

VERMONT LABOR RELATIONS BOARD

NEW ENGLAND POLICE BENEVOLENT)	
ASSOCIATION)	
)	
and)	
)	DOCKET NO. 18-17
AFSCME COUNCIL 93)	
)	
and)	
)	
TOWN OF BRANDON)	

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 Brandon Police Department holding the rank of patrol officer, sergeant, corporal and dispatcher. The NEPBA proposed removing the police department employees from an existing bargaining unit with other Town of Brandon employees represented by AFSCME Council 93 (“AFSCME”), and proposed representing them in a separate bargaining unit. In response to the petition, AFSCME contended that a unit determination question existed since the petition seeks an election in a unit different than the existing unit.

The Labor Relations Board conducted a hearing on June 14, 2018, on the unit determination question whether to grant the petition to place the police department employees in a separate bargaining unit. During the hearing, the NEPBA clarified that it was seeking to include the Police Department secretary/records clerk, rather than the dispatcher, in the proposed bargaining unit. The Labor Relations Board issued Findings of Fact, Opinion and Order on August 22, 2018. Therein, the Board concluded that a bargaining unit consisting of the sergeant, corporal, police officers and secretary/records clerk of the Town of Brandon Police Department is appropriate. The Board ordered that a secret ballot election be conducted among these

employees to determine whether they wish to be represented for exclusive bargaining purposes by AFSCME Council 93, the New England Police Benevolent Association, or neither.

On August 29, 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 September 18, 2018, Labor Relations Board Executive Director Timothy Noonan conducted an election among the eligible Brandon Police Department employees in the second floor conference room in the Brandon Police Department, Brandon, Vermont. Neither the NEPBA nor the Employer had an observer during the balloting. Brandon Police Sergeant David Butterfield observed the counting of ballots.

Employees were asked in the election whether they wish to be represented for exclusive bargaining purposes by the New England Police Benevolent Association. All five eligible employees voted. Two of the employees voted by absentee ballot. The results of the election were:

Yes	5
No	0

As a result of the Findings of Fact, Opinion and Order issued by the Labor Relations Board on August 22, 2018, and the September 18 election in this matter, it is ordered:

- 1) The sergeant, corporal, police officers and secretary/records clerk of the Town of Brandon Police Department are removed from the existing bargaining unit with other Town of

Brandon employees represented by AFSCME Council 93, and are placed in their own separate bargaining unit;

2) AFSCME Council 93 is decertified as the exclusive bargaining representative of the sergeant, corporal, police officers and secretary/records clerk of the Town of Brandon Police Department effective October 1, 2018; and

2) The New England Police Benevolent Association is certified as the exclusive bargaining representative of the sergeant, corporal, police officers and secretary/records clerk of the Town of Brandon Police Department effective October 1, 2018.

Dated this 3rd day of October, 2018, at Montpelier, Vermont.

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/s/ Richard W. Park

By: Richard W. Park, Chairperson