

VERMONT LABOR RELATIONS BOARD

VERMONT STATE COLLEGES FACULTY	)	
FEDERATION, AFT, VFT, LOCAL	)	
3180, AFL-CIO	)	
	)	Docket NO. 92-59
v.	)	
	)	
VERMONT STATE COLLEGES	)	

FINDINGS OF FACT, OPINION AND ORDER

Statement of Case

On November 5, 1992, the Vermont State Colleges Faculty Federation, AFT, VFT, Local 3180, AFL-CIO ("Federation") filed an unfair labor practice charge against the Vermont State Colleges ("Colleges"). Therein, the Federation alleged that the Colleges violated 3 VSA §961(5) by failing to bargain in good faith with the Federation. Specifically, the Federation alleged that the Colleges committed an unfair labor practice at Vermont Technical College ("VTC") by unilaterally increasing the workload standards of faculty in the Civil Engineering Department without first negotiating or attempting to negotiate with the Federation.

On November 20, 1992, the Colleges responded to the Federation's charge. On March 1, 1993, the Federation filed a memorandum in support of its unfair labor practice charge. On March 5, 1993, the Colleges filed a memorandum in response to the Federation's memorandum.

On March 22, 1993, the Vermont Labor Relations Board issued an unfair labor practice complaint. The Federation filed a Motion for Summary Judgment on April 21, 1993. The Colleges filed a memorandum in opposition to the Federation's motion on

May 20, 1993. The Board denied the Federation's Motion for Summary Judgment on June 3, 1993.

A hearing was held on June 17, 1993, in the Board hearing room in Montpelier before Board Members Charles McHugh, Chairman; Louis Toepfer and Carroll Comstock. Attorney Richard Cassidy represented the Federation. Attorney Nicholas DiGiovanni, Jr. represented the Colleges. The Federation and the Colleges filed post-hearing briefs.

#### FINDINGS OF FACT

1. Article 24, entitled Workload, of the collective bargaining agreement ("Agreement") between the Federation and the Colleges, effective September 1, 1990- August 31, 1992, provides in pertinent part:

The normal individual workload shall be 24 credit hours or its equivalent per year. Overload work shall be compensated at the following minimum rates:

Instructors/Assistant Professors	\$400 per credit
Associate Professors	\$450 per credit
Professors	\$500 per credit

For the duration of this Agreement, however, faculty shall not be required to teach an excessive number of contact hours, assume an excessive student load, or be assigned an unreasonable schedule. In determining what is "excessive" or "unreasonable" under this paragraph, current practices in the Colleges shall be one of the important elements to be considered. The number of courses and number of different course preparations per faculty member shall remain at the normal and customary number for that department...

(Federation Exhibit 2).

2. The language in Article 24 concerning faculty not being required to teach an excessive number of contact hours has remained unchanged since at least 1982. Contact hours are the

number of hours per week a faculty member is assigned to be in a classroom or laboratory with students. Contact hours differ from credit hours because the the number of hours a class or lab meets a week may be greater than the number of credits assigned for a course (Employer Exhibits 1-4).

3. The language in Article 24 providing the normal individual workload shall be "24 credit hours or its equivalent per year" has remained essentially unchanged since 1986. Credit hour equivalency may be more than credits assigned a student. For instance, even if students receive no credits for labs connected with a course for which they receive credit, VTC faculty receive the equivalent of credits for hours they spend in labs with students. The equivalent of credits which they receive is determined according to a ratio by which they receive less credit than the number of hours they spend in a lab (Employer Exhibits 1-4).

4. In 1985, in a previous case before the Board and involving the same parties, the Federation charged the Colleges with an unfair labor practice based on an allegation that the Colleges had violated 3 VSA §965(5) by unilaterally issuing a workload policy at VTC which significantly increased the workload of VTC faculty and which gave the Academic Dean authority to unilaterally raise or lower class size and to determine what constitutes a fair load. The workload policy, "Administrative Guidelines - Workload Calculations", had been issued by VTC President Robert Clarke on December 3, 1984. The Board issued an unfair labor practice complaint, and the matter was heard before the Board. The Board determined that the President's Guidelines

should have been negotiated with the Federation and that the Colleges had committed an unfair labor practice by unilaterally issuing the workload guidelines. 8 VLRB 310 (1985). The Board's decision was affirmed by the Vermont Supreme Court. VSCFF, AFI Local 1380, AFL-CIO v. Vermont State Colleges, 149 Vt. 546 (1988).

