

VERMONT LABOR RELATIONS BOARD

INTERNATIONAL UNION OF	)	
OPERATING ENGINEERS, LOCAL	)	
98, AFL-CIO	)	
	)	DOCKET NO. 05-31
and	)	
	)	
TOWN OF ROCKINGHAM	)	

ORDER OF CERTIFICATION

On August 30, 2005, the International Union of Operating Engineers, Local 98, AFL-CIO ("Union"), filed a Petition for Election of Collective Bargaining Representative seeking to represent the accounting, secretarial, bookkeeping, clerical and custodial employees of the Town of Rockingham ("Employer"). The Employer filed a response to the petition on September 14, 2005, contending that the Administrative Assistant to the Town Manager should be excluded from the bargaining unit as a confidential employee, and that the Assistant Town Clerk should be excluded from the unit due to being under the direct supervision and control of the Town Clerk. The Union objected to the exclusion of these two employees from the bargaining unit.

Subsequent to a hearing on these issues, the Labor Relations Board issued Findings of Fact, Opinion and Order on January 20, 2006. The Board concluded that the Administrative Assistant to the Municipal Manager is a confidential employee and thus is ineligible to be included in a bargaining unit represented by the Union. The Board further determined that the Assistant Town Clerk is eligible to be included in a bargaining unit represented by the Union. The Board ordered that a representation election be conducted among the accounting, secretarial, bookkeeping, clerical and custodial employees of the Employer, excluding the Administrative Assistant to the Municipal Manager, to

determine whether they wish to be represented for exclusive bargaining purposes by the Union. 28 VLRB 117.

On February 13, 2006, Labor Relations Board Executive Director Timothy Noonan conducted an election in the third floor conference room of the Rockingham Town Hall in Bellows Falls. Employees were asked if they wished to be represented by the International Union of Operating Engineers, Local 98, AFL-CIO. Union Business Representative Eugene Melville observed the election for the Union. The Employer had no observer. All seven eligible employees voted. The results of the election were:

Yes 7

No 0

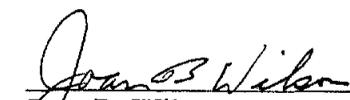
As a result of this election, it is ordered that the International Union of Operating Engineers, Local 98, AFL-CIO is certified as the exclusive bargaining representative of the accounting, secretarial, bookkeeping, clerical and custodial employees of the Town of Rockingham, excluding the Administrative Assistant to the Municipal Manager.

Dated this 2nd day of March, 2006, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

  
Carroll P. Comstock

  
Richard W. Park

  
Joan B. Wilson