

**VERMONT LABOR RELATIONS BOARD**  
**2019 ANNUAL REPORT**

**Introduction**

An annual report historically has been completed by the Labor Relations Board stating in detail the work it has done hearing and deciding cases and in other areas. This provides a benchmark for viewing caseloads, activities and other developments from year to year. We hope labor relations practitioners find this useful in understanding the work of the Board.

The Board strives to promote and maintain harmonious and productive labor relations in Vermont. The major activities of the Board are: 1) determining appropriate bargaining units, 2) conducting union representation elections, 3) adjudicating unfair labor practice charges in cases involving relations between employers (State of Vermont, the Judiciary Department, Vermont State Colleges, University of Vermont, municipal employers, school districts and small private employers) and their employees; 4) making final determinations on grievances of employees of the State of Vermont, the Judiciary Department, the Vermont State Colleges and the University of Vermont; and 5) selecting between parties' last best offers in negotiation impasses arising under the State Employees Labor Relations Act, the Judiciary Employees Labor Relations Act, the Independent Direct Support Providers Labor Relations Act, and the Early Care and Education Providers Labor Relations Act.

The major goal of the Board is to ensure that cases are resolved justly and expeditiously, either through informal settlements or Board decisions. Through its decisions, which are published and indexed, the Board has developed a substantial body of labor relations law to provide guidance to labor and management. This has served as a check on needlessly contested labor disputes as it has substantially lessened the number of repetitious issues which come before the Board, and has played a role in increasing the sophistication of the parties in labor relations. In addition, as detailed herein, the Board includes within its mission an extensive educational role in labor relations.

This Annual Report is divided into two parts. The first part is a summary of general developments and activities of the Board during 2019. The second part is a more specific discussion of areas of Board jurisdiction. Attached to the Annual Report is an Appendix on

Caseload Statistics covering the period 2010 through 2019. The Appendix provides the basis for the bulk of statistics cited in this Annual Report.

**I. GENERAL DEVELOPMENTS AND ACTIVITIES**

**CASELOAD PROGRESS**

The number of cases filed with the Board was below average during 2019. 52 cases were opened or reopened, compared to the annual average of 59 cases over the past ten years. The Board closed 64 cases during the year, above the annual average of 59 cases. The significantly higher number of cases closed than filed during the year left 19 cases open at the end of 2019, below the annual average of 23 open cases.

The following table indicates how the 64 cases were closed:

<b>How Cases Were Closed</b>	<b>Number of Cases</b>
Board decision	17
Settlement or withdrawal of case	33
Certification of union as representative	11
Appointment of Mediator	1
Dismissed as moot	1
Order granting unit clarification petition	1

The number of hearing/meeting days for the Board was average in 2019. The Board scheduled 34 cases to be heard on 35 days. The number of hearing/meeting days actually held was 13 days, in line with the annual average of 13 days. The Board heard 10 cases, compared to the annual average of 9 cases. The average length of hearing time per case was 1.1 days, close to the annual average of 1.3 days. In addition, the Board spent extensive time deliberating on the cases which went to hearing and on other cases where the Board was determining what action to take.

The following table depicts the Board’s historical experience over the past five years with respect to cases filed, cases closed, Board hearing days and cases heard:

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Cases Filed</b>	51	73	60	54	52
<b>Cases Closed</b>	46	71	57	49	64
<b>Hearing/Meeting Days</b>	10	13	13	18	13
<b>Cases Heard</b>	7	12	6	13	10

The average length of time between the filing of a case with the Board and scheduled hearing was 199 days, above the annual average of 177 days. The average time between filing and closing of a case was 194 days, above the annual average of 166 days. This primarily resulted from vacancies on the Board in the latter part of 2018, leaving the Board without a quorum to conduct hearings for two months that year, resulting in pushing back the scheduling of cases in 2019 to a later time than would be typical.

There have been a high number of case settlements and withdrawals during the past several years. The Board places emphasis on attempting to informally resolve cases and narrow issues in dispute through use of informal meetings and telephone conference calls. In many cases, this has paid substantial dividends in informal resolution of cases. Further, the parties are settling many cases without extensive involvement by the Board.