5. In the decision, the Board stated in its Findings of Fact:

The normal and customary practice in determining workload in the Electrical Engineering ("EE") and Civil Engineering ("CE") Departments has been to use contact hours. Normal loads in these departments have been 16 contact hours per semester of lecture and lab instruction. A faculty member carrying 18 contact hours would, under past practice, be paid overload compensation (Finding No. 15, 8 VLRB at 315-16).

6. Further, the Board stated in its Opinion:

In determining whether the Guidelines violated Article 23, we must decide whether the workload increase was "excessive". It is clear to us one meaning of "excessive" workload is not getting paid for work for which you were previously paid. The Guidelines created this effect in the Electrical [and] Civil Engineering . . . Department . . . In the Electrical Engineering and Civil Engineering Departments, the faculty member carrying 18 contact hours would, prior to implementation of the Guidelines, be paid overload compensation. The Guidelines permit the normal load of faculty in these departments to be raised to 18 contact hours without overload pay (8 VLRB at 321-322).

7. The Board ordered the Colleges to rescind the Guidelines and to negotiate any proposed changes with the Federation. President Clarke complied with the Board's Order on November 8, 1985, and issued a memorandum rescinding his December 3, 1984 Guidelines (15 VLRB 324; Federation Exhibit 6).

8. It generally has been the practice in the Civil Engineering Department for the Chair's workload to be reduced by

teaching one less course each semester. This is consistent with the collective bargaining agreements, which since at least 1982 have provided that "department heads with three or more members in a technical department shall be assigned one less course per semester than the faculty average for that person's department" (Employer Exhibits 1-4, 8-10, 12A, 13, 17-18, 25-26; 1990-92 Agreement).

9. The normal and customary practice in determining workload in the Civil Engineering Department has been to look to credit hours equivalency and contact hours.

10. The average number of contact hours since the 1984-1985 school year (i.e., the last academic year covered by the 1985 decision of the Board) taught by nonchair faculty members in the Civil Engineering Department has been approximately 32 contact hours per academic year, or 16 contact hours per semester. This average does not include contact hours for which nonchair faculty received overload compensation. The average number of contact hours taught by Department Chairs has been approximately 26 contact hours per academic year, or 13 contact hours per semester. This average does not include contact hours for which Department Chairs received overload compensation (Employer Exhibits 5, 27-48; Federation Exhibits 3 and 7).

11. The approximate average number of contact hours per year for the nonchair faculty members, when contact hours for which faculty received overload compensation are not considered, has been as follows:

1985-86: 31 contact hours  
1986-87: 31 contact hours

1987-88: 35 contact hours  
1988-89: 33 contact hours  
1989-90: 32 contact hours  
1990-91: 31 contact hours  
1991-92: 34 contact hours  
1992-93: 32 contact hours

(Employer Exhibits 5, 27-48; Federation Exhibits 3 and 7).

12. On those occasions when nonchair faculty members in the Civil Engineering Department have had in excess of 32 contact hours per academic year since the 1984-1985 academic year, the point at which they have received overload compensation has varied. The general range has been from 33 to 37 contact hours. There have been instances where faculty members did not receive overload compensation when they had more than 32, but less than 37, contact hours (Employer Exhibits 5, 11-12, 14-15, 17-18, 19, 21-22, 23, 24, 27-48 ; Federation Exhibit 3).

13. The Chair of the Civil Engineering Department is not responsible for requesting an overload contract on behalf of a faculty member. The faculty member requests an overload contract from the Academic Dean. There have been instances where faculty members with more than 32 contact hours in an academic year have not requested overload compensation for contact hours in excess of 32 hours, and have not received overload compensation for those hours.

14. The workload of a faculty member who has more than 16 contact hours in a semester may be mitigated by a reduced workload the next semester. In such cases, an overload contract would not be issued.

15. In May, 1992, Thomas Higgins, a professor in the Civil Engineering Department, discussed workloads in the Department with Dean of Academic Affairs Steven Ingram, who had held that post at VTC since the Fall of 1989. Ingram replaced Ned Herrin as Academic Dean. Higgins gave Ingram a copy of the Board's 1985 decision because he did not think that Ingram understood that the normal and customary practice in determining workloads in the Civil Engineering Department was to use contact hours and that the normal workload had been 16 contact hours per semester.

