

VERMONT LABOR RELATIONS BOARD

VERMONT STATE COLLEGES	)	
FACULTY FEDERATION, AFT,	)	
UPV LOCAL 3180, AFL-CIO	)	
	)	
v.	)	DOCKET NO. 03-54
	)	
VERMONT STATE COLLEGES	)	

MEMORANDUM AND ORDER

The issue before the Labor Relations Board is whether to issue an unfair labor practice complaint on an unfair labor practice charge filed by the Vermont State Colleges Faculty Federation, AFT, UPV Local 3180, AFL-CIO (“Federation”) against the Vermont State Colleges (“Employer”). The Federation filed a charge on December 2, 2003, alleging that the Employer violated 3 V.S.A. Section 961(5) by assigning major new work responsibilities to full-time faculty without bargaining the change in workload with the Federation. The Federation contended that the Employer engaged in an improper refusal to bargain pursuant to modifying a policy on General Education Requirements to include the following language:

The VSC has established graduation standards in writing, quantitative reasoning, information literacy, and oral communication. The colleges will design assessments for each of these areas according to a schedule determined by the Council of Presidents. Successfully fulfilling graduation standards at one VSC institution will be accepted as fulfillment of the standards at any other VSC institution for an equivalent associate or bachelor degree. The VSC and the colleges will report regularly on student performance on the assessments.

The Federation requested as a remedy that the Board order the Employer to rescind the policy modification, and compensate all faculty who were assigned extra work responsibilities pursuant to implementation of this policy change. The Employer filed a response to the charge on December 26, 2003. The Employer contended that the

charge was deficient because the Federation “has not articulated precisely, or even generally, what new work responsibilities have been imposed on faculty”.

By letter of January 9, 2004, Board Executive Director Timothy Noonan requested that the Federation file an amended charge indicating the major new work responsibilities which the Federation alleges that the Employer has assigned to full-time faculty since modifying the General Education Requirements policy. The Federation filed an amended charge on February 3, 2004. The Employer filed a response to the amended charge on February 18, 2004.

Noonan had a telephone conference call with the parties on April 29, 2004, in furtherance of the Board’s investigation of this unfair labor practice and to informally attempt to resolve issues in dispute. Following the conference call, Noonan sent a letter to the parties stating: “As discussed during our April 26 telephone conference call, this is to confirm that the Federation shall inform the Labor Relations Board and the Employer in writing by June 1, 2004, of specific instances in detail at each of the Colleges that the Federation is relying on to support its allegations of unilateral changes in conditions of employment since the Colleges modified Policy 106 in 2003.”

On May 28, 2004, the Federation filed information consisting of names of specific faculty, and alleged additional duties and hours they worked, as a result of the modified policy. The information provided by the Federation related just to Lyndon State College faculty, and did not include any information relating to additional work performed by faculty at any of the other colleges in the State Colleges system.

The Board has discretion whether to issue an unfair labor practice complaint and hold a hearing on an unfair labor practice charge. 3 V.S.A. Section 965(a). In exercising

our discretion, we will not issue a complaint unless the charging party has set forth sufficient factual allegations for us to conclude that the charged party may have committed an unfair labor practice. Sanville v. State of Vermont Department of Corrections, 26 VLRB 255, 256 (2003). Burke Board of School Directors v. Caledonia North Education Association, 17 VLRB 187 (1994).

In applying this standard here, we conclude that the Federation has set forth sufficient allegations indicating that the Employer may have committed an unfair labor practice with respect to faculty at Lyndon State College, but has not set forth sufficient factual allegations with respect to faculty at any of the other colleges in the State Colleges system. Thus, we conclude that it is appropriate to issue an unfair labor practice complaint and hold a hearing to ascertain whether the Employer committed an unfair labor practice through assigning new work responsibilities to full-time faculty at Lyndon State College without bargaining the change in workload with the Federation. We decline to issue a complaint with respect to any alleged workload increases for faculty at any of the other colleges due to lack of sufficient factual allegations concerning them.

Based on the foregoing reasons:

- 1) The Vermont State Colleges may have committed an unfair labor practice in violation of 3 V.S.A. Section 961(5) with respect to allegations concerning assigning new work responsibilities to full-time faculty at Lyndon State College without bargaining the change in workload with the Federation, and an unfair labor practice complaint is issued on these allegations. A hearing on these allegations shall be held on September 23, 2004, at 9:00 a.m., in the Labor Relations Board hearing room, 13 Baldwin Street, Montpelier, Vermont; and

2) We decline to issue an unfair labor practice complaint on all other allegations made by the Vermont State Colleges Faculty Federation, AFT, UPV Local 3180, AFL-CIO, and it is ordered that the unfair labor practice charge filed by the Federation is dismissed on those issues.

Dated this 27th day of July, 2004, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

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Richard W. Park, Chairperson

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Carroll P. Comstock

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John J. Zampieri

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Edward R. Zuccaro

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Joan B. Wilson