

2012 - 2014

The number of cases filed with the Board during the years 2012 through 2014 increased from the levels of the preceding five years. The average annual average of cases filed was 57, compared to 53 cases during the preceding five years. The number of grievances filed continued its downward trend. The average annual number of grievances filed was 18 during the period, compared to 23 during the preceding five years.¹

Grievances represented 31 percent of case filings, compared to 42 percent during the preceding five years. Unfair labor practice charges were 26 percent of filed cases, compared to 28 percent during the preceding five years. Unit determination/representation cases increased substantially, constituting 38 percent of case filings, compared to 24 percent during the preceding five years. Miscellaneous cases constituted the remaining five percent.²

The number of union representation elections increased from the historically low levels experienced during the preceding five years. The average annual number of elections was 8 during the 2012 through 2014 period, compared to the average of 6 annual elections from 2007 through 2011, 9 from 2002 through 2006, and 8.4 from 1997 through 2001.³

The trend of a much higher number of case closings by settlement or withdrawal continued during the years 2012 through 2014. Case closings by settlement or withdrawal were more than double the closings by decisions during this period.⁴

¹ 2014 Annual Report, Vermont Labor Relations Board.

² Id.

³ Id.

⁴ Id.

The percentage of Board decisions appealed to the Supreme Court increased during this period. 26 percent of decisions were appealed, compared to 15 percent during the preceding five-year period. The Board was affirmed in all five decisions issued by the Court during this period. The significantly decreased involvement by the Court in Board decisions is illustrated by the fact that the Court issued on average less than two decisions a year on appeals of Board decisions. Also, the number of appeals of Board decisions pending at the Court was low throughout the period.⁵

The 2012 through 2014 period was an unusually busy one for labor relations legislation. Three significant bills were enacted into law. One of the passed bills amended the five existing Vermont labor relations statutes – the State Employees Labor Relations Act, the Municipal Employee Relations Act, the Labor Relations for Teachers Act, the Judiciary Employees Labor Relations Act, and the private sector State Labor Relations Act – to provide that employees in a bargaining unit represented by an employee organization as exclusive bargaining representative are required to pay agency fees to the representative. Prior to passage of this bill, the five labor relations statutes provided that agency fees constituted a mandatory subject of bargaining.

The other bills created two comprehensive labor relations statutes. An act relating to independent direct support providers, described in detail in the previous chapter, was enacted in 2013. The Early Care and Education Providers Labor Relations Act, also discussed at length in the preceding chapter, was enacted in 2014.

Governor Shumlin reappointed three members of the Board during the 2012 through 2014 period – Richard Park, James Kiehle and Alan Willard. He appointed two new members – Edward Clark of Guildhall and Robert Greemore of Barre – to replace Louis Lacroix and Linda McIntire, who both resigned from the Board prior

⁵ Id.

to the completion of their six-year terms. The Board elected Gary Karnedy to succeed Park as Board Chairperson for a two-year term from September 2014 to September 2016. Park had served as Chairperson for two successive two-year terms.⁶

The Board continued its publications of volumes of decisions during this period, and annually updated its *Guide to Vermont Labor Relations Statutes*. The Board also updated and expand its website. By 2015, the website included: a) all Board decisions containing opinions issued since 1977, b) summaries of recent Board decisions, c) Board Rules of Practice, d) a case law summary of labor relations decisions, e) a guide to Board practices and procedures, f) all the orders issued by the Board certifying, not certifying and decertifying unions as bargaining representatives, g) the Board Annual Report, h) general information on the Board, i) forms for filing cases with the Board, j) order forms for Board publications, k) the Board hearing schedule, l) links to labor relations statutes administered by the Board, and m) additional links to other web sites of interest to labor relations practitioners.⁷

The Board continued to be involved in offering labor relations practitioners regular labor relations conferences during the 2012 through 2014 period. The Board co-sponsored a statewide labor relations conference in 2012 with the Federal Mediation and Conciliation Service. It also participated in the planning and conducting of summer labor relations conferences offered by the New England Consortium of State Labor Relations Agencies. The Board Executive Director served as President of the Association of Labor Relations Agencies during this period.⁸

⁶ 2012 – 2014 Annual Reports, Vermont Labor Relations Board.

⁷ 2014 Annual Report, Vermont Labor Relations Board.

⁸ 2012 through 2014 Annual Reports, Vermont Labor Relations Board.

The Board Executive Director continued to be the trainer for three training sessions offered annually, sessions which he has conducted on an annual basis since 1998. The training sessions for labor relations practitioners are on presenting unit determination/representation and unfair labor practice cases to the Board, and on dealing with difficult substantive and procedural issues that arise in discipline and other cases in administering collective bargaining contracts. The number of registrants for the sessions increased on an annual basis throughout the period. Labor relations practitioners have demonstrated a continuing interest in training that can assist them in preventing and resolving labor relations disputes.⁹

⁹ Id.