16. Ingram responded to Higgins on May 20, 1992, with a memorandum which set forth his understanding of how to determine workloads. Such memorandum stated in pertinent part:

The workloads for the Civil Department for 1991 - 1992 are given below. We calculate workloads using both teaching credits (TC) and contact hours (CH). Teaching credits are assigned as follows:

- One hour of lecture per week for a 15-week semester = 1 TC.
- Two hours of lab per week for a 15-week semester in a course that has both lecture and lab = 1 TC; i.e. the ratio of lab hours to teaching credits is 2:1.
- For courses in which the lecture and lab are combined and not separated, such as AB 108, the ratio of class hours to teaching credits is 3:2; i.e., a 6-hour lecture/lab course is equivalent to 4 TC's.

A contact hour is defined as one hour per week with students for a 15-week semester either in lecture, lab or a lecture/lab format.

The normal faculty workload is 24 teaching credits or 36 contact hours per academic year, normally divided evenly between the two semesters. Hence, the normal semester load is 12 teaching credits or 18 contact hours. You will note that the assignment of teaching credits as defined above is in general equivalent to the contact hour assessment. For example, a three-hour lecture with a three-hour lab for four student credits, earns nine contact hours because the

lecture is divided into two lab sections. A faculty member with two such sections earns 12 teaching credits and 18 contact hours. A faculty member with three AB 108 sections has 18 contact hours and 12 teaching credits based on the four TC's per section.

An overload in the fall semester (greater than 12 teaching credits or 18 contact hours) may be compensated by a comparable underload in the Spring, or if the faculty member wishes to maintain the overload for both semesters, will be monetarily [sic] compensated in the spring semester.

These guidelines have been in effect since I learned the system from Ned Herrin. There are two past practice exceptions to this outline:

- GE 105 is considered 1/2 load or six TC's.
- The workload in EE is based on 16 contact hours per semester, without consideration of teaching credits.

...  
(Federation's Exhibit 1).

17. Prior to Ingram's May 20, 1992, memorandum, the VTC Administration had not informed the Federation or individual Civil Engineering faculty members that the Colleges considered 18 contact hours per semester, and 36 contact hours per academic year, to be the normal and customary workload for Civil Engineering faculty.



### OPINION

The Federation contends that the Vermont Technical College Administration committed an unfair labor practice in violation of 3 V.S.A. §961(5) by issuing a memorandum which unilaterally increases the number of contact hours in a normal faculty workload in the Civil Engineering Department at VTC.

Under the State Employees Labor Relations Act ("SELRA"), it is an unfair labor practice for an employer to refuse to bargain collectively with the employees' representative on terms, tenure or conditions of employment. 3 V.S.A. §§902(2), 961(5). All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining except those matters which are prescribed or controlled by statute. 3 V.S.A. §904(a). The unilateral imposition of terms of employment during the time the employer is under a legal duty to bargain in good faith is the very antithesis of bargaining and is a per se violation of the duty to bargain. Vermont State Colleges Faculty Federation, AFT Local 3180, AFL-CIO, 8 VLRB 310, 319 (1985); Affirmed, 149 Vt. 546 (1988). Absent a waiver by either the terms of the contract or by actual negotiation, the Employer has a duty to bargain changes in mandatory bargaining subjects during the term of an agreement. Id.

There is no dispute whether the memorandum issued by the VTC Administration addresses terms or conditions of employment. It is clear that it does by stating that "the normal faculty workload is 24 teaching credits or 36 contact hours per academic year" and the "normal semester load is 12 teaching credits or 18 contact

hours". It also is clear that the VTC Administration did not negotiate with the Federation concerning the substance of the memorandum. The question is whether the memorandum constituted an improper unilateral change in conditions of employment from what had previously existed.

The Federation relies on the 1985 decision of the Board on faculty workloads at VTC, Vermont State Colleges, *supra*, to allege that an improper unilateral change in conditions of employment occurred. Therein, the Board found that the normal workload in the Civil Engineering Department was 16 contact hours per semester of lecture and lab instruction, and that a faculty member carrying 18 contact hours would be paid overload compensation. Id. 8 VLRB at 315-16 (Finding #15). In his May 20, 1992, memorandum at issue here, Dean Ingram stated that the normal faculty workload is 18 contact hours per semester and 36 contact hours per academic year. The Federation contends that because the 1985 decision established the normal workload at 16 contact hours per semester, and 32 contact hours per year, and no change in practice had occurred since then, the memorandum constituted an improper unilateral change in working conditions.

