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H.250

Introduced by Representatives Stevens of Waterbury, Dunn of Essex, Burke of
Brattleboro, Christie of Hartford, Colburn of Burlington,
Donovan of Burlington, Gonzalez of Winooski, Macaig of
Williston, Troiano of Stannard, Walz of Barre City, Weed of
Enosburgh, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Executive; labor; education; labor relations; certification procedure;
card check elections

Statement of purpose of bill as introduced: This bill proposes to permit the
employees to elect a collective bargaining representative through card check
elections.

An act relating to collective bargaining representative elections

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 3 V.S.A. § 941 is amended to read:

§ 941. UNIT DETERMINATION, CERTIFICATION, AND
REPRESENTATION

* * *

1 (g)(1) In determining the representation of State employees in a collective
2 bargaining unit, the Board shall conduct a secret ballot of the employees and
3 certify the results to the interested parties and to the State employer. The
4 original ballot shall be so prepared as to permit a vote against representation by
5 anyone named on the ballot. No representative will be certified with less than
6 a majority of the votes cast.

7 * * *

8 (4)(A) Notwithstanding any other provision of this subsection, if the
9 Board determines that a petition filed pursuant to subsection (c) of this section,
10 which identifies a person or labor organization that will act as representative of
11 the employees in the collective bargaining unit, bears the signatures of at least
12 50 percent plus one of the employees in a bargaining unit deemed appropriate
13 by the Board pursuant to this section, the Board shall certify the person or
14 labor organization as the representative of the bargaining unit.

15 (B) Certification of a collective bargaining representative shall only
16 be available pursuant to this subdivision (g)(4) when no other person or labor
17 organization is currently certified or recognized as the exclusive representative
18 of the employees in the bargaining unit.

19 (h) A representative chosen ~~by secret ballot~~ for the purposes of collective
20 bargaining by a majority of the votes cast by secret ballot or certified pursuant
21 to subdivision (g)(4) of this section shall be the exclusive representative of all

1 the employees in ~~such~~ the bargaining unit for a minimum of one year. ~~Such~~
2 The representative shall be eligible for reelection or recertification pursuant to
3 subdivision (g)(4) of this section.

4 * * *

5 Sec. 2. 21 V.S.A. § 1581 is amended to read:

6 § 1581. PETITIONS FOR ELECTION; FILING, INVESTIGATIONS,
7 HEARINGS, DETERMINATIONS

8 * * *

9 (b)(1) The Board shall investigate the petition and if it has reasonable cause
10 to believe that a question of representation exists shall provide for an
11 appropriate hearing before the Board itself, a member thereof, or its agents
12 appointed for that purpose upon due notice. Written notice of the hearing shall
13 be mailed by certified mail to the parties named in the petition not less than
14 seven days before the hearing.

15 (A) If the Board finds upon the record of the hearing that a question
16 of representation exists, it shall conduct an election by secret ballot marked at
17 the place of election and certify to the parties, in writing, the results ~~thereof~~ of
18 the election.

19 (B)(i) If the Board finds upon the record of the hearing that a petition
20 filed pursuant to subdivision (a)(1)(A) of this section, which identifies the
21 individual or labor organization that will act as the bargaining representative of

1 the employees, bears the signatures of at least 50 percent plus one of the
2 employees in the bargaining unit, the Board shall certify the individual or labor
3 organization as the representative of the employees in the bargaining unit.

4 (ii) Certification of a representative shall only be available
5 pursuant to this subdivision (B) when no other individual or labor organization
6 is currently certified or recognized as the representative of the employees in
7 the bargaining unit.

8 * * *

9 Sec. 3. 21 V.S.A. § 1584 is amended to read:

10 § 1584. PETITIONS AND ELECTION TO RESCIND

11 REPRESENTATIVE'S AUTHORITY

12 * * *

13 (b) No election may be conducted under this section in a bargaining unit or
14 a subdivision within which in the preceding 12 months a valid election or
15 certification of a representative pursuant to this subchapter has ~~been held~~
16 occurred.

17 Sec. 4. 21 V.S.A. § 1724 is amended to read:

18 § 1724. CERTIFICATION PROCEDURE

19 * * *

20 (h)(1) Notwithstanding subsections (e)–(g) of this section, if the Board
21 determines that a petition filed pursuant to subsection (a) of this section, which

1 identifies an individual or labor organization that will act as representative of
2 the employees in the bargaining unit, bears the signatures of at least 50 percent
3 plus one of the employees in the bargaining unit, the Board shall certify the
4 individual or labor organization as the representative of the bargaining unit.

5 (2) Certification of a bargaining representative shall only be available
6 pursuant to this subsection when no other individual or labor organization is
7 currently certified or recognized as the representative of the employees in the
8 bargaining unit.

9 (i) No election or certification of a representative may be conducted under
10 this section in a bargaining unit or a subdivision within which in the preceding
11 12 months a valid election or certification has been held occurred.

12 Sec. 5. 16 V.S.A. § 1992 is amended to read:

13 § 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

14 (a) An organization purporting to represent a majority of all of the teachers
15 or administrators employed by the school board may be recognized by the
16 school board without the necessity of a referendum upon the submission of a
17 petition bearing the valid signatures of a majority of the teachers or
18 administrators employed by that school board. ~~Within 15 days after receiving~~
19 ~~the petition the school board shall notify the teachers or administrators of the~~
20 ~~school district in writing of its intention to either require or waive a secret~~
21 ~~ballot referendum. If the school board gives notice of its intention to waive a~~

1 ~~referendum and recognize an organization, 10 percent of the teachers or~~
2 ~~administrators employed by the school board may submit a petition within 15~~
3 ~~days thereafter, objecting to the granting or recognition without a referendum,~~
4 ~~in which event a secret ballot referendum shall be held in the district for the~~
5 ~~purpose of choosing an exclusive representative according to the guidelines for~~
6 ~~referendum contained in this legislation. The school board and the~~
7 ~~organization purporting to represent a majority of the teachers or~~
8 ~~administrators shall, within 10 days after the petition is submitted, agree on an~~
9 ~~impartial third party to examine the petition and determine whether a majority~~
10 ~~of the teachers or administrators support the organization. If the parties fail to~~
11 ~~agree on an impartial third party within 10 days, the Vermont Labor Relations~~
12 ~~Board shall examine the petition and determine whether a majority of the~~
13 ~~teachers or administrators support the organization. If the impartial party or~~
14 ~~the Board determines that a majority of the teachers or administrators support~~
15 ~~the organization, it shall certify the organization as the exclusive representative~~
16 ~~of the teachers or administrators.~~

17 * * *

18 Sec. 6. EFFECTIVE DATE

19 This act shall take effect on July 1, 2017.