VERMONT LABOR RELATIONS BOARD

GRIEVANCE OF:	)	
	)	DOCKET NO. 17-27
JOHN SUMMA	)	

MEMORANDUM AND ORDER

On May 11, 2018, Grievant John Summa ("Grievant") filed a motion with the Labor Relations Board to reconsider the April 27, 2018, Findings of Fact, Opinion and Order issued by the Board in this matter. On May 18, 2018, the University of Vermont ("Employer") filed a memorandum in opposition to Grievant's motion. Grievant filed a reply to Grievant's motion on May 25, 2018.

The basis for Grievant's motion is that Board Chairperson Richard Park failed to disclose prior to the hearing in this matter that he is a trustee and corporate secretary of Delta Dental of Vermont. Grievant contends that the failure of Chairperson Park to disclose this affiliation prior to the hearing deprived Grievant of an opportunity to consider petitioning to have him replaced on the hearing panel. Grievant asserts that this undisclosed potential conflict of interest poses a concern about Chairperson Park's ability to be impartial and remain objective regarding this grievance. Grievant requests that the Board replace Chairperson Park with another Board member, conduct a fair review of this matter, and reconsider its April 27, 2018, decision.

We have carefully considered these concerns raised by Grievant, and we have decided to deny his motion to reconsider the Board decision. Chairperson Park did not disclose his six year membership on the Delta Dental Board, including the past four years as Corporate Secretary of the Board, because he did not see any connection between such service and the reappointment of a University of Vermont faculty member at issue in this grievance. If his membership on the Delta Dental Board had been brought up prior to the hearing, Chairperson Park would have

indicated that he has no conflict of interest in this matter. He is not involved in the sales efforts of Delta Dental in connection with its numerous clients in Vermont, including the University of Vermont and many in the public sector. He further knows no one who testified in the hearing or any of the University of Vermont decision-makers on the reappointment of Grievant.

The Board panel as a whole concurs with the assessment by Chairperson Park that he has no conflict of interest in this matter. There is no opportunity for him for private gain, financial or otherwise, deriving from his involvement in this case. Also, Grievant has articulated no plausible connection between Chairperson Park's Delta Dental Board service and the decision on Grievant's reappointment.

Based on the foregoing reasons, it is ordered that the motion of Grievant John Summa requesting the Labor Relations Board to reconsider the April 27, 2018, Findings of Fact, Opinion and Order in this matter is denied.

Dated this 1st day of June 2018, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

/s/ Richard W. Park

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Richard W. Park, Chairperson

/s/ Alan Willard

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Alan Willard

/s/ Edward W. Clark, Jr.

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Edward W. Clark, Jr.