The Colleges contend that the finding by the Board in the 1985 decision that the normal load in the Civil Engineering Department was 16 contact hours per semester was erroneous. The Federation contends that the Colleges should be collaterally estopped from arguing that the Board's 1985 finding was erroneous. The doctrine of collateral estoppel prevents a party from relitigating those issues necessarily and essentially

determined in a prior action. Grievance of Choudhary, 15 VLRB 118, 176, citing Berisha v. Hardy, 144 Vt. 136, 138 (1984). A party who has litigated, or who has had an opportunity to litigate, a matter in a former action should not be permitted to relitigate the same issue against the same adversary. Lerman v. Lerman, 148 Vt. 629 (1987).

We conclude that the Colleges are collaterally estopped from relitigating the normal workload in the Civil Engineering Department up to 1985 because the Board necessarily and essentially determined that issue in the 1985 decision. At issue in the 1985 decision was whether the Colleges ~~had committed~~ an unfair labor practice by unilaterally issuing workload guidelines increasing faculty members' workload. A specific issue in that case, among others, was whether faculty members in the Civil Engineering Department had realized a change in their conditions of employment because the workload guidelines had increased the normal number of contact hours for faculty. The Board determined that the normal load in the Department had been 16 contact hours prior to issuance of the guidelines, and the guidelines had changed conditions of employment by permitting the normal load of faculty to be raised to 18 contact hours without overload pay. This determination was a major element in the Board's conclusion that the Colleges had committed an unfair labor practice.

The Colleges had a full opportunity to litigate, and did litigate, the normal workload of Civil Engineering faculty up to 1985 in the 1985 case. Under such circumstances, and where the Board determined the normal workload up to 1985 as a central

component of its 1985 decision, the Colleges should not be permitted to again litigate the same issue in this matter. Thus, in deciding the case before us, we rely on the Board's findings of fact and conclusions in the 1985 decision with respect to the normal workload of Civil Engineering faculty being 16 contact hours per semester.

Nonetheless, the Colleges contend that, even if the Board concludes that 16 contact hours per semester and 32 contact per year was the normal load in 1985, it is not the normal load at present. The Colleges maintain that, in order to determine whether there was a unilateral change in workload sufficient to trigger a bargaining obligation, the Board must look to whatever latitude the Colleges have retained under the collective bargaining agreement. Article 24 provides that "faculty shall not be assigned to teach an excessive number of contact hours". It further provides that in determining what is excessive, "current practices in the Colleges shall be one of the important elements to be considered", and that the "number of courses and number of different course preparations per faculty member shall remain at the normal and customary number for that department". The Colleges maintain that the "current practices" are not to pay overload until a faculty member exceeds 36 contact hours a year, and these practices are well defined, well-established and clearly known by the VTC Administration, faculty and Federation.

Thus, the Colleges essentially argue that the Federation has waived its right to contest any changes in contact hour norms because the current norm of 36 contact hours per year constitutes

an established past practice. In determining whether a party has waived its bargaining rights, the Board has required that it be demonstrated a party consciously and explicitly waived its rights. Vermont State Employees' Association v. State of Vermont, 5 VLRB 303, 326 (1982). In such matters, the Board is further guided by the Vermont Supreme Court, which defines a waiver as the "intentional relinquishment of a known right." In re Grievance of Guttman, 139 Vt. 574 (1981). A party can intentionally relinquish a known right by failing to assert it in a timely manner. VSEA v. State of Vermont, 6 VLRB 217 (1983).

The Board has recognized that day to day practices mutually accepted by the parties may attain the status of contractual rights and duties, particularly where they are significant, long-standing and not at variance with contract provisions. Grievance of Hanifin, 11 VLRB 18, 27 (1988). Grievance of Cronin, 6 VLRB 37, 67-69 (1983). If contractual effect is to be granted a past practice, that practice must be of sufficient import to the parties that they can be presumed to have bargained in reference to it and reached a mutual agreement or understanding. Cronin, 6 VLRB at 68-69.

In applying these standards to this case to determine whether changes to the 1985 contract hour norms have developed to the point of constituting an established past practice, which the Federation has mutually accepted and waived the right to contest, we need to ensure that any result is consistent with Article 24 of the collective bargaining agreement. Under that article, assessment of faculty workloads must consider the norms that have

existed at each college within each department. Vermont State Colleges, supra. 8 VLRB at 320-21; 149 Vt. at 548-49. We recognize that assessment of faculty workloads is difficult, complex and imprecise. Id. Nonetheless, it is necessary to remain vigilant to prevent the "racheting" effect on faculty workload; that if faculty workload components are revised upward, then the new practice will become the norm, thereby pushing up faculty workloads. Id.