52 percent of cases were closed by settlement or withdrawal in 2019. 59 percent, 54 percent, 56 percent, 50 percent and 48 percent were so closed in 2018, 2017, 2016, 2015 and 2014. The percentage of cases closed by settlement or withdrawal during the past nine years is significantly above the average during the preceding years. The Board will continue efforts to encourage parties to informally resolve their disputes and explore methods to interact with parties in a time-efficient and economical way in handling cases.

#### BOARD COMPOSITION

Roger Donegan was appointed to the Board in April to replace James Kiehle for a term expiring June 30, 2020. We greatly appreciate the 11 years of exemplary and dedicated service provided by Jim. He demonstrated a deep and abiding sense of justice, and a strong commitment to the work of the Board in fostering improved labor relations.

Governor Scott reappointed Alan Willard to the Board to a six-year term. Also, Governor Scott reappointed Richard Park to the Board to a fifth six-year term. Chairperson Park has been a member of the Board for more than 24 years. He is the longest serving Board member in its history.

### EDUCATIONAL AND RESEARCH SERVICES

A major goal of the Board is to offer extensive educational and research services to labor relations practitioners to more effectively promote productive labor relations. Toward that end, the Board issued publications to aid labor relations practitioners, expanded and updated its website, and conducted an unprecedented number of days of training sessions for practitioners in 2019.

In January, the Board published the 23rd revision to its *Guide to Vermont Labor Relations Statutes* and issued Volume 34 of *Board Opinions*. The *Guide* was first published in January 1991. It contains: 1) copies of Vermont labor relations statutes, 2) an updated subject index of all Board opinions covering the period 1977 through 2018, 3) an updated alphabetical index of all Board opinions covering the period 1977 through 2018, 5) an updated subject index of Vermont Supreme Court public sector labor relations decisions through 2018, 6) a digest of all Vermont Supreme Court decisions on appeals of Board decisions through 2018, and 7) the *Board Rules of Practice*. Volume 34 of *Board Opinions* contains decisions issued in 2017 and 2018, copies of the 2017 and 2018 Annual Reports, a listing of unions certified and decertified by the Board during the two years, and an alphabetical index of opinions issued these years.

The Board partnered with the Federal Mediation and Conciliation Service (“FMCS”) this year to offer for the first time a training session, “Contract Administration and the Steward/Supervisor Relationship”, in various locations throughout Vermont in October and November. Trainers for the sessions were FMCS Mediators George Lovell, Annie Rutsky and Edward Boutin, and VLRB Executive Director Timothy Noonan. Locations for the training were Rutland, Berlin, South Burlington, White River Junction and St. Johnsbury.

Topics addressed in the training were the union steward/supervisor relationship, the duty to furnish information, grievances generally, Weingarten right to union representation at a meeting that may lead to discipline, grievances over discipline, grievance procedure, grievance processing/investigations, and union-management dynamics. Supervisors and union stewards

from the public and private sectors were encouraged to attend the training. There were more than 100 registrants for the six training sessions.

In November and December, the Board presented four days of training sessions in Montpelier. The first training session was on presenting unit determination and representation cases to the Board. The second session involved presenting unfair labor practice cases to the Board. The remaining two training sessions focused on dealing with difficult substantive and procedural issues that arise in discipline and other cases in administering collective bargaining contracts. Executive Director Noonan was trainer for these sessions that have been presented annually for 20 years. There were 46 registrants for the sessions. Labor relations practitioners have demonstrated a continuing interest in training that can assist them in preventing and resolving labor relations disputes.

The Board also updated its website. The website includes: a) all Board decisions containing opinions issued since 1977; b) Board *Rules of Practice*; c) most of the contents of *The Evolving Vermont Labor Relations Law*; d) a guide to Board practices and procedures; e) all the orders issued by the Board certifying, not certifying and decertifying unions as bargaining representatives; f) the Board Annual Report; g) general information on the Board; h) forms for filing cases with the Board; i) order forms for Board publications; j) the Board hearing schedule; k) Board member backgrounds; and l) the current fiscal year's budget of the Board. There are links to labor relations statutes administered by the Board along with additional links to other web sites of interest to labor relations practitioners.

