

Vermont Labor Relations Board

VERMONT STATE POLICEMEN,]
] DOCKET # 78-3S
DEPARTMENT OF PUBLIC SAFETY]

FINDINGS OF FACT, OPINION AND ORDER

Statement of Case.

This matter is a petition for unit determination, investigation and certification pursuant to 3 V.S.A., Section 941 and Board Rule, Article II, seeking a collective bargaining unit of all State Police officers, including Sergeants, Corporals and Troopers. By implication the petition also seeks the decertification of the International Brotherhood of Police Officers, presently certified under prior order of the Board (Docket #75-25). The petition was dated 31 August 1977. Notice of hearing was mailed to the parties on 8 September 1977, no answers having been filed by either the State of Vermont or the International Brotherhood of Police Officers. On 22 September 1977 a Stipulation consenting to an election was filed, executed by the Vermont State Employees' Association, Inc., petitioner, and by the State of Vermont, one of the petitionees. Notice of hearing was mailed to all parties on 1 November 1977. On 25 November 1977 a Stipulation for Consent to Election was filed with the Board signed by all parties. A hearing was held on the

25th day of November, 1977 in the Jury Lounge, Chittenden Superior Courthouse, Burlington, Vermont, the petitioner being represented by Alan S. Rome, Esquire, its General Counsel, and by Robert E. Babcock, its Executive Director. The State of Vermont was represented by the Honorable Jeffrey L. Amestoy, Assistant Attorney General, and by Joseph G. Kecskemethy, Director of Employee Relations.

Discussion of Evidence and Credibility of Witnesses.

The evidence presented to the Board was uncontradicted, it being noted that the International Brotherhood of Police Officers was not at the hearing to present testimony.

Findings of Fact.

In accordance with the Stipulation on file with the Board the following findings of fact are made:

1. On 30 August 1977 the petitioner, Vermont State Employees' Association, Inc., filed its petition with the Board, together with the interest signatures of 118 members of the Vermont State Police out of an estimated total membership of approximately 212 in the present bargaining unit. It is noted by the Board that there are approximately 189 members of the unit, including Sergeants, Corporals and Troopers First Class. There may be an additional 50 Vermont State Policemen in Trooper Second Class status or probationary status, on information and belief.
2. The Board finds that there is statutory interest on the part of the petitioner in that over 30% of the members of the present bargaining unit have signed interest cards in support of the petitioner, Vermont State Employees' Association, Inc. and requesting an election.
3. The Board further finds that the proposed bargaining unit is an

appropriate bargaining unit and that the unit permits government officials at the unit level to take positive action on matters subject to negotiation, that there is a similarity of interest needs and general conditions of employment of the employees to be represented, and that the recognition of such a unit will not create over-fragmentation of units among state employees to a degree which is likely to produce an adverse effect either on effective representation of state employees generally or upon the efficient operation of state government.

4. The International Brotherhood of Police Officers is certified as the exclusive bargaining representative for the Vermont State Policemen.

5. The Board makes no findings as to the status of certain Sergeants under new personnel regulations and directives of the State of Vermont as to whether or not they are supervisory or managerial employees within the meaning of the statute or the Agreement between the State of Vermont and the International Brotherhood of Police Officers.

ORDER.

NOW, THEREFORE, it is hereby ORDERED pursuant to 3 V.S.A., Section 941 that a collective bargaining unit for Vermont State Policemen, including Sergeants, Corporals and Privates First Class, is appropriate and that a secret ballot election be conducted by this Board on or about 22 December 1977, as this Board may determine by its further order.

The Board will make a determination as to the eligibility in the election of those officers currently serving below the rank of Trooper First Class upon the application of any party, but not after Midnight on 7 December 1977.

Dated at Montpelier, Vermont this 2nd day of December, 1977.

VERMONT LABOR RELATIONS BOARD

By John S. Burgess
JOHN S. BURGESS, CHAIRMAN

William G. Kemsley, Sr.
WILLIAM G. KEMSLEY, SR.

Robert H. Brown
ROBERT H. BROWN