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H.296

Introduced by Representatives Troiano of Stannard and Carroll of Bennington

Referred to Committee on

Date:

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

Statement of purpose of bill as introduced: This bill proposes to permit a
collective bargaining representative to be certified through voluntary
recognition by an employer and majority sign-up by employees.

An act relating to the certification of collective bargaining representatives

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

* * *

(b) No bargaining unit or collective bargaining representative shall be
recognized by the employer ~~until the Board has determined the appropriate unit
to be represented and has formally certified its determination~~ except as
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,

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

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

17 ~~(2)~~(4)(A)(i) An employer shall, not more than seven business days after
18 receiving a copy of the petition, file any objections to the appropriateness of
19 the proposed bargaining unit and raise any other unit determination issues with
20 the Board and provide a copy of the filing to the employee, group of
21 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.

* * *

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 that:

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 and

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)(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 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 Sec. 6. EFFECTIVE DATE

2 This act shall take effect on July 1, 2023.