1	H.296
2	Introduced by Representatives Troiano of Stannard and Carroll of Bennington
3	Referred to Committee on
4	Date:
5	Subject: Executive; education; labor; collective bargaining; certification
6	procedure
7	Statement of purpose of bill as introduced: This bill proposes to permit a
8	collective bargaining representative to be certified through voluntary
9	recognition by an employer and majority sign-up by employees.
10	An act relating to the certification of collective bargaining representatives
11	It is hereby enacted by the General Assembly of the State of Vermont:
12	Sec. 1. 3 V.S.A. § 941 is amended to read:
13	§ 941. UNIT DETERMINATION, CERTIFICATION, AND
14	REPRESENTATION
15	* * *
16	(b) No bargaining unit or collective bargaining representative shall be
17	recognized by the employer until the Board has determined the appropriate unit
18	to be represented and has formally certified its determination except as
19	provided pursuant to this section.

1	(c)(1) An employee or group of employees, or any individual or employee
2	organization acting on their behalf, may file a petition for voluntary
3	recognition with an employer alleging that a majority of the employees in the
4	bargaining unit want to be represented for purposes of collective bargaining.
5	The request shall describe the proposed bargaining unit and include a
6	demonstration of majority support.
7	(2)(A) If the employer does not grant the request for voluntary
8	recognition pursuant to subdivision (1) of this subsection (c), the Board or a
9	person designated by the Board shall examine the petition.
10	(B) The Board shall certify the individual or employee organization
11	named in the petition as the exclusive bargaining representative of the
12	bargaining unit if the Board finds that:
13	(i) the bargaining unit is appropriate;
14	(ii) a majority of the employees have signed valid authorizations
15	designating the individual or employee organization as their bargaining
16	representative; and
17	(iii) no individual or employee organization is currently certified
18	or recognized as the exclusive representative of any of the employees in the
19	bargaining unit.
20	(C) If the Board finds that the majority support of the employees in
21	the bargaining unit or the appropriateness of the bargaining unit is in question

the Board shall treat the petition for voluntary recognition as a petition filed with the Board pursuant to subdivision (3) of this subsection (c).

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

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

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

9 ***

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

§ 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

(a)(1) An organization purporting to represent a majority of all of the teachers or administrators employed by the school board may be recognized by the school board without the necessity of a referendum upon the submission of a petition bearing the valid signatures of a majority of the teachers or administrators employed by that school board. Within 15 calendar days after receiving the petition, the school board shall notify the teachers or administrators of the school district in writing of its intention to either require or waive a secret ballot referendum. If the school board gives notice of its intention to waive a referendum and recognize an organization, 10 percent of the teachers or administrators employed by the school board may submit a

1	petition within 15 calendar days thereafter, objecting to the granting of
2	recognition without a referendum, in which event a secret ballot referendum
3	shall be held in the district for the purpose of choosing an exclusive
4	representative as provided pursuant to the provisions of this section.
5	(2)(A) If the school board does not grant the request for voluntary
6	recognition pursuant to subdivision (1) of this subsection (a), the Vermont
7	Labor Relations Board or a person designated by the Board shall examine the
8	petition.
9	(B) The Board shall certify the organization named in the petition as
10	the exclusive representative of the teachers or administrators if the Board finds
11	<u>that:</u>
12	(i) the bargaining unit is appropriate;
13	(ii) a majority of the teachers or administrators have signed valid
14	authorizations designating the organization as their exclusive representative;
15	<u>and</u>
16	(iii) no other organization is currently certified or recognized as
17	the exclusive representative of the teachers or administrators.
18	(C) If the Board finds that the majority support of the teachers or
19	administrators is in question, the petition for voluntary recognition shall be
20	treated as a petition requesting a referendum filed pursuant to subsection (c) of
21	this section.

