

Vermont Labor Relations Board

Agency Mission:

The Vermont Labor Relations Board administers the State Employees Labor Relations Act (3 V.S.A. Section 901 et seq., enacted in 1969), the Judiciary Employees Labor Relations Act (3 V.S.A. Section 1010 et seq., enacted in 1998), the State Labor Relations Act (21 V.S.A. Section 1501 et seq., enacted in 1967), the Municipal Employee Relations Act (21 V.S.A. Section 1721 et seq., enacted in 1973), and the Labor Relations For Teachers Act (16 V.S.A. Section 1981 et seq., enacted in 1969).

The Board, similar to other state labor relations boards, determines appropriate bargaining units, conducts union representation elections, and adjudicates unfair labor practice charges in cases between employers and employees under the Board's jurisdiction i.e., State of Vermont, Vermont State Colleges, University of Vermont, municipalities, school districts, and small private operations. In addition, unlike other state labor relations boards, the Board also arbitrates grievances of employees of the State of Vermont, the Vermont State Colleges and the University of Vermont under the State Employees Labor Relations Act. The Board provides assistance in resolving negotiations impasses under the State Employees Act and the Judiciary Employees Act, and decides various other types of appeals pursuant to miscellaneous statutory provisions.

Structure:

The Board consists of six part-time members. A panel of three Board members generally hears and decides each case which goes to a hearing. The Board has two employees Executive Director and Clerk.

Procedures:

Unit Determinations and Representation Elections: Upon the filing of a petition for election of collective bargaining representative or a unit clarification petition, Board staff intervene to seek to resolve any unit determination issues in dispute. Unit disputes are informally resolved in many instances; if unit issues are not informally resolved, then a panel of three Board members decides the matter after a hearing and filing of briefs. Where petitions for election or decertification of a collective bargaining representative are filed, Board staff conduct representation elections once unit issues are resolved.

Unfair Labor Practices: Upon filing of unfair labor practice charges, the Board seeks an informal response from the employer or union against whom the charge was filed. The Board Executive Director typically meets with the parties to investigate the charge and explore its informal resolution. If the Board exercises its discretion to not issue an unfair labor practice complaint and not hold a hearing on the charge, the Board issues a Memorandum and Order explaining its reasons. If a complaint is issued, an evidentiary hearing governed by the Rules of Evidence is conducted by a three-member panel of the Board. The parties file post-hearing briefs. The Board then issues a written decision.

Grievances: Grievances under the State Employees Labor Relations Act comprise a substantial part of the caseload of the Board, approximately half of its cases. Once a grievance is filed and the employer has filed an answer to it, the Board Executive Director often meets with the parties in informal status conferences or pre-hearing conferences to explore informal settlement of the grievance, discuss discovery issues, clarify issues, and/or seek to narrow the issues. If a grievance is not informally resolved and is not otherwise dismissed pursuant to a motion, the grievance is heard by a three member panel of the Board. Grievance hearings are more informal than unfair labor practice hearings in that they are not governed by the Rules of Evidence. The parties file post-hearing briefs. The Board then deliberates, and issues a written decision.

Appeal and Enforcement of Board Decisions:

Board decisions generally may be appealed directly to the Vermont Supreme Court on questions of law. The Board decides whether its decisions should be stayed pending appeal, and that stay decision also may be appealed to the Supreme Court. Board decisions are enforceable by a party or the Board in superior court.

Publications and Educational Services:

The Board has Rules of Practice specific to each of the labor relations acts which it administers. The Board has published annual volumes covering the years 1977 through the present. The Board further has all decisions of the Board from 1977-2004 available on one CD for purchase. The Board also publishes for purchase a Guide to Vermont Labor Relations Statutes, the purpose of which is to keep practitioners before the Board fully aware of case law precedents. The Guide is updated annually, and contains: 1) copies of Vermont labor relations statutes, 2) a summary of case law in major areas done by the Board Executive Director, 3) a cumulative subject index of all Board decisions since 1977, 4) a cumulative alphabetical index of all Board decisions since 1977, 5) a cumulative subject index of Vermont Supreme Court public sector labor relations decisions, and 6) a digest of all Vermont Supreme Court decisions on appeals of Board decisions. Further, the Board publishes a Practice and Procedure Manual.

In addition to these publications, the Board has an expanded and improved website providing access to all Board decisions, Board publications, other resources and upcoming events. The Board also conducts labor relations conferences and training sessions. The Board is an active member of the Association of Labor Relations Agencies and the New England Consortium of State Labor Relations Agencies.

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*Information compiled by New England Consortium of State Labor Relations agencies