

To: Senate Education Committee
From: Sue Ceglowski, Executive Director
Re: S.226
Date: February 18, 2020

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Good afternoon Chairman Baruth and Committee members:

Thank you for the opportunity to speak with you about Draft 3.2 of S.226.

Release Time

VSBA and the Employer Commissioners testified that they were not opposed to the proposed change which requires a school district that employs a member of the Commission to grant the Commission member time off to attend meetings of the Commission but that equal consideration should be given to appropriating sufficient funds to cover the costs of the Employer Commissioners' per diems and expenses. We also reported to the Committee that there was agreement with VT-NEA on per diems and expense reimbursement for the Commissioners. If this draft is supposed to reflect areas of agreement, it should include a provision covering the costs of the Employer Commissioners' per diems and expenses.

Coverage for Supervisory/Confidential Employees

Draft 3.2 doesn't address coverage for school business managers and other supervisory/confidential employees under the first round of statewide bargaining, where there are differing benefits for support staff vs. licensed teachers and administrators.

The language changes on page 1 of Draft 3.2 make it clear for the future, when everyone is supposed to have the same benefit, but their status is still unclear for the first round. For the purposes of the arbitrator's award from December 2019, we request a provision that states:

1. Supervisory or managerial employees who are otherwise not covered by the definition of school employee under (2)(A) or (B) be treated as a school employee under (2)(A); and
2. Non-supervisory or confidential employees who otherwise are not covered by the definition of school employee under (2)(A) or (B) would, for the purposes of determining which benefit levels apply per the arbitrator's award, be treated as employees under (2)(B).

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Requests for Additions to the Current Draft

1. **Scope of Bargaining:** Amend 16 V.S.A. §2103 by inserting a provision that would require the Commission to negotiate a grievance procedure for the statewide benefit.
2. **Arbitration Process:** Amend 16 V.S.A. §2105(b) as follows:
 - a. (b)(3)(A): The arbitrator or arbitrators shall hold a hearing on or before November 15 at which the Commission members shall submit all relevant evidence, documents, and written material, including a full cost estimate for the full term of the proposal with a breakdown of costs borne by employers and costs borne by employees, and each member may submit oral or written testimony in support of his or her positions on any undecided issue that is subject to arbitration.
 - b. (b)(4): The arbitrator or arbitrators shall issue their decision within 30 days after the hearing. The decision shall include a full cost estimate for the full term of the award for each of the last best offers submitted by the parties and a full explication of the basis for the decision. The cost estimate shall include a breakdown of costs borne by employers and costs borne by employees.