Further, the Board maintains a labor library in its offices, the Bill Kemsley, Sr. Library. The Kemsley library contains books, reference materials, and periodicals on labor law, labor relations, labor history and labor studies. It is open for the use of the public during the Board's office hours.

#### OTHER BOARD ACTIVITIES

The Board continued its participation in the Association of Labor Relations Agencies ("ALRA"), the association of impartial government agencies and private non-profit agencies in the United States and Canada responsible for administering labor relations laws or services. Board Members Alan Willard and Karen Saudek attended ALRA's annual conference in July in

Cincinnati. Executive Director Noonan also participated in the conference; he was a panelist on three conference sessions.

The Board also continued its involvement in the New England Consortium of State Labor Relations Agencies. The Board has been an active participant in the Consortium since the 1970's. Noonan continues to serve as Consortium Fiscal Agent. The Consortium initiated planning during 2019 for a two-day training session to be offered in April 2020 at the University of Massachusetts at Amherst. Noonan is one of the coordinators for the training session.

### LEGISLATION

A bill enacted into law during the 2019 legislative session amended the dispute resolution procedures of the State Employees Labor Relations Act. The dispute resolution procedures under the Act are successively: mediation, factfinding, and selection of one of the parties' last best offers. Historically, last best offer selection has been done by the Board. The 2019 legislation provides that, in negotiations covering state employees or State's Attorneys' employees, selection of one of the parties' last best offers is done either by the Board or, alternatively, by an arbitrator if one of the parties so requests.

Also, The Legislature amended the Municipal Employee Relations Act in 2019 to require a municipal employer and the exclusive bargaining agent for municipal public safety employees to submit their contract impasse to final and binding arbitration if an impasse continues for 20 days after a fact finder has made his or her report public. Municipal public safety employees are firefighters, law enforcement officers, ambulance services, emergency medical personnel, or first responder services. The requirement does not apply if the applicable bargaining unit includes both municipal public safety employees and other municipal employees.

## **II. AREAS OF BOARD JURISDICTION**

The Board has specific jurisdiction to resolve grievances, unfair labor practice charges, unit determination/representation cases and miscellaneous cases. The following table depicts the Board's historical experience over the past five years with respect to the number of cases filed in these various categories:

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Grievances</b>	33	28	31	27	22
<b>Unfair Labor Practices</b>	6	18	9	16	12
<b>Unit Determination / Representation</b>	7	19	17	8	16
<b>Miscellaneous</b>	5	8	3	3	2

The following sections discuss in detail the work of the Board in each of these categories during 2019.

#### UNIT DETERMINATIONS AND REPRESENTATION ELECTIONS

Unit determination/representation case filings in 2019 were average. 16 cases were filed or reopened, compared to the annual average over the last ten years of 16 cases. Thirteen cases were filed under the Municipal Employee Relations Act; the remaining three cases arose from the State Employees Labor Relations Act or the Judiciary Employee Relations Act.

10 of the 16 cases filed in 2019 were closed by the end of the year. In addition, the Board closed the three unit determination/representation cases pending at the beginning of 2019. Five of the six pending unit determination/representation cases were filed in the last two months of 2019. The following table indicates how the thirteen cases were closed:

<b>How Cases Were Closed</b>	<b>Number of Cases</b>
Board order certifying union as representative subsequent to election	9
Board certification of voluntary recognition	2
Board order granting joint unit clarification petition	1
Dismissal based on settlement by parties	1

The Board issued only one unit determination/representation decision in 2019, compared to the annual average of 2.4 such decisions. In acting on a joint unit clarification petition filed by the Vermont State Employees' Association and the State Department of Corrections, the Board concurred with the petitioners that it was appropriate for all Department of Corrections employees currently included in the Non-Management Bargaining Unit represented by VSEA to

be shifted to the Corrections Bargaining Unit represented by VSEA. The Board further held that this determination was not sufficient by itself to result in reconfiguration of the bargaining units, and ordered that the Board conduct an election to determine whether the Department of Corrections employees currently included in the Non-Management Bargaining Unit and employees in the existing Corrections Bargaining Unit desire to be organized together into a revised Corrections Bargaining Unit. *State of Vermont Department of Corrections and Vermont State Employees' Association*, 35 VLRB 285.

