

VERMONT LABOR RELATIONS BOARD

HORN OF THE MOON WORKERS UNION)	
)	
and)	DOCKET NO. 88-71
)	
HORN OF THE MOON CAFE)	

ORDER OF CERTIFICATION

On December 12, 1988, the Horn of the Moon Workers Union ("Union") filed a Petition for Election of Collective Bargaining Representative, requesting an election among the cooks, dishwashers, waitpersons, prep cooks, bakers, buspersons and cashiers employed by the Horn of the Moon Cafe ("Employer").

The Employer agreed that the bargaining unit proposed by the Union was appropriate and agreed to the conducting of an election among the employees.

The Vermont Labor Relations Board deferred action on the election petition until the unfair labor practice cases in Docket Nos. 88-75 and 89-2, Horn of the Moon Workers Union v. Horn of the Moon Cafe, were decided. The Board issued a decision in those cases on May 4, 1989. 12 VLRB 110.

The Board also issued an Order on May 4 ordering that a representation election be held among the above employees to determine whether they wished to be represented by the Horn of the Moon Workers Union or no union. The Board assumed jurisdiction to conduct the election pursuant to the State Labor Relations Act, 21 VSA §1501 et seq., given that the parties agreed that the total annual volume of business of the Horn of the Moon Cafe was less than \$500,000 and the National Labor Relations Board will not assume jurisdiction of a restaurant unless the restaurant does at least \$500,000 total annual volume of business.

Timothy Noonan, Labor Relations Board Executive Director, conducted an election on June 5, 1989, in the area downstairs from the Horn of the Moon Cafe. Rebecca Rivera was present as an observer for the Union. The Employer had no observers present during the balloting. However, Cafe owner Virginia Callan observed the counting of the ballots. Twelve of 23 employees on the voter eligibility list voted. In addition, one employee cast a challenged ballot. The results of the election were:

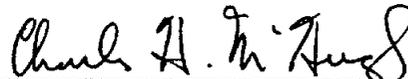
Horn of the Moon Workers Union	9
No Union	3

As a result of this election, it is hereby ORDERED:

The Horn of the Moon Workers Union is CERTIFIED as the exclusive bargaining representative of the cooks, dishwashers, waitpersons, prep cooks, bakers, buspersons and cashiers employed by the Horn of the Moon Cafe.

Dated this 16th day of June, 1989, at Montpelier, Vermont.

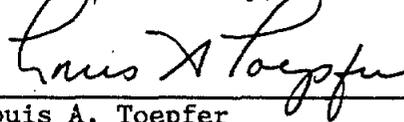
VERMONT LABOR RELATIONS BOARD



Charles H. McHugh, Chairman



William G. Kemsley, Sr.



Louis A. Toepfer