

VERMONT LABOR RELATIONS BOARD

NEW ENGLAND POLICE	)	
BENEVOLENT ASSOCIATION	)	
	)	
and	)	
	)	
AFSCME LOCAL 1201, COUNCIL 93	)	DOCKET NO. 18-16
	)	
and	)	
	)	
TOWN OF MIDDLEBURY	)	

ORDER

On April 3, 2018, the New England Police Benevolent Association (“NEPBA”) filed a Petition for Election of Collective Bargaining Representative, seeking to represent all employees of the Town of Middlebury Police Department holding the rank of Patrol Officer, Corporal, Sergeant, Lieutenant and Secretary/Dispatcher. The employees currently are represented for exclusive bargaining purposes by AFSCME Local 1201, Council 93 (“AFSCME”). On April 17, 2018, the NEPBA amended the petition by removing the rank of Lieutenant from the proposed bargaining unit. In response to the petition, neither the Town of Middlebury (“Employer”) nor AFSCME asserted that a collective bargaining agreement barred an election or raised unit determination questions. The Employer and AFSCME are parties to a collective bargaining agreement which is effective July 1, 2015, through June 30, 2018.

On May 3, 2018, AFSCME informed the Labor Relations Board that it disclaimed interest in representing the petitioned-for employees and indicated that it did not wish to appear on the election ballot in this matter. Accordingly, AFSCME was not included on the election ballot pursuant to Section 33.11 of Labor Relations Board *Rules of Practice* which provides that “an incumbent bargaining representative . . . shall appear on the election ballot unless it disclaims any interest in remaining the representative of employees”.

On May 22, 2018, Labor Relations Board Executive Director Timothy Noonan conducted an election among the above-described employees in the Community Conference Room, Middlebury Police Department, Middlebury, Vermont. Neither the NEPBA nor the Employer had an observer present at the election. Employees were asked in the election whether they wish to be represented for exclusive bargaining purposes by the New England Police Benevolent Association. 11 of 14 eligible employees voted. The results of the election were:

Yes	11
No	0

As a result of this election, it is ordered:

1) AFSCME Local 1201, Council 93 is decertified as the exclusive bargaining representative of all employees of the Town of Middlebury Police Department holding the rank of Patrol Officer, Corporal, Sergeant, Lieutenant and Secretary/Dispatcher effective July 1, 2018; and

2) The New England Police Benevolent Association is certified as the exclusive bargaining representative of all employees of the Town of Middlebury Police Department holding the rank of Patrol Officer, Corporal, Sergeant and Secretary/Dispatcher effective July 1, 2018.

Dated this 7<sup>th</sup> day of June 2018, at Montpelier, Vermont.

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/s/ Richard W. Park

By: Richard W. Park, Chairperson