

1 H.428

2 Introduced by Representatives Cina of Burlington, Hooper of Burlington,
3 Anthony of Barre City, Austin of Colchester, Bartholomew of
4 Hartland, Burke of Brattleboro, Chesnut-Tangerman of
5 Middletown Springs, Christie of Hartford, Colburn of
6 Burlington, Colston of Winooski, Cordes of Lincoln, Donovan
7 of Burlington, Gonzalez of Winooski, Kornheiser of
8 Brattleboro, Macaig of Williston, Masland of Thetford,
9 McCullough of Williston, Patt of Worcester, Ralph of Hartland,
10 Till of Jericho, Troiano of Stannard, Walz of Barre City, and
11 Yantachka of Charlotte

12 Referred to Committee on

13 Date:

14 Subject: Executive; education; labor; collective bargaining; certification
15 procedure

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

19 An act relating to collective bargaining

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

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

3 § 941. UNIT DETERMINATION, CERTIFICATION, AND
4 REPRESENTATION

5 * * *

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

12 * * *

13 (4)(A) Notwithstanding any other provision of this subsection, if the
14 Board determines that a petition to be represented for collective bargaining
15 filed pursuant to subsection (c) of this section, which identifies a person or
16 labor organization that will act as representative of the employees in the
17 collective bargaining unit, bears the signatures of at least 50 percent plus one
18 of the employees in a bargaining unit deemed appropriate by the Board
19 pursuant to this section, the Board shall certify the person or labor organization
20 as the representative of the bargaining unit.

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

18 (b) ~~Recognition granted to~~ Certification of a negotiating unit as exclusive
19 representative shall be valid and not subject to challenge by referendum
20 petition or otherwise for the remainder of the fiscal year in which ~~recognition~~
21 ~~is granted~~ the certification occurs and for an additional period of 12 months

1 after final adoption of the budget for the succeeding fiscal year and shall
2 continue thereafter until a new referendum is called for.

3 (c) A secret ballot referendum shall be held any time that 20 percent of the
4 teachers or administrators employed by the school board present a petition
5 requesting a referendum on the matter of representation, except during a period
6 of prior ~~recognition~~ certification, as ~~hereinbefore~~ provided pursuant to
7 subsection (b) of this section. Any organization interested in representing
8 teachers or administrators in the school district shall have the right to appear on
9 the ballot by submitting a petition supported by ten percent or more of the
10 teachers or administrators in the school district.

11 * * *

12 Sec. 3. 21 V.S.A. § 1581 is amended to read:

13 § 1581. PETITIONS FOR ELECTION; FILING, INVESTIGATIONS,
14 HEARINGS, DETERMINATIONS

15 * * *

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

1 Sec. 4. 21 V.S.A. § 1584 is amended to read:

2 § 1584. PETITIONS AND ELECTION TO RESCIND

3 REPRESENTATIVE'S AUTHORITY

4 * * *

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

9 Sec. 5. 21 V.S.A. § 1724 is amended to read:

10 § 1724. CERTIFICATION PROCEDURE

11 * * *

12 (h)(1) Notwithstanding subsections (e)–(g) of this section, if the Board
13 determines that a petition to be represented for collective bargaining filed
14 pursuant to subsection (a) of this section, which identifies an individual or
15 labor organization that will act as representative of the employees in the
16 bargaining unit, bears the signatures of at least 50 percent plus one of the
17 employees in the bargaining unit, the Board shall certify the individual or labor
18 organization as the representative of the bargaining unit.

19 (2) Certification of a bargaining representative shall only be available
20 pursuant to this subsection when no other individual or labor organization is

1 currently certified or recognized as the representative of the employees in the
2 bargaining unit.

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

6 Sec. 6. EFFECTIVE DATE

7 This act shall take effect on July 1, 2019.