

VERMONT LABOR RELATIONS BOARD

WINDHAM SOUTHWEST EDUCATION	)	
ASSOCIATION, VERMONT-NEA/NEA-	)	
READSBORO CHAPTER	)	
	)	DOCKET NO. 91-68
v.	)	
	)	
READSBORO BOARD OF SCHOOL	)	
DIRECTORS	)	

MEMORANDUM AND ORDER

On June 26, 1992, the Vermont Labor Relations Board issued Findings of Fact, Opinion and Order in this matter, concluding that the Readsboro Board of School Directors ("Employer") committed an unfair labor practice by withholding annual step salary increases based on experience from teachers represented by the Windham Southwest Education Association, Vermont-NEA/NEA - Readsboro Chapter ("Association"). 15 VLRB 268. The Board's Order provided, in pertinent part, that the Employer shall reimburse the teachers for wages lost by the teachers, plus interest, as a result of the Employer's withholding of step salary increases based on experience during the 1991-92 school year. Id. at 273. The Order provided that the interest due teachers on lost wages shall be computed on gross pay. Id. at 274. The Order further required the parties to submit to the Board a proposed order indicating the specific amount of back pay due each teacher or, if the parties were unable to agree on such a proposed order, to notify the Board of specific factual disagreements and a statement of issues which need to be decided by the Board. Id.

On July 23, 1992, the Employer filed a letter with the Board indicating the specific amount of back pay due each teacher, plus interest based on gross pay through July 23, 1992. In the letter,

the Employer indicated agreement to pay the back pay to the teachers. However, the Employer indicated that the Employer is "appealing the interest payment based on gross pay"; contending that "it should be based on net pay". Subsequently, the Association notified the Board that the Association agreed with the Employer's calculations with respect to the specific amount of back pay due each teacher, plus interest based on gross pay.

Accordingly, the only issue is whether the Board should revise its Order to provide that interest will be based on net pay, rather than gross pay. It has been the practice before the Board that interest calculations on back pay determinations have been based on gross pay, rather than net pay, and this practice has been approved by the Vermont Supreme Court. Grievance of Darwin Merrill, 13 VLRB 119, 123-25 (1990). Affirmed, 157 Vt. \_\_\_, 596 A.2d 345 (1991). We will act consistent with our practice, and adhere to our June 26, 1992, Order that interest shall be based on gross pay, not net pay.

NOW THEREFORE; based on the foregoing reasons and pursuant to the Board Order of June 26, 1992, and the stipulation of the parties as to the amount of back pay, plus interest, due teachers consistent with the June 26, 1992, Order; it is HEREBY ORDERED:

1. The Readsboro Board of School Directors shall forthwith pay to the following teachers the following sums, which sums represent all back pay, plus interest, to which the teachers are entitled through July 23, 1992:

Thomas Boudreau -	\$1068.81
Dennis Butchko -	\$1067.76
June Cromack -	\$1067.76
Elinor Roden -	\$1068.81
Ilene Russell -	\$ 533.88
Dorothy Sullivan -	\$1070.71
David Switz -	\$1069.66.

2. Interest shall accrue on the amounts indicated above in paragraph 1, at the rate of 12 percent per annum, beginning on July 23, 1992, and shall continue to accrue until the teachers are paid in full.

Dated this 6th day of August, 1992, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

  
Charles H. McHugh, Chairman

  
Leslie G. Seaver

  
Carroll P. Comstock