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To: Senate Education Committee  
From: Neil Odell, VSBA President  
Re: S. 226  
Date: February 4, 2020

Good afternoon Chairman Baruth and Committee members:

Thank you for the opportunity to speak to you once again. At your request, VSBA and VT-NEA representatives met this past Friday to determine areas of agreement and disagreement. It was a respectful discussion.

On the basis of that meeting, I am happy to report that we did find agreement on a few items. We both support Paragraph #1 of the VSBA proposal for specific additions to S.226 as set forth in my testimony to the Committee on January 24, 2020, relating to expanding the definition of employees covered by Act 11, treating supervisory/managerial employees as teachers/administrators and treating non-supervisory confidential employees as support staff.

We also agreed on Paragraph 4(f) relating to per-diems and expense reimbursement for the Commissioners and Paragraph 8(a) relating to clarifying a requirement that last best offer positions be submitted and exchanged before the arbitration hearing and that the parties shall not be permitted to modify their last best offers post hearing.

## **Staff**

**Sue Ceglowski**  
Executive Director  
sceglowski@vtvsba.org

**Susan Holson**  
Director of  
Education Services  
sholson@vtvsba.org

**Kerri Lamb**  
Director of Operations  
klamb@vtvsba.org

**Sandra Cameron**  
Director of Public Policy  
scameron@vtvsba.org

Additionally, VT-NEA stated that it agreed in concept with our proposed Paragraph 3 relating to the exclusion of alternates (with the possibility of limiting the number of alternates on each side), 4(d) relating to striking the provision about removal of commissioners for cause as unnecessary and 10 relating to providing funding for expenses such as court reporters, common research, the arbitrator etc.

While their position on Friday was not supportive, the NEA representatives indicated that they appreciated our explanations and were willing to give further thought to Paragraphs 5 relating to adding a state-wide grievance procedure and 6 relating to starting our next round of bargaining earlier. The VSBA is hopeful that further thought will result in support.

As for those paragraphs where we were unable to agree, the VSBA continues to support all of the proposed changes from our original testimony of January 24<sup>th</sup>. My remaining testimony today will focus on those items more directly impacting local school boards. Chief Negotiator and Counsel for the Employer Commissioners Joe

**2 Prospect Street, Suite #4, Montpelier VT 05602**  
**Tel. 1-800-244-VSBA or (802)223-3580 Fax: 802-223-0098**  
Visit our web site at: [www.vtvsba.org](http://www.vtvsba.org)

McNeil will be testifying later this afternoon on those items more pertinent to the operation of the commission.

With respect to Paragraph 2, we suggest that the Employee Commissioners include at least one administrator because they are clearly obligated by this statute to represent this category of covered employees, which had no representational voice in the first round. We respectfully suggest that they cannot be among the Employer Commissioners because here they would have a very apparent conflict of interest.

Striking Paragraph 4(h) did not elicit a strong objection from VT-NEA, merely a thought that doing so would be premature at this juncture. The VSBA sees no likelihood that the Commission will ever need to be involved in rule making, so suggests that this provision will simply sit as a dead letter if it is retained.

While Mr. McNeil will cover this provision in greater detail, I would like to point out with respect to Paragraph 8 c. and 16 V.S.A. 2105(b)(4) that requiring the arbitrator to include what he/she believes to be the cost of implementation of his/her award based upon the evidence presented at the hearing is a critical piece of information for school boards to know in preparing their budgets.

I am disappointed that we were unable to come to agreement regarding the timing of negotiations as we proposed in Paragraph 6 and VT NEA's proposal #3 for negotiations data from school districts by February 1. The VSBA agrees that accurate and timely negotiations data from school districts is beneficial for both the employee and employer commissioners. We also feel that school districts will be more able to meet the request if it falls outside of budget development season. Our request to change the timeline of negotiations will allow for school districts, boards and the local VT NEA bargaining units to have:

- a. Accurate and final information regarding employee health insurance important to local bargaining and budget development
- b. More reliable tax rate estimates since the settlement can be incorporated in the Tax Commissioner's December 1<sup>st</sup> tax letter.
- c. A greater opportunity for local bargaining to complete in time for inclusion in the budget and presentation at Town Meeting.

Regarding the original language of S.226, we are still opposed to Section 2. One of the original premises of Act 11 was to move towards equal access at equal contribution levels for educational employees. The change requested here would alter this goal fundamentally and use a suspect methodology for doing so. Looking at salary only will not accurately reflect an employee's ability to pay. Additionally, as pointed out by Jeff Francis in his testimony on January 24<sup>th</sup>, many school employees work a varying number of days each year. Using salary as a measurement of ability to pay would be further complicated by the number of contracted work days for that salary.

Finally, I'd also like to remind the Committee that we do have concerns related to the functioning of the VEHI Board and would appreciate an opportunity to testify on that matter in the future. Thank you for your time today and please let me know if you have any questions.

