

VERMONT LABOR RELATIONS BOARD

AFSCME)	
)	
and)	DOCKET NO. 13-15
)	
STATE OF VERMONT)	

ORDER

On May 29, 2013, AFSCME filed a petition for election of collective bargaining representative, seeking an election among independent direct support providers. The Labor Relations Board (Board) began processing the petition on June 10, 2013, when *Rules of Practice* issued by the Board under the Independent Direct Support Providers Labor Relations Act became effective. On June 25, 2013, SEIU filed a petition to intervene in the petition and appear on the election ballot pursuant to Section 63.10 of Board *Rules of Practice*. The Board issued an order on July 29, 2013, setting forth the details of the election. On July 31, 2013, SEIU withdrew the petition to intervene in the election and appear on the election ballot. On August 2, 2013, the Board withdrew its July 29, 2013, order, and replaced it with a revised order setting forth the details of the election.

The Board conducted a secret ballot election by mail ballot among the independent direct support providers. “Independent direct support provider” means any individual who provides home-based and community-based services to a service recipient and is employed by the service recipient, shared living provider or surrogate. “Service recipient” means a person who receives home-based and community-based services under the Choices for Care Medicaid waiver, the Attendant Services Program, the Children’s Personal Care Service Program, the Developmental Disabilities Services Program, or any

successor program or similar programs subsequently established. Independent direct support providers eligible to vote in this election were those paid by July 27 for providing home and community-based services to service recipients within the previous 180 days ending on the last day of the payroll period ending on July 20, 2013 (i.e., the period beginning January 22, 2013, through July 20, 2013).

The independent direct support providers eligible to vote in the election were asked if they desired to be represented for exclusive bargaining purposes by AFSCME. The election ballot was prepared in the English and Nepali languages.

On September 9, 2013, the Board mailed ballots to the 7,573 independent direct support providers eligible to vote in the election. On October 2, 2013, in the Board hearing room, 13 Baldwin Street, Montpelier, Board agents opened the returned mail ballots and placed them in the ballot box while preserving the secrecy of the ballots. AFSCME had designated observers present during this process. The State had no observers. The ballots were commingled for the actual counting of the ballots. The counting of the ballots by Board agents occurred on October 3, 2013, in the Board hearing room. AFSCME had a designated observer present during the counting of the ballots. The State had no observer.

2001 of the independent direct support providers eligible to vote in the election cast ballots. The results on the question of whether independent direct support providers desire to be represented for exclusive bargaining purposes by AFSCME were:

Yes	1412
No	566
Spoiled Ballot	23

As result of this election, it is ordered that AFSCME is certified as the exclusive bargaining representative of the independent direct support providers.

Dated this 21st day of October, 2013, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

/s/ James C. Kiehle

James C. Kiehle

/s/ Gary F. Karnedy

Gary F. Karnedy

/s/ Linda P. McIntire

Linda P. McIntire