to file petitions for smaller units than originally requested and believes it can service from 35 to 38 units.

16. The State of Vermont by a letter from John M. Simonds, Personnel Director, dated September 24, 1969, requested that supervisory personnel be excluded from any unit which includes nonsupervisory personnel because of a conflict of interest between the individual's role as supervisor and his role as a member of an organization with exclusive bargaining rights.

17. The Vermont State Employees Association, Inc. objected to this proposal by a letter dated September 25, 1969, from Garnet L. Harvey, its Executive Director.

18. The majority of the Board is of the view that two separate units consisting of supervisory personnel and non-supervisory personnel might be more appropriate than one unit of all State employees, but, the petition for certification under consideration does not provide for separation of supervisory personnel from nonsupervisory personnel and the Act does not permit the Board to amend the petition.

19. The Board finds that one unit for all state employees is an appropriate collective bargaining unit which will not result in over fragmentation of units, that state officials at the unit level have power to take positive action on matters subject to negotiation and that the proposed unit will provide representation for all employees before the State Employees Labor Relations Act expires on July 1, 1970.

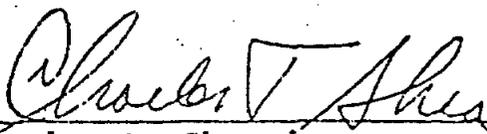
20. In making this unit determination, the Board finds pending

before it, two petitions for smaller and separate bargaining units which petitions will be acted upon by the Board pursuant to the provisions of Section 941 of the Act.

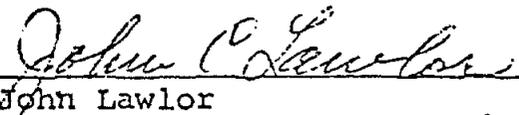
O R D E R

NOW, THEREFORE, it is ordered pursuant to 3 V.S.A., Section 941(m) that the Vermont State Employees Association, Inc. is hereby certified as collective bargaining representative for all State Employees except the employees of the Vermont State Colleges.

Dated at Burlington, this 7th day of October, 1969.



Charles T. Shea



John Lawlor



William Hall