

5/2/2018

**TESTIMONY OF STEVE HOWARD TO THE SENATE ECONOMIC DEVELOPMENT,
HOUSING AND GENERAL AFFAIRS COMMITTEE REGARDING THE
CONFIRMATION OF KAREN O'NEILL**

Mr. Chairman and Members Of The Committee:

My name is Steve Howard and I am executive director of the Vermont State Employees' Association, proudly representing over 6,000 members around Vermont. When combined with their family members and dependents, we impact the lives of over 25,000 Vermonters.

Mr. Chairman and members of the committee: VSEA opposes the confirmation of Ms. Karen O'Neill to fill one of the two neutral positions on the six member board.

We request that you exercise your discretion and judgment and recommend that the full Senate reject her confirmation.

It is our collective judgment that Ms. O'Neill is not an appropriate neutral appointment and should not be confirmed.

The statute contemplates that there will be two members with a management background, two members with a labor background, and two neutral members. When the three member hearing panels are appointed, they consist of one neutral, one management and one labor.

Appointments to the Vermont Labor Relations Board are subject to the advice and consent of the Vermont Senate. Although most appointments are routinely reviewed and confirmed by the Senate, there have been occasions over the past 25 years when the Senate has elected to reject appointments. In one other instance, an appointment to the Vermont Supreme Court was withdrawn after criticism of the appointee. Just because there have been sparse few appointments not confirmed by the Senate doesn't mean that the Senate should never exercise its discretion to do so.

- "Nominees with neutral backgrounds" means individuals in high standing not connected with any labor organization or management position, and who can be reasonably considered to be able to serve as an impartial individual. 3 V. S. A. 921

Karen O'Neil has an impressive resume. She has spent her entire life working with management and corporations, with very powerful people against workers, against consumers and against unions. In fact, she worked for a few years as a partner in a union busting law firm that boasted about its ability to break unions. **HAND OUT QUOTES- READ THE FIRST QUOTE**

•

You can't come back from these representations. Ms. O'Neill cannot be reasonably considered to be impartial after a lifetime as a warrior against workers just because she retired. The collective Vermont labor movement will never consider her to be an impartial individual.

- This is not about Karen O'Neill personally; I'm sure she is a very qualified candidate to fill a management vacancy should one arise. This is about Governor Scott and his attempt to stack the deck against thousands of workers in Vermont. To take away the one place they might go to get justice from a bad boss or a bad management decision.

Take a look at Ms. O'Neill resume and compare that to the resume of another finalist, Ms. Patricia Sabalis, which also was sent to the Governor from the Labor Relations Review Panel at DOL as a candidate for a neutral seat.

Ms. Sabalis's credentials-boast of her success in defeating workers who dared to fight sexual harassment and ageism, an attorney listed among the top employment attorneys for the Chamber of Commerce. There is a pattern here.

Ms. Sabalis and Ms. O'Neill have similar credentials. Those credentials are suggest very clear bias toward management and attacking workers.

Two out of five resumes sent to the Governor are lifetime management loyalists; warriors for corporate America who can help the Scott Administration achieve its anti-labor agenda.

We see this kind of stuff in DC all the time these days. We should not let this happen here in Vermont.

- VSEA is not here because we are upset about the last best offer. We are upset because the nomination process was rigged.

VSEA has received and accepted unfavorable decisions before- we have taken our lumps- consider a FF report that said we had to take a 3% cut when times were tough-we took it – as unhappy as we were--because we thought the process was fair.

That is what this is about -- this is about a six year appointment that promises to destroy any sense that the VLRB with three management seats can be fair and impartial to workers.

- You might ask – why didn't VSEA raise their concerns sooner? That is a long story- which I will spare you, but I would suggest that story is irrelevant to your task today, to fulfill your constitutional responsibility to check and balance the power of the executive and to follow the law which says Ms. O'Neill only serves if you consent.

- The situation that Governor Scott has put us in is unprecedented—interjecting politics into this process--- and it is rare that Senate rejects the appointment of the Governor—but that alone isn't a reason not to do it now.

Governor Scott only gets to disrupt this process if you allow him to do so.

Don't allow the Governor to stack the deck for the next six years against the men and women who make your state work – corrections, AOT plow operators, DCF social workers, state troopers, firefighters, teachers and nurses.

They are all asking you to stand with them and us and to vote no on the confirmation of Karen O'Neill.

Thank you.

Steve Howard
Executive Director, VSEA
802-793-7930
802-223-5247