

VERMONT LABOR RELATIONS BOARD

ELECTION PETITION RE:)	
)	DOCKET NO. 86-62
FAYSTON ELEMENTARY SCHOOL)	
TEACHERS)	

MEMORANDUM AND ORDER

At issue is whether the Labor Relations Board should assist in conducting a representation referendum involving the Fayston Elementary School Teachers.

On October 31, 1986, Richard Moser, Superintendent of Schools for the Washington West Supervisory Union, filed a letter and accompanying petition with the Labor Relations Board. He requested the Board assist in conducting a secret ballot referendum, pursuant to 16 VSA §1992(d), for the purpose of determining whether the Fayston Elementary School teachers wished to decertify the Valley Teachers' Association as their collective bargaining representative.

The Board concludes it will not assist in conducting such a referendum because, unlike the situation concerning other public sector employees, the legislature has not given the Board the authority to do so under the Labor Relations for Teachers Act. The Act contains the following provision relative to the conduct of a referendum:

In the interest of expediting the referendum and minimizing the cost thereof, the petitioning party or parties and the school board may agree together to conduct cooperatively the referendum themselves. Alternatively, the parties may select an impartial person or agency to conduct or aid in the conducting of the referendum. Failing agreement among all interested parties on the conduct of the referendum, any of the petitioning parties or the school board may request that the referendum be conducted with the aid and assistance of the American Arbitration Association or its designee. The American Arbitration Association or

its designee shall have the responsibility for making decisions on any and all matters in dispute regarding the mechanics of the referendum, eligibility and other necessary decisions relating to the conduct of the referendum. 16 VSA §1992(d).

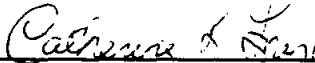
Arguably, the Board, as "an impartial agency", may voluntarily aid in the conducting of a referendum upon the agreement of all parties. However, absent specific authorizing legislation such as exists under the labor relations acts administered by the Board, the Board chooses not to voluntarily assume such duties.

Now therefore, based on the foregoing reasons, the Labor Relations Board declines to aid in the conducting of a referendum concerning the collective bargaining representation of the Fayston Elementary School teachers and this matter is hereby ORDERED DISMISSED.

Dated this 4th day of December, 1986, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD


William G. Kinsley, Sr.


Catherine L. Frank

Charles H. McHugh

1. State Employees Labor Relations Act, 3 VSA §901 et seq; Municipal Employee Relations Act; 21 VSA §1721 et seq; State Labor Relations Act, 21 VSA §1501 et seq.