We disagree with the Colleges that there now is an established past practice that the norm for contact hours for Civil Engineering faculty is 36 contact hours per academic year. The average number of contact hours since the 1984-1985 school year for nonchair faculty members in the Civil Engineering Department, when contact hours for which faculty received overload compensation are not considered, has been approximately 32 contact hours per academic year, or 16 contact hours per semester. The average in particular years since 1984-1985 has ranged from 31 to 35 hours. On those occasions when nonchair faculty members in the Civil Engineering Department have had in excess of 32 contact hours, the point at which they have received overload compensation has varied. The general range has been from 33 to 37 contact hours.

The best interpretation of the facts before us is that there has been no consistent practice since the 1984-85 school year concerning at what number of contact hours faculty members are entitled to receive overload compensation. As the Board has recognized in the past, the assessment of faculty workloads is

difficult, complex and imprecise. Vermont State Colleges, 8 VLRB at 321. Grievance of Brandon, 3 VLRB 396, 404 (1980). The workload of a faculty member who has more than 16 contact hours in a semester may be mitigated by a reduced workload the next semester. In such cases, an overload contract would not be issued. In other cases, individual faculty members had a contact hours assignment above 32 contact hours, did not request overload compensation, and did not receive overload compensation. In any event, there has been no consistent practice that overload compensation did not apply until faculty members reached a 36 contact hour threshold, as some faculty members received such compensation when they reached a lower number of contact hours.

Further, prior to the May, 1992, memorandum issued by Dean Ingram, the Colleges never informed the Federation or individual faculty members in the Civil Engineering Department that the Colleges considered 18 contact hours per semester, and 36 contact hours per academic year to be the normal and customary workload for Civil Engineering faculty.

Under these circumstances, we conclude that there has been no change in 16 contact hours per semester, and 32 contact hours per academic year, being the norm in the Civil Engineering Department. There has been no established past practice that is long-standing and consistent which has changed this norm. Instead, the practice since the 1984-85 academic year has varied. We cannot conclude that the Federation has mutually accepted a change in the previously established norms under circumstances

where the practice has been so varied, and the Colleges never informed the Federation of a change in norms.

In sum, we conclude that, by identifying 18 contact hours per semester and 36 contact hours per academic year as the norm in the May, 1992, memorandum, the Colleges have created a "ratcheting" effect, pushing up faculty workloads. This violates Article 24 of the collective bargaining agreement, as an "excessive" increase in faculty workload. The May, 1992, memorandum changed past workload norms for Civil Engineering faculty. This without more is sufficient to constitute unlawful changes in employees' conditions of employment. Vermont State Colleges, 8 VLRB at 322. Thus, the Colleges committed an unfair labor practice in violation of 3 V.S.A. §961(5) by changing these conditions of employment without negotiating with the Federation.

We turn to determining what remedy to apply in this case. The Federation requests that we order the Colleges to cease and desist from causing Civil Engineering Department faculty to work in excess of 32 contact hours in an academic year without overload compensation. The Federation further requests that we award Department faculty back pay for excessive workload assignments, and award the Federation legal fees and costs for litigating this unfair labor practice case.

In deciding what remedy to apply as a result of the Colleges' unfair labor practice, we look to §965 of SELRA. This authorizes the Board to require a party committing an unfair labor practice "to cease and desist from the unfair labor practice, and to take such affirmative action as will carry out



the policies" of SELRA. In exercising our broad powers to remedy unfair labor practices, our orders are to be remedial, "make whole" orders, and not be punitive. Cavendish Town Elementary School Teachers' Association, Vermont-NEA/NEA v. Cavendish Town Board of School Directors, 16 VLRB 378, 391 (1993). In ordering affirmative action, the task of the Board is to restore the economic status quo, and recreate the conditions and relationships, that would have existed but for the employer's wrongful act. Burlington Education Association v. Burlington School District, 16 VLRB 398, 410-11 (1993).

We conclude it is appropriate to order the Colleges to cease and desist from treating 18 contact hours per semester, and 36 contact hours per academic year, as the workload norm in the Civil Engineering Department. The Colleges can change the workload norm of 16 contact hours per semester, and 32 contact hours per year, only by negotiating any proposed changes to this norm with the Federation.