The Board conducted eight elections during the year, compared to the annual average over the last ten years of 6.9 elections. Six elections were conducted under the Municipal Employee Relations Act. The remaining two elections came under the State Employees Labor Relations Act.

Four of the elections involved police department employees of municipalities deciding whether to be represented by unions. Police officers in the Town of Fair Haven voted to replace AFSCME as their representative with the New England Police Benevolent Association (“NEPBA”), and the officers were removed from the existing bargaining unit with other town employees. NEPBA replaced IBEW Local 300 as the representative of the police officers and dispatchers of the Town of Ludlow. NEPBA also was certified as representative of City of Vergennes police officers and Town of Lyndon police officers.

In another municipal election, AFSCME prevailed in an election to represent parking enforcement employees of the City of Winooski; these employees were added to the existing bargaining unit of Department of Public Works employees. The remaining election under the Municipal Act involved school employees. Information technology employees of the Mount Mansfield Unified Union School District decided to be represented by the Green Mountain NEA/Vermont-NEA, and they were added to the existing support staff bargaining unit.

In one of the elections conducted under the State Employees Labor Relations Act, Teamsters Local 597 prevailed in an election to represent University of Vermont police sergeants, and the sergeants were added to the existing bargaining unit of Police Services Department employees. In the other State Employees Act election, the Vermont State Employees' Association prevailed in an election among permanent full-time and part-time employees working in State's Attorneys offices in the job titles of Deputy State's Attorney, Administrative Assistant, Secretary, Victim Advocate, and Program Services Clerk.

## GRIEVANCES

The number of grievances filed in 2019 was slightly below average. 22 grievances were filed during the year, compared to the annual average of 24 grievances during the last ten years.

16 grievances were filed on behalf of state employees, compared to the annual average of 20 such grievances. Two grievances were filed on behalf of judiciary employees, two State Colleges non-faculty employee grievances were filed, one grievance was filed by a State Colleges faculty member, and one grievance was filed on behalf of a University of Vermont faculty member.

15 of the state employee grievances were filed by the Vermont State Employees' Association ("VSEA"). The remaining state employee grievance was filed by a state manager excluded from a bargaining unit. Grievances contesting dismissals constituted 11 of the 16 state employee grievances. Two other grievances were filed over suspensions. No other area was the subject of a grievance more than once.

The two judiciary grievances involved contracting out work and grievance processing requirements. The two grievances filed on behalf of State Colleges non-faculty employees involved an alleged unilateral change in workload and an alleged transfer of bargaining unit work/failure to bargain over job changes. The remaining grievance was filed by the United Academics contending that the University of Vermont violated the contract by failing to grant tuition remission benefits to a faculty member.

The following table depicts the Board's historical experience over the past five years with respect to the number of grievances filed by types of employees under the Board's grievance jurisdiction:

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>State Employees</b>	27	24	27	24	16
<b>State Colleges Employees</b>	3	1	1	2	3
<b>UVM Employees</b>	3	2	3	1	1
<b>Judiciary Employees</b>					2

The Board issued 11 decisions on grievances arising from state employee bargaining units, compared to the annual average of six such decisions during the past ten years. Three

decisions involved dismissals of employees. The Board determined that just cause existed for the dismissal of a Department of Buildings and General Services engineer; *Grievance of Vitzthum*, 35 VLRB 74; and the discharge of a Vermont Psychiatric Hospital employee. *Grievance of Richardson*, 35 VLRB 135. The Board found that just cause did not exist for the dismissal of an Environmental Analyst for the Department of Environmental Conservation, and reduced the dismissal to a 30 day suspension. *Grievance of Farley*, 35 VLRB 43. In a fourth decision involving disciplinary action, the Board upheld the demotion of a probation and parole office supervisor in the Department of Corrections. *Grievance of Gibson*, 35 VLRB 182.

