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Vermont Labor Relations Board

NATIONAL ASSOCIATION OF GOVERNMENT]
EMPLOYEES]

- and -]

CITY OF BURLINGTON and BURLINGTON]
FIRE FIGHTERS ASSOCIATION, INC.]

DOCKET #77-10R

ORDER OF CERTIFICATION

Statement of Case.

The above captioned matter came before the Board upon the Petition for Election of Collective Bargaining Representative brought by the National Association of Government Employees. The petitioner was represented by Joellen M. D'Esti, Esquire, its General Counsel, and by Mark D'Aguzzo, its Vice President. Petitionee was represented by Joseph E. McNeil, Esquire, its City Attorney. The petition was dated 28 September 1976 and filed 30 September 1976, seeking representation for all fire fighters in the City of Burlington Fire Department, excluding the Fire Chief, Captains and Lieutenants, as well as all other employees of the City of Burlington. The total employees said to be members of the proposed bargaining unit were fifty-two in number.

The petitionee filed its Answer dated 22 October 1976 denying the allegations in paragraph 5 of the petition contained and making further representation that Burlington Fire Fighters Association, Inc. was the present exclusive

bargaining agent of the members of the proposed bargaining unit. The Board treated the pleadings as being a petition for recognition coupled with a petition for decertification. On 3 December 1976 the petitioner and the City filed a Stipulation dated 24 November 1976, stipulating that the Board could conduct a Consent Election on the question of whether the Burlington Fire Fighters Association, Inc. shall be decertified as the exclusive bargaining representative of those fire fighters within the Burlington Fire Department below the rank of lieutenant and whether the National Association of Government Employees could be certified as such exclusive bargaining representative. Any hearing on the unit determination was waived by the parties.

Following the filing of the stipulation, the Board ordered an election by Notice of Election dated 31 December 1976, which election was held at the Central Fire Station, Burlington, Vermont on Tuesday, 11 January 1977. The results of the tally of votes cast in such election were as follows: those voting for Burlington Fire Fighters Association, Inc., 0; those voting for National Association of Government Employees, 38; and those voting for No Union, 1.

No objection to the conduct of the election having been filed within seven days of the tally of votes, and in accordance with the results of the Consent Election, it is hereby ORDERED that the Burlington Fire Fighters Association, Inc. be decertified as the exclusive bargaining representative for those members of the Burlington Fire Department below

the rank of lieutenant, and that the National Association of Government Employees be so certified.

Dated at Rutland, in the County of Rutland, and State of Vermont, this 18th day of February, 1977.

VERMONT LABOR RELATIONS BOARD

By John S. Burgess
JOHN S. BURGESS, CHAIRMAN

William G. Kemsley Sr.
WILLIAM G. KEMSLEY

H. James Wallace
H. JAMES WALLACE

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Vermont Labor Relations Board

Jan. 12, 1977

Memo to: Jack Burgess ✓
Jim Wallace
From: Bill Kemsley BK
Subject: Elections of Burlington Firefighters and Police

When I opened the poll at the Central Fire Station on Jan. 11, 1977, at 10:00 a.m. the only person present was Armand Bousquet, vice president of the Association/NAGE. He said that Chief Brown had instructed that the election be held in the room or garage with the engines. Many of the firefighters were upstairs in a class until 11:00 am.

By noon 39 of the eligible 48 firefighters had voted. I requested that Chief Brown be present during the counting. The results were 39 votes cast: 38 for NAGE - 1 for No Union.

During the noon recess I phoned Joe McNeil and told him that no observer was there for the city. He was not surprised and said he would contact the Police Chief regarding their election.

I went to the Central Police Station and there I met Capt. Ray Hammond, ranking officer in the absence of the Chief. He had heard nothing concerning an observer, said they were short-handed and was reluctant to assign anyone. He stated that he was satisfied that as a member of the Board I would conduct an honest election.

I then met Don Veronnaeu, president of the Association/Brotherhood who explained that there was a change in the list of eligible voters - Scott Emery having left and the name of Mark Noyes had inadvertently been omitted. We went to Capt. Hammond's secretary and secured an up-to-date list from which I worked.

At about 3:00 p.m. city workers found a gas leak in the sewage system which created an emergency. The police were called to direct traffic, evacuate buildings, etc. Three officers who had not yet voted were assigned along with supervisory staff. I kept the poll open until 4:15 but was then told it might be another hour before they would be free to vote so I closed the poll at 4:15 p.m.

The results were, 24 votes cast - 24 in favor of the IBPO.
I then drove home wrecking my car 3 miles from home.
A wonderful day!!