

VERMONT LABOR RELATIONS BOARD

NEW ENGLAND POLICE)	
BENEVOLENT ASSOCIATION)	
)	DOCKET NO. 21- 25
and)	
)	
VERMONT STATE EMPLOYEES’)	
ASSOCIATION)	
)	
and)	
)	
STATE OF VERMONT)	

ORDER OF CERTIFICATION

On August 24, 2021, New England Police Benevolent Association (“Petitioning Union” “NEPBA”) filed with the Vermont Labor Relations Board (“Board”) a petition to represent certain correctional employees employed by the State of Vermont. The Vermont State Employees’ Association (“VSEA” “Incumbent Union”) did not receive a copy of the Petition until August 26, 2021. On September 7, 2021, VSEA filed a response to the Petition seeking clarification of the unit description. On September 7, 2021, Board Executive Director, Judith Dillon held a conference with the Petitioning Union, VSEA and the State of Vermont (“Employer”). The Petitioning Union and the Employer agreed with the proposed unit description recommended by VSEA, and all three parties stipulated to the following as the appropriate bargaining unit:

The Corrections Bargaining Unit as currently constituted pursuant to VLRB orders in Cases No. 81-25, 89-82, and 19-42, and including all permanent and limited status full-time and part-time employees employed by the Department of Corrections, but excluding employees represented in the Supervisory Unit, as well as managerial, confidential, or temporary employees.

On September 27, 2021, as provided in its September 10, 2021, Order, the Vermont Labor Relations Board conducted a secret ballot, pursuant to 3 V.S.A. § 941(e) and (g), among employees in the above-described bargaining unit.

The employees voting in the election were asked the following question:

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

- New England Police Benevolent Association
- Vermont State Employees' Association
- No Union

On October 18, 2021, ballots were counted in the Labor Relations Board Hearing Room. Ballots were counted by agents for the Board, Judith L. Dillon, Executive Director, Melinda Moz-Knight, Clerk, and Board Members David Boulanger and Roger Donegan. Chris Hoar attended in person as an observer for NEPBA. Timothy Belcher, Esq., VSEA General Counsel, and Aimee Towne, President of VSEA, attended in person and observed for VSEA. Thomas Waldman, Esq., appeared virtually through Microsoft Teams as an observer for the Employer.

355 of 671 eligible employees cast valid ballots. On the eve of the ballot counting, October 17, 2021, VSEA challenged the inclusion of eight employees it claimed were no longer employed in the unit. Because the Board did not receive a ballot from any of the people VSEA identified and challenged as ineligible in the VSEA motion, the Board was not required to rule on VSEA's objection.

The results of the question on whether they wished to be represented for exclusive bargaining purposes were: NEPBA–122, VSEA– 226, No Union –0, Void – 7.

As a result of this election, it is ordered that the Vermont State Employees' Association is certified as the exclusive bargaining representative of the Corrections Bargaining Unit as currently constituted pursuant to VLRB orders in Cases No. 81-25, 89-82, and 19-42, and

including all permanent and limited status full-time and part-time employees employed by the Department of Corrections, but excluding employees represented in the Supervisory Unit, as well as managerial, confidential, or temporary employees.

Dated this 3rd day of November, 2021, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

By: /s/ Richard Park

Richard W. Park, Chairperson