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To: Rep. Martin LaLonde, Chair
House Committee on Judiciary

From: Teri Corsones

Re: S.125

Date: May 6, 2025

Thank you for the opportunity to supplement the Judiciary's Memo of May 6, 2025 regarding S.125, in light of the testimony that the VSEA intended to include Court Operations Managers in its proposal to remove Judiciary "supervisory employees" from the list of exempt employees in 3 V.S.A. §1011. It appears that this is an effort to potentially add Court Operations Managers to the bargaining unit. The Judiciary submits that Court Operations Managers are clearly "managerial employees" per 3 V.S.A. §1011(13). Court Operations Managers have indicated that they did not request the proposed amendment, do not support it, and believe that an effort to potentially add them to the bargaining unit through a protracted and expensive Vermont Labor Relations Board process would undermine their ability to fulfill their management responsibilities.

I. The Judiciary's Four Supervisory Employees

As noted in the initial Memo, there are just four supervisory employees in the Judiciary. A question was asked as to whether the supervisory employees were aware of the bill and whether they support it. Each of the four supervisory employees in the Judiciary has confirmed that they were not aware of the VSEA's proposal that supervisory employees be removed from the list of exempt employees. Each also confirmed that they do not support the proposal.

II. The Judiciary's Court Operations Managers

Similarly, Court Operations Managers were not aware that the VSEA proposed to remove “supervisory employees” from the list of exempt Judiciary employees and were not aware that VSEA represented that Court Operations Managers requested that they be removed from the list of exempt employees so as to be able to potentially join the bargaining unit. Court Operations Managers and the Judiciary submit that Court Operations Managers are clearly “managerial employees” per the definition of Judiciary managerial employees and per the management work that they do every day. They are exempt on that basis, irrespective of whether supervisory employees are removed from the list of exempt employees.

A. Relevant Vermont Statute

3 V.S.A. 1011(13) defines a Judiciary “managerial employee” as: “an individual, as determined by the Board, who functions as the head of a department, institution, district operation, or a major program or division or section”.

Court Operations Managers are directly responsible for the management of day-to-day operations of trial court divisions within the state-wide Superior Court. The Superior Court includes 14 units, which correspond to the 14 counties. Each unit includes four divisions: Civil, Criminal, Family and Probate. There are 24 Court Operations Managers, each of whom is responsible for anywhere from one division in the larger units, to four divisions in the smaller units. The Court Operations Managers function as the head of their respective division(s).

B. Relevant Management Duties

The standard job description for Court Operations Managers illustrates the extensive management duties for which each Court Operations Manager is responsible:

The Court Operations Manager will have responsibility for daily supervision of Unit Division staff within one or multiple Divisions of the Unit. These Unit staff may be assigned to duties within any or all Divisions of the Superior Court Unit, or within state-wide courts, if applicable, as necessary. The position requires managerial, administrative, financial, budgeting and public relations work, including responsibility for planning, organizing, staffing, coordinating, directing, and evaluating the functions of the Division(s).

Minimum requirements for an applicant for a Court Operations Manager position include “*Four years of management experience in a public or private organization*”.

Preferred qualifications for an applicant include:

- *A thorough knowledge of the management of the courts and case-flow techniques.*
- *Ability to maintain effective working relationships with attorneys, jurors, law enforcement officials, representatives of the media, and related public and social service agencies.*

The summary of duties for which Court Operations Managers are responsible include a wide variety and broad expanse of management duties that also make crystal clear that a Court Operations Manager position is a managerial position:

- *The Court Operations Manager (COM) reports directly to the appropriate supervising court clerk. Divisions within the Unit shall be operated within Judicial Branch organizational policies and parameters established by the Court Administrator, including the establishment of strategies and objectives to accomplish the goals identified by the Court Administrator's Office.*
- *The COM position involves extensive interaction with the presiding judge, other members of the Judicial Branch, and representatives from various agencies and public and private groups.*
- *Work is performed with considerable latitude for the exercise of independent judgment and initiative under the guidance of statutory and administrative policies; the rules and procedures relating to Vermont Court operations; personnel policies for the Vermont Judiciary; and the terms of the collective bargaining agreement between the Vermont Judiciary and the Vermont State Employees' Association, Inc.*
- *Perform routine administrative tasks such as: oversight of daily cash management; review and approval of invoices; review and approval of employee time sheets and expenses.*
- *Coordinate the scheduling of court resources on a monthly, weekly and daily basis. This requires the complex coordination of many resources including, but not limited to, court rooms, employee work hours and breaks, outside law enforcement availability, judge time, attorney availability, and court equipment.*
- *Manage vendor/contractor services including, but not limited to: office supplies; relief from abuse (RFA) contractors; postage orders; and maintenance contractors.*
- *Serve on special judicial branch teams and committees to accomplish judiciary-wide projects, as appointed by the Vermont Supreme Court and/or Court Administrator's Office and approved by the court clerk.*

- *Identify court operations that can benefit from information technology and recommend to the court clerk implementation of technological improvements. Monitor and report on operational efficiencies, including but not limited to: routine statistical; case flow; financial, and management information; prepare monthly reports such as the financial packets and budgets.*
- *Recruit, hire (subject to court clerk approval and CAO approval), train, assess and supervise a work force that includes state judiciary employees and contract and volunteer personnel performing technical, casework, security, and clerical functions.*
- *Ensure the maintenance of accurate court records and the timely preparation and distribution of all court documents.*

Maintain effective working relationships with attorneys, jurors, law enforcement officials, representatives of the media, and related public and social service agencies

III. Adverse Impact on Court Operations

When Court Operations Managers learned that there was a proposal to change the statute with the intent to initiate a process through the VLRB to determine whether they were in fact managerial employees, they were outraged that: (1) they were not informed of the proposal; (2) a representation was made that they had requested the proposal when they had not; and (3) their status as managerial employees would be questioned. They understandably take great pride in the management work that they do and lamented the disruptive effect that an effort to question their status would have on their critical work as Court Operations Managers while the VLRB process plays out. They work very hard under challenging circumstances to ensure smooth court operations. They anticipate that if the bill passes it will have an unnecessarily detrimental effect on their work and on court operations. The time that they will need to devote to proving their managerial roles is time that would otherwise be spent on their already demanding management duties operating the courts. They have requested that their very strong objection to the proposal be made known to the Committee.

IV. Conclusion

As stated in the initial Memo, the Judiciary opposes removing supervisory employees from the list of exempt employees for the reasons stated in the Memo. It adds the facts since learned that none of the four Judiciary supervisory employees was aware of the proposal and none support it.

This supplemental Memo addresses the information learned since the initial Memo that VSEA intended to include Court Operations Managers in the proposal in a potential bid

for them to form a bargaining unit. Court Operations Managers were similarly not aware of the proposal and similarly oppose it. Court Operations Managers are clearly managerial employees and exempt from bargaining units on that basis. They and the Judiciary believe that a process through the VLRB to challenge that fact would jeopardize Court Operations Managers' ability to effectively manage their divisions and would be unnecessarily disruptive to the efficient and smooth court operations that Court Operations Managers work hard every day to ensure. Thank you very much for this opportunity to comment.

cc: Rep. Thomas Burditt, Vice Chair
Rep. Kevin "Coach" Christie, Ranking Member
Rep. Angela Arsenault
Rep. Karen Dolan
Rep. Ian Goodnow
Rep. Kenneth Goslant, Clerk
Rep. Zachary Harvey
Rep. Alicia Malay
Rep. Thomas Oliver
Rep. Barbara Rachelson