The Board sustained the grievance of a Department of Health Access employee to the extent that a performance evaluation provided the employee was remanded for reconsideration of the overall rating given her and the placement of her in a prescriptive period of remediation, and sustained further to the extent that certain provisions of the evaluation were removed. The grievance was denied to the extent that other provisions of the evaluation were retained. *Grievance of Tetrault*, 35 VLRB 161. In a grievance filed by VSEA on behalf of a Department of Environmental Conservation employee, the Board held that the State violated the collective bargaining agreement by denying an employee's request to use parental leave from the date of the adoption of her child through the next several weeks. *Grievance of Lavigne*, 35 VLRB 107.

In another decision on a grievance arising from state employee bargaining units, the Board upheld the grievance in part. The Board determined that the grievant was an exempt state employee with respect to compensation and benefits when he was employed as a State Transport Deputy Sheriff, resulting in the State violating the collective bargaining agreement by not granting him prior service credit for the purposes of annual and sick leave accrual when he was subsequently hired as a liquor control investigator. The Board held that the State did not violate the collective bargaining agreement by failing to place him at a promotional pay rate when he moved to the liquor control investigator position. *Grievance of Welch*, 35 VLRB 19.

In a further case arising from the state employees bargaining unit, the Board upheld the grievance. The Board determined that the State violated the collective bargaining agreement by denying an employee on medical reduction in force status the right to be recalled into a Motor Vehicle Customer Service Specialist position. *Grievance of Carnelli*, 35 VLRB 1, 113.

The Board found in favor of the State in the remaining three decisions on grievances arising from state employee bargaining units. The Board granted a motion filed by the State to

dismiss a grievance because the grievance was not timely filed at an earlier step of the grievance procedure. *Grievance of Scanzani*, 35 VLRB 122. The Board dismissed an appeal of a classification decision filed on behalf of a Department for Children and Families employee. *Appeal of Mattison*, 35 VLRB 224. In another appeal of a classification decision, the Board granted a motion filed by the State to exclude from the record certain exhibits sought to be included by VSEA and to include in the record one exhibit sought by the State. *Appeal of VSEA (Re: Corrections Service Specialist II Reclassification)*, 35 VLRB 248.

The Board issued one decision in a case involving a grievance filed by United Academics, the union representing University of Vermont faculty members. The Board held that the union failed to establish that the employer violated the collective bargaining agreement or a binding past practice concerning making available increased professional development funds prior to the end of the fiscal year. *Grievance of United Academics (AAUP/AFT)*, 35 VLRB 211.

The Board issued one grievance decision involving a Vermont State Colleges faculty member. The Board granted a motion to dismiss the grievance filed by the State Colleges because the faculty member failed to properly file his grievance at an earlier step of the grievance procedure. *Grievance of Brandon*, 35 VLRB 254.

### UNFAIR LABOR PRACTICES

The number of unfair labor practice case filings in 2019 were below average. 12 charges were filed or reopened, compared to the annual average of 15 charges. Ten charges were filed by unions against employers; two were filed by employers against unions. Five of the 12 charges involved schools, five concerned municipalities, and two involved the State.

Nine of the twelve charges concerned alleged unilateral changes in conditions of employment and/or refusal to bargain in good faith. Two charges alleged that employers interfered with employees in exercising their rights and/or discriminated against employees for protected activities. The remaining charge alleged improper transfer of bargaining unit work.

The Board closed all 12 of the charges filed during the year. In addition, the Board closed eight of the nine unfair labor practice cases pending at the beginning of 2019.

15 of the 20 closed cases were resolved pursuant to withdrawal of the charge or settlement by the parties. Four cases were closed by the Board issuing a Memorandum and Order

declining to issue an unfair labor practice complaint. The remaining case was closed by a Board decision issued after a hearing concluding that an unfair labor practice had not been committed.

The Board issued five unfair labor practice decisions in 2019, compared to the annual average over the last ten years of 3.3 decisions. Four decisions involved disputes arising from schools. The Board declined to issue an unfair labor practice complaint in one school case in which there also had been a grievance arbitration decision. The Board dismissed the charge on the grounds that the arbitrator had clearly decided the unfair labor issue and the arbitration decision was not clearly repugnant to the Municipal Employee Relations Act. *Burlington Education Association v. Burlington Board of School Commissioners*, 35 VLRB 235.

