

VERMONT LABOR RELATIONS BOARD

WASHINGTON COUNTY	)	
EMPLOYEES ASSOCIATION	)	
	)	
and	)	DOCKET NO. 96-2
	)	
WASHINGTON COUNTY	)	

ORDER OF NONCERTIFICATION

On January 15, 1996, the Washington County Employees Association ("Association") filed a Petition for Election of Collective Bargaining Representative to expand its bargaining unit comprised of the deputy clerk and assistant clerks employed in the office of the County Clerk for the County of Washington; certified by the Vermont Labor Relations Board on April 18, 1988 (VLRB Docket No. 88-9); to add to the existing unit all clerical employees in the Washington County Sheriff's office and the maintenance worker employed by Washington County ("Employer").

The Employer responded to the petition and raised a question of unit determination, contending that the clerical employees in the Sheriff's office should be in their own bargaining unit. On March 28, 1996, a hearing was held on the unit issue before Vermont Labor Relations Board Members Catherine Frank, Chairperson, Leslie Seaver and Carroll Comstock. On April 30, 1996, the Board issued Findings of Fact, Opinion and Order. Therein, the Board determined that a bargaining unit consisting of the deputy clerk and assistant clerks employed in the office of the County Clerk, all clerical employees in the Washington County Sheriff's office, and the maintenance worker employed by the Employer was an appropriate

unit. The Board ordered an election among the clerical employees in the Washington County Sheriff's Office and the maintenance worker employed by the Employer to determine whether they wished to be represented by the Association. 19 VLRB 136.

The Association filed a motion to amend the Board's April 30, 1996, Findings of Fact, Opinion and Order. 19 VLRB 136. In the motion to amend, the Association took exception to the April 30 decision ordering an election among just the clerical employees in the Washington County sheriff's office, and the maintenance worker employed by Washington County, to determine whether they wish to be represented by the Association. The Association contended that any election held in this matter should be conducted among all the employees in the bargaining unit - i.e., the deputy clerk and assistant clerks in the county clerk's office in the existing bargaining unit represented by the Association, as well as the clerical employees in the sheriff's office and the maintenance worker whom the Association is seeking to add to the bargaining unit. On May 28, 1996, the Board denied the Association's motion.

On June 4, 1996, the Association filed a Motion For Reconsideration (of the May 28 decision), and Request for Findings and Conclusions And, In the Alternative, Motion for Interlocutory Appeal. By Memorandum and Order of June 27, 1996, the Board denied both Association motions. 19 VLRB 261.

On July 16, 1996, Linda McIntire, Legal Assistant/Election Officer for the Vermont Labor Relations Board, conducted an election in the jury room of the Washington County Courthouse. Neither the Association nor the Employer had an observer. All three eligible employees voted. Employees were asked if they wished

to be represented for exclusive bargaining purposes by the Washington County Employees Association. The results of the election were:

Yes 1

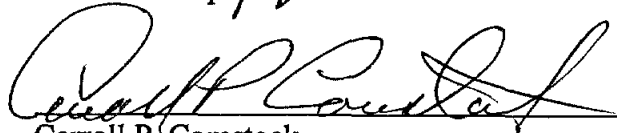
No 2

As a result of this election, it is hereby ORDERED that the Washington County Employees Association is NOT CERTIFIED as the exclusive bargaining representative of all clerical employees in the Sheriff's office and the maintenance worker employed by Washington County; and such employees are not added to the existing bargaining unit of the deputy clerk and assistant clerks employed in the office of the County Clerk for the County of Washington represented by the Washington County Employees Association.

Dated this 8<sup>th</sup> day of August, 1996, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

  
Louis A. Toepfer

  
Carroll P. Comstock

  
Richard W. Park