

The Vermont Statutes Online
Title 21 : Labor
Chapter 022 : Vermont Municipal Labor Relations Act
(Cite as: 21 V.S.A. § 1726)

§ 1726. Unfair labor practices

(a) It shall be an unfair labor practice for an employer:

(1) To interfere with, restrain or coerce employees in the exercise of their rights guaranteed by this chapter or by any other law, rule, or regulation.

(2) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it; provided that an employer shall not be prohibited from permitting employees to confer with the employer during working hours without loss of time or pay.

(3) By discrimination in regard to hiring or tenure of employment or by any term or condition of employment to encourage or discourage membership in any employee organization.

(4) To discharge or otherwise discriminate against an employee because the employee has filed charges or complaints or given testimony under this chapter.

(5) To refuse to bargain collectively in good faith with the exclusive bargaining agent.

(6) To refuse to appropriate sufficient funds to implement a written collective bargaining agreement.

(7) To discriminate against an employee on account of race, color, religion, creed, sex, sexual orientation, gender identity, national origin, disability, age, or political affiliation.

(8) A municipal employer and the exclusive bargaining agent may agree to require the agency service fee to be paid as a condition of employment, or require as a condition of employment membership in such employee organization on or after the 30th day following the beginning of such employment or the effective date of such agreement, whichever is the later. Nothing in this section shall require an employer to discharge an employee in the absence of such an agreement. A municipal employer shall not discharge or discriminate against any employee for nonpayment of the agency service fee or for nonmembership in an employee organization:

(A) if the employer has reasonable grounds for believing that membership was not available to the employee on the same terms and conditions generally applicable to other members; or

(B) if the employer has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership.

(b) It shall be an unfair labor practice for an employee organization or its agents:

(1) To restrain or coerce employees in the exercise of the right guaranteed to them by law, rule, or regulation. However, this subdivision shall not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein, provided such rules are not discriminatory.

(2) To restrain or coerce an employer in the selection of representatives for the purposes of collective bargaining or adjustments of grievances.

(3) To cause or attempt to cause an employer to discriminate against an employee in violation of this title or to fail or refuse to represent all employees in the bargaining unit without regard to membership in such organization.

(4) To refuse to bargain collectively in good faith with a municipal employer.

(5) To engage in, or to induce or encourage any person to engage in a strike or a refusal in the course of employment to use, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services; or to threaten, coerce, or restrain any person with the aim of forcing or requiring any employee to join any employee organization or forcing or requiring any person to cease doing business with any other person, in the course of regular municipal business.

(6) To require employees covered by the agency service fee requirement or other union security agreement authorized under subsection (a) of this section to pay an initiation fee which the Board finds excessive or discriminatory under all the circumstances, including the practices and customs of employee organizations representing municipal employees and the wages paid to the employees affected.

(7) To cause or attempt to cause a municipal employer to pay or deliver or agree to pay or deliver any money or other thing of value in the nature of an exaction, for services which are not performed or not to be performed or which are not needed or required by the municipal employer.

(8) To picket or cause to be picketed, or threaten to picket or cause to be picketed, the municipal employer where an object thereof is forcing or requiring the municipal employer to recognize or bargain with an employee organization as the employees' representative, or forcing or requiring the employees of an employer to accept or select the employee organization as their collective bargaining representative.

(9) To discriminate against a person seeking or holding membership therein on account of race, color, religion, creed, sex, sexual orientation, national origin, disability, age, or political affiliation.

(10) To penalize a person for exercising a right guaranteed by the constitution or laws of the United States or the State of Vermont.

(11) To cause or attempt to cause the discharge from employment of employees who, because of religious beliefs, refuse membership therein.

(12) To charge the agency service fee unless the employee organization has established and maintained a procedure to provide nonmembers with all the following:

(A) An audited financial statement that identifies the major categories of expenses and divides them into chargeable and nonchargeable expenses.

(B) An opportunity to object to the amount of the fee requested and to place in escrow any amount reasonably in dispute.

(C) Prompt arbitration by an arbitrator selected jointly by the objecting fee payer and the employee organization or pursuant to the rules of the American Arbitration Association to resolve any objection over the amount of the agency service fee. The costs of arbitration shall be paid by the employee organization. (Added 1973, No. 111, § 1; amended 1991, No. 135 (Adj. Sess.), §§ 16, 17; 1999, No. 19, § 7; 2007, No. 41, § 20; 2013, No. 37, § 17, eff. June 30, 2013.)

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