

VERMONT LABOR RELATIONS BOARD

CHITTENDEN SOUTH EDUCATION	)	
ASSOCIATION, VERMONT-NEA	)	
	)	
and	)	DOCKET NO. 89-29
	)	
SHELBURNE BOARD OF SCHOOL	)	
DIRECTORS	)	

ORDER OF CERTIFICATION

On March 30, 1989, the Chittenden South Education Association, Vermont-NEA ("Association") filed a Petition for Election of Collective Bargaining Representative, seeking an election to certify the Association as representative of all non-certified, non-supervisory support staff employees employed by the Shelburne Board of School Directors ("Employer"), including bus drivers, aides, custodians, cafeteria staff and secretaries, but excluding the secretary to the principal at Shelburne Village School, the secretary to the principal at Shelburne Middle School, the cafeteria supervisor, the custodial supervisor at Shelburne Village School and the custodian supervisor at Shelburne Middle School.

In response to the petition, the Employer raised various issues of unit determination. On September 21, 1989, a Stipulation was entered into by the parties in which three of the issues of unit determination were resolved: a) it was agreed that Theresa Carey, secretary, was excluded from the bargaining unit as a confidential employee; b) it was agreed that Pat Smith, secretary, was excluded from the bargaining unit as a confidential employee; and c) it was agreed that one cafeteria worker, one custodian, four aides and eight bus drivers were excluded from the bargaining unit as part-time employees.

No stipulated agreement was reached between the Association and the Employer on the confidential and supervisory status of Cherrie Willette, bus driver supervisor. A hearing on this issue was held on September 21, 1989, before the Labor Relations Board. The Board issued Findings of Fact, Opinion and Order on November 2, 1989. 12 VLRB 242. Therein, the Board concluded that Willette is not a confidential employee but is a supervisory employee and, thus, ineligible to be included in a bargaining unit represented by the Association. The Board ordered that a representation election be conducted, among employees in the bargaining unit described below, to determine whether they wished to be represented by the Association or no union.

Timothy Noonan, Labor Relations Board Executive Director, conducted an election on January 10, 1990, in the Conference Room, Shelburne Middle School, Shelburne, Vermont. Ellen David Friedman, Vermont-NEA Organizer, was present for a portion of the balloting as an observer for the Association. The Employer had no observers present during balloting, although James Rice, Personnel Director for the Employer, observed the counting of the ballots. Twenty-six of 29 eligible employees voted.

The results of the election were:

Chittenden South Education Association, Vermont-NEA	22
No Union	4

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

The Chittenden South Education Association, Vermont-NEA is CERTIFIED as the exclusive bargaining representative of all non-certified, non-supervisory support staff employed by the Shelburne Board of School Directors, who work more than

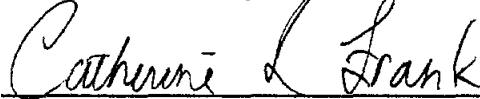
20 hours per week, including aides, custodians, cafeteria staff and secretaries, but excluding the secretary to the principal at Shelburne Village School, the secretary to the principal at Shelburne Middle School, the cafeteria supervisor, the custodian supervisor at Shelburne Village School, the custodian supervisor at Shelburne Middle School, the bus driver supervisor at Shelburne Middle School, and secretaries Theresa Carey and Pat Smith.

Dated this 25<sup>th</sup> day of January, 1990, at Montpelier, Vermont.

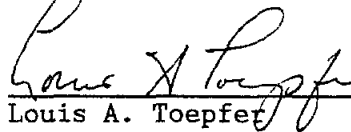
VERMONT LABOR RELATIONS BOARD



Charles H. McHugh, Chairman



Catherine L. Frank



Louis A. Toepfer