

VERMONT LABOR RELATIONS BOARD

RUTLAND CITY SCHOOL DISTRICT	)	DOCKET NO. 88-20
	)	
AND	)	
	)	
RUTLAND ADMINISTRATORS'	)	
ASSOCIATION	)	

MEMORANDUM AND ORDER

At issue is whether the Labor Relations Board should certify the exclusion of two positions from a bargaining unit.

On September 29, 1980, pursuant to a stipulation between the Rutland City School District and the Rutland Administrators' Association, the Vermont Labor Relations Board certified the Association as the exclusive bargaining agent of certain administrators in the Rutland school system. The Labor Relations Board treated that petition as one filed under the Municipal Employee Relations Act. Later, that bargaining unit was expanded to include the positions of Business Manager and Chief of Maintenance.

The case now before us was initiated on April 11, 1988, when the Rutland City School District filed a petition with the Labor Relations Board for the removal of the Business Manager and Chief of Maintenance positions in the Rutland City School District from the bargaining unit represented by the Rutland Administrators' Association on the ground that they are supervisory and/or confidential employees. The petition was filed pursuant to the Municipal Employee Relations Act, 21 VSA §1721 et seq. and Article 34 of the Rules of Practice of the Labor Relations Board.

The Rutland Administrators' Association informed the Labor Relations Board on May 12, 1988, that while the Association did not necessarily agree with the claims made by the School District in its petition, the Association did agree the positions should be removed from the bargaining unit represented by the Association. The Association maintains that neither position comes within the purview of the Labor Relations for Teachers Act, but are correctly covered under the Municipal Employee Relations Act.

Upon review and consideration of the petition and response, we conclude that the Board is without authority to order the exclusion of the positions of Business Manager and Chief of Maintenance from the bargaining unit represented by the Association.

The Board only has such jurisdiction as is conferred on it by statute. In re Grievance of Brooks, 135 Vt. 563, 570 (1977). At issue herein is the composition of an administrators' bargaining unit, the determination of which falls under the provisions of the Labor Relations for Teachers' Act. Unlike the situation concerning other public sector employees, the legislature has not given the Board authority over the composition of bargaining units under the Labor Relations for Teachers' Act. Election Petition re: Fayston Elementary School, 9 VLRB 206 (1986). Absent specific authorizing legislation such as exists under the other labor relations acts administered by the Board, the Board chooses not to voluntarily assume such duties.

We recognize that in 1980 the Board certified the Association as the exclusive bargaining representative of employees in the involved administrators' bargaining unit pursuant to a voluntary recognition by

the Employer (See VLRB Docket No. 80-55). However, we believe such certification was an error by the Board since the Board treated the petition as one filed under the Municipal Employee Relations Act, when the involved employees actually were covered by the Labor Relations for Teachers Act. Under the Labor Relations for Teachers Act, the Board has no authority to certify any bargaining unit.

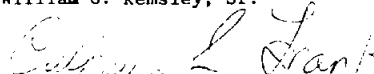
NOW THEREFORE, based on the foregoing reasons, it is hereby ORDERED the unit clarification petition filed by the Rutland City School District on April 11, 1988, is DISMISSED.

Dated the 17th day of June 1988, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

  
Charles H. McHugh, Chairman

  
William G. Kemsley, Sr.

  
Catherine L. Frank