

**Testimony Before the Senate Education Committee**  
**Jeff Fannon, Vermont-NEA Executive Director**  
**January 16, 2018**

RE: S.157 & S.160

Thank you for allowing me a few minutes to discuss with you these two bills, and let me be clear, Vermont-NEA opposes both bills.

I read Vermont-NEA's president's testimony of last week, and I think Martha Allen absolutely covered most everything I can think about to discuss about these bills. Removing a right from a group of people is not what we typically support. S.157 would eliminate the right of teachers to withhold their services when the terms offered or imposed upon them are unacceptable. That is a fundamental right and should be removed when it is absolutely necessary such as when public safety is at issue. Courts currently have the ability to decide whether the public is at risk. *See* 16 VSA § 2010 (injunctions [to stop a strike] shall issue only when there is a "clear and present danger to a sound program of school education . . ."). Thus, there is no compelling need to remove a right. The right to withhold one's labor is, at its core, a right that is identical to a business's right to provide, or not, services or materials at the price it deems acceptable.

As Martha ably pointed out, however, strikes and impositions are difficult and every strike about which I am aware has led to a settlement. In other words, it works. A teacher strike is also extremely rare. Since Vermont's teacher bargaining law originally was enacted in 1969, there have been, I think, only 27 strikes.

I think it is worth noting that 80% of my members are women, and removing a right they now enjoy would negatively affect a profession that is dominated by women. Women who collectively bargain for themselves are more likely to have salaries that look like their male counterparts and they are more likely to have health insurance and retirement benefits. All by way of saying, these bills should be thoughtfully considered in this context.

Finally, the school boards in Caledonia Central and the Washington Northeast appealed their denial of holding a bargaining session in open session. Both matters are pending before the Vermont Supreme Court. Moreover, many school boards and teacher bargaining teams have agreed to meet in open session, so there is no compelling need to act on S.160.

I am happy to take any questions, and again, thank you for allowing me to meet with you.