

1238 Turnpike Road
Norwich, Vermont 05055

March 2, 2014

Dear Honorable Senators and Representatives:

I am writing to ask you to support **S.165**, an Act Relating to Collective Bargaining for the Employees of the State's Attorneys (hereinafter "SAS Employees"). SAS Employees include Deputy State's Attorneys, Victim Advocates, Office Managers, and Support Secretaries. In August 2012, an absolute majority of SAS Employees voted in favor of pursuing collective bargaining rights because:

- **The current statutory structure makes for a dysfunctional employer-employee relationship.** We do not know whether we are State or county employees. Though the fourteen elected State's Attorneys may hire and fire us, they do not control our compensation, benefits, and work environment. Under the status quo, SAS employees are variously told to discuss their concerns regarding compensation, benefits, and working conditions with the SAS Executive Director, with the county Side Judges, and with the Department of Human Resources. As you can imagine, such conversations result in nothing more than passing the buck. In the past, some SAS employees have been wrongly denied step increases simply because no one thought it was their job to process the necessary paperwork. We would prefer to earn raises based upon merit rather than chance.
- **We need a voice in Montpelier.** We handle more cases per person than the employees of the District Attorneys in New York City's five boroughs, Philadelphia, and Los Angeles. We spend our days working hard. We need a bargaining representative in Montpelier because we, individually, cannot and should not spend our working days traveling to and from the Gold Dome during budget season.
- **Our concerns have historically been ignored.** For example, we are often required to work in the middle of the night (such as: reviewing a proposed search warrant) without compensation. When on-call, we are generally required to remain in areas with cell phone and Internet access. We are also required to absorb the costs of cell phone and Internet service used for work purposes. You will note that, in the FY15 Budget Recommendation for SAS, the Administration proposes to fund *additional* deputy state's attorney positions, but does not propose any funding to compensate *existing* employees for afterhours work and unreimbursed expenses.

We ask that you support S.165 because it is a carefully drafted compromise that addresses the above concerns. It does not “open the floodgates” to a tidal wave of exempt employees seeking bargaining rights. Rather it acknowledges that SAS Employees are career public servants who have literally slipped through the cracks and need limited representation. S. 165 comes to you as the result of a collaborative effort by SAS Employees, the SAS Executive Director, many of the elected State’s Attorneys, and VSEA. It is a well-vetted bill that provides in summary (all page numbers refer to S.165 as introduced):

- Collective bargaining agreements are subject to appropriations made available by the Legislature (p. 7, line 16).
- SAS Employees may not strike or picket (p.6, line 8).
- Bargaining is limited to compensation, benefits, and grievance procedures (p. 6, line 38).
- All employees continue to serve at the pleasure of the elected State’s Attorney (p. 7, line 18). They remain “at will” employees.
- The employment relationship is clarified such that the Department of State’s Attorneys is deemed the employer (p. 3, line 12).
- SAS Employees will vote to determine which labor organization will represent them. This is not a handout to VSEA. (p. 1, line 15).

On balance, I hope you will find that S.165 is a balanced bill that solves a specific problem without opening Pandora’s Box. Should you have any questions or concerns, please feel free to contact me via email at david.cahill@state.vt.us or on my cell phone at (802)-431-3355. Thanks very much for your anticipated support of S.165.

Best Wishes,



David J. Cahill
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