

1 H.621

2 Introduced by Representatives Troiano of Stannard, Anthony of Barre City,
3 Austin of Colchester, Bartholomew of Hartland, Bluemle of
4 Burlington, Burrows of West Windsor, Cina of Burlington,
5 Colburn of Burlington, Cordes of Lincoln, Hooper of
6 Burlington, Howard of Rutland City, Killacky of South
7 Burlington, Kornheiser of Brattleboro, Masland of Thetford,
8 McCullough of Williston, Mrowicki of Putney, Mulvaney-
9 Stanak of Burlington, Nicoll of Ludlow, Notte of Rutland City,
10 Patt of Worcester, Townsend of South Burlington, Vyhovsky of
11 Essex, Walz of Barre City, and 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 a
17 collective bargaining representative to be certified through voluntary
18 recognition by an employer and majority sign-up by employees.

19 An act relating to the certification of collective bargaining representatives

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 (b) No bargaining unit or collective bargaining representative shall be
7 recognized by the employer ~~until the Board has determined the appropriate unit~~
8 ~~to be represented and has formally certified its determination~~ except as
9 provided pursuant to this section.

10 (c)(1) An employee or group of employees, or any individual or employee
11 organization acting on their behalf, may file a petition for voluntary
12 recognition with an employer alleging that a majority of the employees in the
13 bargaining unit want to be represented for purposes of collective bargaining.
14 The request shall describe the proposed bargaining unit and include a
15 demonstration of majority support.

16 (2)(A) If the employer does not grant the request for voluntary
17 recognition pursuant to subdivision (1) of this subsection (c), the Board or a
18 person designated by the Board shall examine the petition.

19 (B) The Board shall certify the individual or employee organization
20 named in the petition as the exclusive bargaining representative of the
21 bargaining unit if the Board finds that:

22 (i) the bargaining unit is appropriate;

1 (ii) a majority of the employees have signed valid authorizations
2 designating the individual or employee organization as their bargaining
3 representative; and

4 (iii) no individual or employee organization is currently certified
5 or recognized as the exclusive representative of any of the employees in the
6 bargaining unit.

7 (C) If the Board finds that the majority support of the employees in
8 the bargaining unit or the appropriateness of the bargaining unit is in question,
9 the Board shall treat the petition for voluntary recognition as a petition filed
10 with the Board pursuant to subdivision (3) of this subsection (c).

11 (3) A petition may be filed with the Board, in accordance with
12 procedures prescribed by the Board by an employee or group of employees, or
13 any individual or employee organization purporting to act on their behalf,
14 alleging by filing a petition or petitions bearing signatures of not less than 30
15 percent of the employees that they wish to form a bargaining unit and be
16 represented for collective bargaining, or that the individual or employee
17 organization currently certified as the bargaining agent is no longer supported
18 by at least 51 percent of the employees in the bargaining unit, or that they are
19 now included in an approved bargaining unit and wish to form a separate
20 bargaining unit under Board criteria for purposes of collective bargaining. The
21 employee, group of employees, individual, or employee organization that files
22 the petition, shall, at the same time that the petition is filed with the Board,

1 provide a copy of the petition to the employer and, if appropriate, the current
2 bargaining agent.

3 ~~(2)~~(4)(A)(i) An employer shall, not more than seven business days after
4 receiving a copy of the petition, file any objections to the appropriateness of
5 the proposed bargaining unit and raise any other unit determination issues with
6 the Board and provide a copy of the filing to the employee, group of
7 employees, individual, or employee organization that filed the petition.

8 * * *

9 (h) A representative chosen ~~by secret ballot~~ for the purposes of collective
10 bargaining by a majority of the votes cast by secret ballot, by voluntary
11 recognition by the employer pursuant to subdivision (c)(1) of this section, or
12 by majority sign-up pursuant to subdivision (c)(2) of this section shall be the
13 exclusive representative of all the employees in ~~such~~ the bargaining unit for a
14 minimum of one year. ~~Such~~ The representative shall be eligible for reelection
15 or recertification pursuant to subdivision (c)(2) of this section.

