

Affiliation of Union

An issue which may arise when there is an independent union serving as existing bargaining representative is the affiliation of that independent union with another union, and the effect of such affiliation on the certification of the union as bargaining representative by the Board. The Board will find appropriate an amendment for certification, recognizing the affiliation, if the following requirements are met: 1) there is a guarantee of continuity of representation, 2) sufficient democratic standards were met to determine whether support existed among employees for affiliation, and 3) the originally certified organization does not remain a presently functioning, viable entity after the affiliation.¹ A request for amendment of certification needs to be filed with the Board under such circumstances, and the Board will investigate to determine if the above requirements are met.

In examining whether sufficient democratic standards were met to determine whether support existed among employees for affiliation, the Board has determined that such standards were met if there was adequate advance notice of the election to all employees, ample opportunity for employees to discuss possible affiliation and the election, and reasonable precautions to maintain ballot secrecy. In examining affiliation elections, the Board does not require the same degree of formality as exists in the union representation elections which the Board conducts. A secret ballot affiliation vote is the preferred method to ensure sufficient democratic standards are met, but there are instances where these standards can be satisfied without a secret

¹ Sections 13.24, 23.29, 33.28, 53.24, 63.23, and 73.24, Board Rules of Practice. Petition of AFSCME Council 93, AFL-CIO, 28 VLRB 111 (2005). Petition of AFSCME Local 1369, Council 93 (Re: Stowe Police Department Employees), 16 VLRB 145 (1993).

ballot election if there is sufficient evidence demonstrating that employees wish to affiliate.²

² Petition of AFSCME Council 93, Local 1343, AFL-CIO (Re: City of South Burlington Employees), 35 VLRB 413, 416-418 (2020). Petition of AFSCME Council 93, Local 1343, AFL-CIO, 28 VLRB 111, 114-115 (2006). Petition of Barre Town Association of Emergency Medical Technicians, 19 VLRB 273, 277-278 (1996).