1	(2)(3)(A)(i) An organization seeking to represent the teachers or
2	administrators employed by a school board may petition the school board for a
3	list of the teachers or administrators in the proposed bargaining unit.
4	* * *
5	(b) Recognition granted to a negotiating unit an organization as exclusive
6	representative <u>pursuant to subsection</u> (a) or (f) of this section shall be valid and
7	not subject to challenge by referendum petition or otherwise for the remainder
8	of the fiscal year in which recognition is granted and for an additional period
9	of 12 months after final adoption of the budget for the succeeding fiscal year
10	and shall continue thereafter until a new referendum is called for.
11	* * *
12	Sec. 3. 21 V.S.A. § 1581 is amended to read:
13	§ 1581. PETITIONS FOR ELECTION; FILING, INVESTIGATIONS,
14	HEARINGS, DETERMINATIONS
15	(a)(1) An employee or group of employees, or any individual or employee
16	organization acting on their behalf, may file a petition for voluntary
17	recognition with an employer alleging that a majority of the employees in the
18	bargaining unit want to be represented for purposes of collective bargaining.
19	The request shall describe the proposed bargaining unit and include a
20	demonstration of majority support.

1	(2)(A) If the employer does not grant the request for voluntary
2	recognition pursuant to subdivision (1) of this subsection (a), the Board or a
3	person designated by the Board shall examine the petition.
4	(B) The Board shall certify the individual or employee organization
5	named in the petition as the exclusive bargaining representative of the
6	bargaining unit if the Board finds that:
7	(i) the bargaining unit is appropriate;
8	(ii) a majority of the employees have signed valid authorizations
9	designating the individual or employee organization as their bargaining
10	representative; and
11	(iii) no individual or employee organization is currently certified
12	or recognized as the exclusive representative of any of the employees in the
13	bargaining unit.
14	(C) If the Board finds that the majority support of the employees in
15	the bargaining unit or the appropriateness of the bargaining unit is in question
16	the Board shall treat the petition for recognition as a petition filed with the
17	Board pursuant to subdivision (3) of this subsection (a).
18	(3) A petition may be filed with the Board, in accordance with
19	regulations prescribed by the Board:

1	(1)(A) By an employee or group of employees, or any individual or
2	labor organization acting in their behalf, alleging that not less than 30 percent
3	of the employees;:
4	(A)(i) wish to be represented for collective bargaining and that their
5	employer declines to recognize their representative as the representative
6	defined in section 1583 of this title; or
7	(B)(ii) assert that the individual or labor organization which that has
8	been certified or is being currently recognized by their employer as the
9	bargaining representative, is no longer a representative as defined in section
10	1583 of this title.
11	(2)(B) By an employer, alleging that one or more individuals or labor
12	organizations have presented to him or her the employer a claim to be
13	recognized as the representative defined in section 1583 of this title.
14	* * *
15	Sec. 4. 21 V.S.A. § 1584 is amended to read:
16	§ 1584. PETITIONS AND ELECTION TO RESCIND
17	REPRESENTATIVE'S AUTHORITY
18	* * *
19	(b) No election may, recognition, or certification of a representative shall
20	be conducted under this section in a bargaining unit or a subdivision within
21	which in the preceding 12 months a valid election has been held or the

1	bargaining representative has been recognized or certified pursuant to section
2	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

1	(iii) no individual or employee organization is currently certified
2	or recognized as the exclusive representative of any of the employees in the
3	bargaining unit.
4	(C) If the Board finds that the majority support of the employees in
5	the bargaining unit or the appropriateness of the bargaining unit is in question,
6	the Board shall treat the petition for recognition as a petition filed with the
7	Board pursuant to subdivision (3) of this subsection (a).
8	(3) A petition may be filed with the Board, in accordance with rules
9	adopted by the Board:
10	* * *
11	(2)(4)(A)(i) An employer shall, not more than seven business days after
12	receiving a copy of the petition, file any objections to the appropriateness of
13	the proposed bargaining unit and raise any other unit determination issues with
14	the Board and provide a copy of the filing to the employee, group of
15	employees, individual, or employee organization that filed the petition.
16	* * *
17	(h) No election may, recognition, or certification of a representative shall
18	be conducted under this section in a bargaining unit or a subdivision within
19	which in the preceding 12 months a valid election, recognition, or certification
20	has been held <u>occurred</u> .

- 1 Sec. 6. EFFECTIVE DATE
- 2 This act shall take effect on July 1, 2023.