

VERMONT LABOR RELATIONS BOARD

NEW ENGLAND POLICE)	
BENEVOLENT ASSOCIATION)	
)	DOCKET NO. 14-67
and)	
)	
TOWN OF WEATHERSFIELD)	

MEMORANDUM AND ORDER

On November 18, 2014, the New England Police Benevolent Association filed a Petition for Election of Collective Bargaining Representative, seeking to represent the one police officer employed by the Town of Weathersfield Police Department excluding the Chief of Police. At issue is whether the Labor Relations Board should dismiss this petition because the Association is requesting certification of a one person bargaining unit.

The jurisdiction of the Labor Relations Board with respect to petitions for election of collective bargaining representative under the Municipal Employee Relations Act, 21 V.S.A. §1721 – 1735 (“MERA”), is governed by §1724(a) of the Act. It provides in pertinent part that a “petition may be filed with the board . . . (b)y an . . . employee organization . . . alleging that not less than 30 percent of employees wish to form a bargaining unit and be represented for collective bargaining.” §1722(3) of MERA defines “bargaining unit” as “a group of employees recognized by the municipal employer or certified by the Board as appropriate for exclusive representation by an employee organization for purposes of collective bargaining.”

One employee does not constitute a “group of employees”, and bargaining for one employee is not “collective” bargaining. The National Labor Relations Board has stated that “the principle of collective bargaining presupposes that there is more than one eligible person who desires to bargain and that the National Labor Relations Act therefore does not empower the Board to certify where only one employee is involved.” Bethlehem Steel Company, 63 NLRB

1230, 1236 (1945). The NLRB has consistently held that a one person unit is inappropriate and has dismissed election petitions which would result in a one person unit. Id. Sharon Wire Company, 115 NLRB 372 (1956). Cutter Laboratories, 116 NLRB 260 (1956).

We concur with the NLRB that collective bargaining presupposes that bargaining is conducted on behalf of more than one employee. MERA only empowers us to certify a representative where more than one employee is involved. A one person unit is explicitly made inappropriate by MERA's definition of "bargaining unit".

We recognize that §1722(4) of MERA states that "collective bargaining . . . means the process of negotiating in good faith the wages, hours or conditions of employment between a municipal employer and the exclusive bargaining agent of employee". However, it is obvious that the singular word "employee" in this provision is a typographical error since every other reference to collective bargaining in MERA mentions it occurring on behalf of "employees". *See* 21 V.S.A. §1722(4), (8), (15); §1724(a)(1); §1725(a); 1732(d), §1736.

In sum, we dismiss the petition filed in this matter since the proposed unit of one employee is inappropriate. There is an absence of a sufficient number of eligible employees to constitute an appropriate bargaining unit under MERA.

Based on the foregoing reasons, it is ordered that the petition for election of collective bargaining representative filed by the New England Police Benevolent Association in this matter is dismissed.

Dated this 16th day of December, 2014, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

/s/ Richard W. Park

Richard W. Park

/s/ Alan Willard

Alan Willard

/s/ Edward W. Clark, Jr.

Edward W. Clark, Jr.