

VERMONT LABOR RELATIONS BOARD

VERMONT STATE HOUSING AUTHORITY)	
(Petition for Decertification,)	
Petition for Election of)	DOCKET NO. 81-34
Collective Bargaining Represent-)	
ative))	

MEMORANDUM AND ORDER DIRECTING ELECTION

This matter came before the Board on July 6, 1981, when certain Housing Authority employees in the bargaining unit currently represented by the Vermont State Housing Authority Staff Federation, VFT, AFT, AFL-CIO, filed a petition requesting that the Labor Relations Board decertify the Staff Federation as their collective bargaining representative. On August 11, 1981, the Vermont State Housing Authority Staff Association filed a cross-petition proposing to intervene in the election and be placed on the election ballot.

The first question before us is whether the petitions were filed in a timely manner. There is a collective bargaining agreement in effect between the Staff Federation and the Housing Authority. The agreement expires September 30, 1981. We will normally consider petitions timely if filed during the period 90 to 60 days prior to an agreement's expiration date. A petition will not normally be considered timely if filed during the 60 days prior to the Agreement's expiration date. The rationale behind this is to allow the parties to negotiate a new agreement free from the threat of the uncertainty of the employee representative's majority status.

Here, the petition for decertification is clearly timely as it was filed within the 90-60 day "open" period. It was filed July 6, 87 days before the expiration of the Agreement. The petition filed by the intervening staff association was filed August 11, 50 days before the expiration of the Agreement. We consider this petition timely, also, for the following reasons:

- 1) the rationale behind barring filing of petitions in the 60 days prior to expiration of the Agreement-- allowing the parties to negotiate free from the threat of a challenge to the majority status of the employee representative--no longer exists. The majority status of the Staff Federation had already been challenged by the filing of the decertification petition.

- 2) The intervenor's petition was filed before the Board sent out a notice of election.

The remaining question before us is whether there has been a sufficient showing of interest among the employees to order an election and place the intervenor on the ballot. 21 VSA §1724(a)(1) provides that a decertification petition must be supported by not less than 30 percent of employees. The decertification petition filed on July 6, 1981, was signed by more than 30 percent of the employees in the bargaining unit.

Section 42.5 of the VLRB Rules of Practice provides: employee organizations may petition to intervene in a representation election upon filing a petition signed by 10 percent of the employees in the proposed unit. While Section 42.5 is concerned with initial representation elections, there is no reason not to apply the 10 percent standard to intervenor petitions in situations like the one before us where the majority status of the present union is challenged. The intervenor petition filed by

the Staff Association here is supported by authorization cards signed by more than 10 percent of employees in the bargaining unit. Thus, the Staff Association should be placed on the election ballot.

ORDER

For the foregoing reasons, it is hereby ORDERED: 1) a secret ballot election shall be conducted among all non-management staff of the Vermont State Housing Authority on September 2, 1981, from 2:00 to 3:30 p.m. in the Housing Authority Board room.

2) The ballot for such election shall be so prepared as to permit employees the following three options in choosing their representative for exclusive bargaining purposes:

- 1) Vermont State Housing Authority Staff Association
- 2) Vermont State Housing Authority Staff Federation
VFT, AFT, AFL-CIO
- 3) No Union

Dated this 19th day of August, 1981, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

By:

Kimberly B. Cheney
Kimberly B. Cheney, Chairman