We also believe it is appropriate that Department faculty receive back pay for being assigned excessive workload without overload compensation. In the 1985 decision, the Board determined that, given the flexibility in determining workload allowed by the collective bargaining agreement and the imprecise nature of calculating workload back pay, it was impractical and unnecessary to award back pay. 8 VLRB at 324. The Board reasoned that the best remedy was to order the parties to negotiate any workload issues to clear up such a difficult issue and resolve a fundamental aspect of employment, and indicated that the Board

was not implying back pay may not be part of negotiations between the parties. Id.

Since more than eight years have passed since the 1985 decision and workload issues still are being litigated before the Board, it is obvious the parties have been unable to successfully negotiate proposed workload changes. This inability of the parties to resolve these issues, and the Colleges' actions in this case of changing workload norms articulated by the Board in the 1985 decision without negotiation with the Federation, leads us to conclude that a different remedy than was applied in the 1985 decision should be applied in this case. It is evident there should be a back pay order to enforce the obligation of the Colleges to refrain from making such unilateral changes, and to make employees whole who have been adversely impacted by the Colleges' actions.

We believe that, under the circumstances, the time period to be covered by the back pay should begin with any workload assignments subsequent to the time the Colleges made it evident to the Federation that the Colleges viewed workload norms as having changed. This articulation of changes was Dean Ingram's May, 1992, memorandum. Thus, faculty should be awarded back pay for excessive workload assignments during the 1992-1993 and 1993-1994 academic years.

We believe it is most appropriate to leave the specific amounts of back pay to be awarded faculty members to negotiations by the parties. As previously indicated, the assessment of faculty workloads is difficult, complex and imprecise. By our

decision today, we simply have established, as we established in 1985, that the workload norm for Civil Engineering faculty is 16 contact hours per semester and 32 contact hours per year, and that 18 contact hours per semester and 36 contact hours per academic years is an excessive workload. This is the case until the parties negotiate changes to the norm. The specific amount to be awarded faculty members within this framework still is better determined by the parties than ordered by the Board. Thus, we will provide the parties an opportunity to negotiate the specific amount of back pay to be awarded faculty members consistent with this decision. The Board will only decide specific amounts to be awarded if the parties are unable to agree.

Finally, we address the Federation's request that the Federation be awarded legal fees and costs for litigating this unfair labor practice charge. The Board has recognized that the awarding of reasonable expenses, including attorneys' fees, to the prevailing party is an appropriate exercise of the Board's remedial powers in certain cases. The Board has made such an award in one case where a union engaged in an illegal strike; Rutland School Board, 2 VLRB 250, 286-87 (1978); and in another case where a school board's action in implementing a teacher employment policy made a mockery of good faith collective bargaining. Cavendish, 16 VLRB at 390-93.

We decline to make an award of legal fees and costs a component of a remedial order in this case. In exercising our discretion to order affirmative action to make the Federation whole for the unfair labor practice, we conclude that the Colleges' improper actions did not rise to the level

existing in past cases where we have concluded that a component of a make whole, remedial order was an award of reasonable expenses, including attorneys' fees.

ORDER

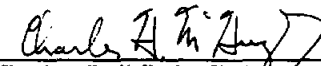
Now therefore, based on the foregoing findings of fact and for the foregoing reasons, it is hereby ordered:


1. The Vermont State Colleges shall CEASE AND DESIST from treating 18 contact hours per semester, and 36 contact hours per academic year, as the workload norm for faculty in the Civil Engineering Department at Vermont Technical College. The Colleges shall consider the workload norm as 16 contact hours per semester, and 32 contact hours per year, until any changes to this norm are negotiated with the Federation.

2. The Vermont State Colleges shall award faculty members in the Civil Engineering Department back pay for excessive contact hours assignments during the 1992-93 and 1993-94 academic years. The parties shall attempt to negotiate the specific amount of back pay due faculty members consistent with this decision. The parties shall notify the Labor Relations Board within 30 days of the date of this Order whether the parties have been able to agree on the amount of back pay. If the parties are unable to agree, they should notify the Board at that time of the specific issues which remain to be decided by the Board on the back pay due employees. An evidentiary hearing on those issues shall be held March 10, 1994, at 9:30 a.m., at the Labor Relations Board hearing room, 13 Baldwin Street, Montpelier, Vermont.

Dated this 3rd day of February, 1994, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

  
Charles H. McHugh, Chairman

  
Catherine L. Frank

  
Carroll P. Comstock