16 * * *

17 Sec. 2. 16 V.S.A. § 1992 is amended to read:

18 § 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

19 (a)(1) An organization purporting to represent a majority of all of the
20 teachers or administrators employed by the school board may be recognized by
21 the school board without the necessity of a referendum upon the submission of
22 a petition bearing the valid signatures of a majority of the teachers or

1 administrators employed by that school board. ~~Within 15 calendar days after~~
2 ~~receiving the petition, the school board shall notify the teachers or~~
3 ~~administrators of the school district in writing of its intention to either require~~
4 ~~or waive a secret ballot referendum. If the school board gives notice of its~~
5 ~~intention to waive a referendum and recognize an organization, 10 percent of~~
6 ~~the teachers or administrators employed by the school board may submit a~~
7 ~~petition within 15 calendar days thereafter, objecting to the granting of~~
8 ~~recognition without a referendum, in which event a secret ballot referendum~~
9 ~~shall be held in the district for the purpose of choosing an exclusive~~
10 ~~representative as provided pursuant to the provisions of this section.~~

11 (2)(A) If the school board does not grant the request for voluntary
12 recognition pursuant to subdivision (1) of this subsection (a), the Vermont
13 Labor Relations Board or a person designated by the Board shall examine the
14 petition.

15 (B) The Board shall certify the organization named in the petition as
16 the exclusive representative of the teachers or administrators if the Board finds
17 that:

18 (i) the bargaining unit is appropriate;

19 (ii) a majority of the teachers or administrators have signed valid
20 authorizations designating the organization as their exclusive representative;

21 and

1 recognition with an employer alleging that a majority of the employees in the
2 bargaining unit want to be represented for purposes of collective bargaining.
3 The request shall describe the proposed bargaining unit and include a
4 demonstration of majority support.

5 (2)(A) If the employer does not grant the request for voluntary
6 recognition pursuant to subdivision (1) of this subsection (a), the Board or a
7 person designated by the Board shall examine the petition.

8 (B) The Board shall certify the individual or employee organization
9 named in the petition as the exclusive bargaining representative of the
10 bargaining unit if the Board finds that:

11 (i) the bargaining unit is appropriate;

12 (ii) a majority of the employees have signed valid authorizations
13 designating the individual or employee organization as their bargaining
14 representative; and

15 (iii) no individual or employee organization is currently certified
16 or recognized as the exclusive representative of any of the employees in the
17 bargaining unit.

18 (C) If the Board finds that the majority support of the employees in
19 the bargaining unit or the appropriateness of the bargaining unit is in question,
20 the Board shall treat the petition for recognition as a petition filed with the
21 Board pursuant to subdivision (3) of this subsection (a).

1 been held or the bargaining representative has been recognized or certified
2 pursuant to section 1581 of this chapter.

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

4 § 1724. CERTIFICATION PROCEDURE

5 (a)(1) An employee or group of employees, or any individual or employee
6 organization acting on their behalf, may file a petition for voluntary
7 recognition with an employer alleging that a majority of the employees in the
8 bargaining unit want to be represented for purposes of collective bargaining.
9 The request shall describe the proposed bargaining unit and include a
10 demonstration of majority support.

11 (2)(A) If the employer does not grant the request for voluntary
12 recognition pursuant to subdivision (1) of this subsection (a), the Board or a
13 person designated by the Board shall examine the petition.

14 (B) The Board shall certify the individual or employee organization
15 named in the petition as the exclusive bargaining representative of the
16 bargaining unit if the Board finds that:

17 (i) the bargaining unit is appropriate;

18 (ii) a majority of the employees have signed valid authorizations
19 designating the individual or employee organization as their bargaining
20 representative; and

