

VERMONT LABOR RELATIONS BOARD

PETITION OF VERMONT STATE EMPLOYEES')
ASSOCIATION (re: Separate Bargaining)
Unit for Community Correctional)
Center Employees))

DOCKET NO. 81-25

ORDER OF CERTIFICATION

On May 5, 1981, the Vermont State Employees' Association ("VSEA") filed a petition with the Vermont Labor Relations Board for formation of a separate bargaining unit consisting of employees of the six correctional facilities of the State of Vermont who were then included in the Non-Management and Supervisory Units. On March 25, 1982, the Board determined a collective bargaining unit consisting of all employees of the six correctional centers of the State of Vermont with the exception of employees designated managerial, supervisory or confidential pursuant to 3 VSA §906, but including correctional facility shift supervisors, was appropriate and ordered the conducting of a secret ballot election pursuant to 3 VSA §941(e) and (g). 5 VLRB 82. On December 14, 1983, the Vermont Supreme Court affirmed the Board Order except that portion of the Board's Order that included Supervisory employees in the proposed unit was reversed.

On January 12, 1984, the Board issued an order setting forth the terms, conditions and procedures for an election among the employees of the proposed unit. Elections were conducted at the six correctional facilities on January 31, 1984, and February 1, 1984. Elections were held at Rutland Community Correctional Center, St. Albans Correctional Facility and St. Johnsbury Community Correctional Center on January

31, 1984. Elections were held at Chittenden Community Correctional Center, Windsor Residential Treatment Facility and Woodstock Community Correctional Center on February 1, 1984. Employees were also permitted to vote by absentee ballot if they were not to be present at the time and place set forth for the election at their facility as a result of a previously-scheduled vacation, a previously-scheduled day off duty or a long-term illness. Three employees voted by absentee ballot in a timely manner. The elections were conducted by Board Members William G. Kemsley, Sr. and James S. Gilson and Board Executive Director Timothy Noonan. VSEA and the State had the right to have observers present at each of the elections, a right not used in all instances.

The election ballot contained the following two questions:

QUESTION 1:

Do you desire to be in a collective bargaining unit consisting of all permanent and limited-status employees of the correctional facilities of the State of Vermont with the exception of managerial, supervisory and confidential employees?

Yes

No

QUESTION 2:

Do you wish to be represented for exclusive bargaining purposes by:

Vermont State Employees' Association

No Union

The ballots were counted by the Board on February 2, 1984, at the Board hearing room, 13 Baldwin Street, Montpelier, Vermont. Present during the counting of the ballots were the full Board, State Employee Relations Director Thomas Ball, VSEA Executive Director Thomas Whitney and Mr. Noonan. The results of Question 1 were: Yes - 169, No - 1,

Spoiled Ballot - 1. The results of Question 2 were:

Vermont State Employees' Association	159
No Union	10
Spoiled Ballot	2

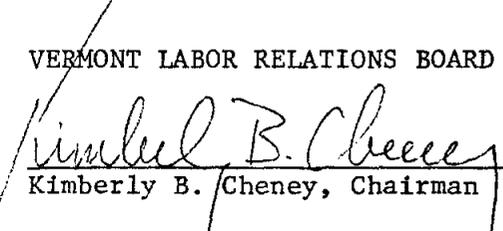
Five employees voted by challenged ballots in addition to the above votes. The Board did not rule on the challenged ballots because they were insufficient to affect the outcome of the election.

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

The Vermont State Employees' Association is CERTIFIED as the collective bargaining representative of the collective bargaining unit consisting of all permanent and limited-status employees of the correctional facilities of the State of Vermont with the exception of managerial, supervisory and confidential employees.

Dated this 21st day of February, 1984, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD



Kimberly B. Cheney, Chairman

/s/ William G. Kemsley, Sr.
William G. Kemsley, Sr.



James S. Gilson