

TO: Senate Education Committee on Education
FROM: Suzanne Dirmaier, UniServ Director, Vermont-NEA
DATE: March 17, 2021
SUBJECT: Testimony on H.81

My name is Suzanne Dirmaier. For years I was a Vermont elementary school teacher and I am currently on staff at the Vermont-NEA. I bring a lot of real, hands on local bargaining experience to my testimony today. Most relevant here is that I was a point person for school employees on the Act 85 (2017) state commission that preceded the passage of Act 11, and I advised the Employee Commission members negotiating statewide health insurance benefits for school employees in 2019.

My main message is that H.81 is a clear, simple, and well thought out solution to problems that were exposed by both parties after the first round of bargaining. It upholds a core value of any collective bargaining process – to establish basic parameters for negotiations without favoring one side or another. Any collective bargaining law, as is the case with the new statewide school employee health care bargaining law, is enacted to facilitate a conversation and not prescribe or dictate a specific outcome. I know that this is really about fairness for the essential public school, front line support staff. This is about letting them have equal rights to bargain for their health care.

I have a long view of negotiations in Vermont – thirty years on staff with Vermont-NEA and nine years on teacher negotiations teams in the Mad River Valley where I taught grades five and six. Additionally, I have been involved in health care negotiations on a statewide level since my appointment to the Act 85 Commission in 2017 - the Commission created to study whether a statewide approach should be

enacted. The Act 85 Commission was the Legislature's response to the Vermont School Boards Association's request in 2017 to move to a statewide health care negotiations process, something we resisted. The Act 85 Commission Report was comprehensive and in part led to the creation of the new statewide bargaining structure in Act 11 of the 2018 Special Session. The Commission included representatives from the Department of Financial Regulation, Tax Department, Vermont School Boards Associations, Vermont Superintendents Association, Vermont-NEA, AFSCME, and one appointee each of the Speaker of the House and Senate Pro Tem. One key point I want to share from the Commission report states *"All Commission members agree that a negotiated benefit should allow for access to health care benefits for all school employees – including those that are currently not offered health coverage as a term of their employment – in order for the various interests and constituencies represented on the VEHBC to support any change to the status quo approach to negotiating health benefits. Likewise, a negotiation framework should create a path to achieving equitable and affordable health benefits across all districts and employee types."*¹ The Commission said health care should be accessible, affordable, and equitable for all school employees, including and especially for our lowest paid school support staff.

As you know, H.81 is nearly identical to S.226 of last session as passed by the Senate. That bill was a fully vetted bill agreed to by both parties and it received unanimous support from the Senate Education and Appropriations committees as well as the full Senate. It represents clear, simple, and well thought out solutions to problems that were exposed by both parties after the first round of bargaining, but H.81 upholds a core value of any collective bargaining process – to establish basic parameters for negotiations without favoring one side or another. Any collective bargaining law, as is the case with the new statewide school employee health care bargaining law, is enacted to facilitate a conversation and not prescribe or dictate a specific outcome.

¹ Page 5-6 from "Finding and Recommendations of the Vermont Education Health Benefit Commission": https://dfr.vermont.gov/sites/finreg/files/doc_library/VEHBC%20Final%20Report.pdf

I testified last year in this very committee regarding S.226 and this year was present for most of the deliberations around H.81 as well as testified several times in the House Committee.

I know you most recently heard from Joe McNeil representing the VSBA that Section 5a, 16 V.S.A. 2014 3 (b)(ii) should be amended to provide a default should the parties not be able to agree to a single arbitrator or the use of the VLRB. I was in the conversation with Chair Stevens of the House Committee along with Joe McNeil and Jeff Fannon to discuss the idea of inserting the VLRB in some manner. My take-away from that conversation was simply that a single arbitrator would be the first option and if the selection of such could not be mutually agreed to then the parties had a choice of either the VLRB or a three-person panel. The only addition to the current law would be the addition of the VLRB as an option. As in the case of school bargaining for teachers, a law which has been on the books for over fifty years, the parties have been able to reach agreement for dispute resolution. I firmly believe a default mechanism is not needed in this bill.

I would like to point out that the process of negotiating the statewide benefit during the first round went relatively well for a new endeavor. Both sides adapted to a very short timeline. Actual bargaining with exchange of proposals and debate are limited to the four months of April through July. If the parties have not reached full agreement as of August 1, dispute resolution processes begin. With the current bargaining slated to begin within two weeks it is important to have the terms under which the process operates decided sooner than later. As example, not knowing what items are within the scope of bargaining prior to exchange of proposals would make the process more cumbersome and potentially lead to unnecessary delay. Moving this bill out of committee with time for it to be considered by the full Senate would be of great service to the parties.

Before I conclude I want to state what we all know, health care cost for all Vermonters is not sustainable. Collective bargaining is a process for school employees and school employers to discuss and decide how to address who pays for what. That said, it is not a place to address our broken health care system and ever increasing costs for all Vermonters. The out-of-control health care costs all our citizens face must be addressed as a policy matter to ensure it impacts all workers and employers. As you may know, it is for this reason that Vermont-NEA has been a strong advocate for decades for systemic health care reform.

Again, I want to stress these technical fixes are borne from real experience, are simple to understand and implement. It is critical at this point that we move forward with some speed and do not endeavor to re-write a new law but rather focus on vetted, practical, simple, and timely technical fixes that do not favor either side.

Thank you for your time and consideration and I would be happy to answer any questions you may have.