

## 2007 - 2011

The number of cases filed with the Board continued to be at decreased levels during the years 2007 through 2011. The average annual average of cases filed was 53, below the historically low annual average of 57 cases during the preceding five years. The number of grievances filed continued its downward trend. The average annual number of grievances filed was 23 during the period, compared to 25 during the preceding five years.<sup>1</sup>

Grievances represented 42 percent of case filings, compared to 45 percent during the preceding five years. Unfair labor practice charges were 28 percent of filed cases, compared to 26 percent during the preceding five years. Unit determination/representation cases constituted 24 percent of case filings, compared to 26 percent during the preceding five years. Miscellaneous cases constituted the remaining six percent.<sup>2</sup>

The number of union representation elections decreased even further from the low levels experienced during the preceding ten years. The average annual number of elections was 6 during the 2007 through 2011 period, compared to the average of 9 annual elections from 2002 through 2006 and 8.4 from 1997 through 2001.<sup>3</sup>

The decreased election activity resulted from the high percentage of public sector employees in Vermont whom already are represented by unions and the absence of significant activities occurring to have one union replace another as bargaining representative or replace the existing union with no union. The Vermont State Employees' Association represents all state employees eligible to be represented by a union except for state police officers below the rank of lieutenant.

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<sup>1</sup> 2011 Annual Report, Vermont Labor Relations Board.

<sup>2</sup> Id.

<sup>3</sup> Id.

The state police officers voted in a 2009 election to replace VSEA with the Vermont Troopers Association as their representative.<sup>4</sup>

United Professions of Vermont affiliates represent all full-time and eligible part-time faculty at the University of Vermont and the Vermont State Colleges except for the Community College of Vermont. A UPV affiliate and the Vermont State Employees' Association represent all remaining State Colleges employees eligible to be represented by a union. The United Electrical Workers and Teamsters Local 597 represent other UVM employees, although there were a significant number of eligible UVM employees remaining unrepresented by a union at this time.

Vermont-NEA affiliates represent most primary and secondary school teachers in the state and a high percentage of non-teaching school staff. AFSCME also represents some non-teaching school staff. AFSCME, IBEW Local 300, Teamsters Local 597, International Association of Fire Fighters, United Steelworkers, International Brotherhood of Police Officers, International Union of Operating Engineers, and New England Police Benevolent Association represent a high percentage of municipal employees.

The trend of a much higher number of case closings by settlement or withdrawal continued during the years 2007 through 2011. Case closings by settlement or withdrawal were more than double the closings by decisions during this period.<sup>5</sup>

The percentage of Board decisions appealed to the Supreme Court continued at low levels. 15 percent of decisions were appealed during this period, compared to 20 percent during the preceding five-year period. The Board was affirmed in 70 percent of only 10 decisions issued by the Court during this period. The significantly decreased involvement by the Court in Board decisions is illustrated by the fact that

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<sup>4</sup> 2010 Annual Report, Vermont Labor Relations Board.

<sup>5</sup> 2007 – 2011 Annual Reports, Vermont Labor Relations Board.

the Court issued on average only 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.<sup>6</sup>

There was an almost complete turnover in the composition of the Board during the 2007 through 2011 period, an unusual development for a board that historically has had long-term members. Board Chairperson Edward Zuccaro and Board Member John Zampieri stepped down from the Board in 2010 and 2009, respectively, at the conclusion of their second six-year terms. Also, Board members Joan Wilson, James Dunn and Leonard Berliner, resigned from the Board during this period prior to the completion of their six-year terms. As a result, at the end of 2011 Richard Park was the only Board member who had been on the Board prior to 2007. Board members elected him to succeed Zuccaro as Board Chairperson in June 2010.

Governor Douglas appointed the following Board members during this period: James Kiehle of Brattleboro in 2007, Gary Karnedy of South Burlington in 2009, Louis Lacroix of St. Johnsbury in 2010, and Linda McIntire of Montpelier in 2010. Governor Shumlin selected Alan Willard of Woodstock as a new Board member in 2011.<sup>7</sup>

Jan Burrus, Board Clerk since 2001, retired in 2007. Melinda Moz-Knight was hired to replace her, and remains as Board Clerk to the present.<sup>8</sup>

The Board revised its Rules of Practice in 2010. This was the first Rules revision since 2000. The most significant revision was the amendment of dormant provisions concerning the Board establishing and maintaining a list of mediators and fact-finders. The Board had never established such a list. Other revisions made in

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<sup>6</sup> Id.

<sup>7</sup> 2007 – 2011 Annual Reports, Vermont Labor Relations Board.

<sup>8</sup> 2007 Annual Report, Vermont Labor Relations Board.

the Rules were consistent with recent statutory revisions or Board practices.<sup>9</sup> The Board developed the list of mediators and fact-finders in 2011.

A major goal of the Board to offer extensive educational and research services to labor relations practitioners was furthered in 2009 by issuance of a treatise on Vermont labor relations law. The book, *The Evolving Vermont Labor Relations Law*, was authored by Board Executive Director Timothy Noonan. The purpose of the text was to present practitioners with a comprehensive treatment of statutory, case law and administrative developments impacting labor relations in the state.

The Board continued its publications of annual volumes of decisions during this period, and annually updated its *Guide to Vermont Labor Relations Statutes*. The Board continued to update and expand its website.

The Board continued to be involved in offering labor relations practitioners regular labor relations conferences. Most prominently, the Board hosted the Annual Conference of the Association of Labor Relations Agencies in July 2008 at the Sheraton Burlington Hotel and Conference Center. The Board had previously hosted the ALRA Conference in 1991. The conference attracted 100 labor relations practitioners, many from Vermont, as well as 115 members and staff of government labor relations agencies from throughout the United States and Canada.<sup>10</sup>

Also, the Board maintained its active involvement in the New England Consortium of State Labor Relations Agencies. It participated in the planning and conducting of training sessions and summer labor relations conferences offered by the Consortium.<sup>11</sup>

Further, the Board Executive Director continued to be the trainer for three training sessions offered annually, sessions which he has conducted on an annual

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<sup>9</sup> 2010 Annual Report, Vermont Labor Relations Board.

<sup>10</sup> 2008 Annual Report, Vermont Labor Relations Board.

<sup>11</sup> 2007 – 2011 Annual Reports, Vermont Labor Relations Board.

basis since 1998. The training sessions for labor relations practitioners were 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.<sup>12</sup>

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<sup>12</sup> Id.