In another school case, the Board concluded that the employer did not commit an unfair labor practice when a Health Reimbursement Arrangement debit card for payment of prescriptions, and payment to medical providers, was no longer provided, and the employer declined to reopen the collective bargaining agreement to negotiate over this issue with the teachers' association. *Orleans Central Education Association v. Orleans-Central Supervisory Union Board of School Directors*, 35 VLRB 126. In the third school case, the Board declined to issue an unfair labor practice complaint on a charge filed by a teacher that the employer interfered with his rights by involuntarily transferring him to a different school. *Samler v. Burlington School District*, 35 VLRB 262.

In the fourth school case, the Board held that it did not have jurisdiction to adjudicate unfair labor practice charges concerning negotiations of the Commission on Public Health Benefits conducted pursuant to Chapter 61 of Title 16 of Vermont statutes. *Vermont School Boards Association and Representatives of School Employers on the Commission on Public School Employee Health Benefits v. Vermont-NEA, AFSCME and Representatives of School Employees on the Commission on Public School Employee Health Benefits*, 35 VLRB 203.

In a decision issued under the Municipal Employee Relations Act, the Board declined to issue an unfair labor practice complaint on portions of a charge filed by a firefighters union that a town interfered with employee rights, and refused to bargain in good faith, by placing an employee's desk in a day room used by employees, and by implementing a new performance evaluation form. The Board issued a complaint on the portion of the charge alleging interference of rights and refusal to bargain in good faith by implementing a vehicle management system in

its vehicles. *Hartford Career Fire Fighters Association, Local 2905, IAFF v. Town of Hartford*, 35 VLRB 66.

#### MISCELLANEOUS CASES

The Board appointed a mediator and a fact-finder in an impasse involving the Vermont State Employees Association and the State concerning negotiations for successor collective bargaining agreements covering the Non-Management Unit, the Corrections Unit and the Supervisory Unit.

The Board also was called upon to select between the parties' last best offers in a negotiations dispute between the Vermont State Colleges and the Vermont State Colleges Faculty Federation concerning a successor agreement covering full-time faculty. The Board selected the last best offer submitted by the Faculty Federation. *Vermont State Colleges Faculty Federation, AFT Local 3180, AFL-CIO and Vermont State Colleges*, 35 VLRB 275.

#### APPEALS OF BOARD DECISIONS

Two decisions issued by the Board were appealed to the Vermont Supreme Court in 2019, constituting 10 percent of the total of Board decisions issued during the year. This compares to an annual average of 16 percent of Board decisions appealed over the past ten years. The two appeals are pending.

The Court issued two decisions on appeals of Board decisions in 2019. The Court affirmed the Board in both cases. The Court upheld a Board decision dismissing a University of Vermont lecturer's grievance challenging the decision to not reappoint him. *In re Grievance of Summa*, (Unpublished decision, Supreme Court Docket No. 2018-222, April 2019) [VLRB Cites: 34 VLRB 197, 34 VLRB 249, 34 VLRB 341 (2018)]. The Court also upheld a Board decision dismissing a petition for election of collective bargaining representative filed by the Vermont State Colleges Faculty Federation seeking to include part-time faculty teaching in the Distance Learning Program in the existing part-time faculty collective bargaining unit represented by the Federation. *In re Vermont State Colleges Faculty Federation, AFT Local 3180*, 2019 VT 50 [VLRB Cite: 34 VLRB 289 (2018)]. There were two appeals of Board decisions pending at the Court at the end of 2019.

During the past ten years, the number of Court decisions on appeals of Board decisions has been substantially reduced. There have been only 18 Court decisions during this period, compared to 32 decisions during the preceding ten years. The Board has been fully affirmed in 16 of the 18 cases, and reversed in 2 cases, an affirmance rate of 89 percent. During this period, the chance of a Board decision remaining in effect and not being reversed has been greater than 98 percent.

Dated this 6th day of March, 2020, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

/s/ Timothy J. Noonan  
Timothy J. Noonan, Executive Director

/s/Richard W. Park  
Richard W. Park, Chairperson

/s/ Alan Willard  
Alan Willard

/s/ Robert Greemore  
Robert Greemore

/s/ David R. Boulanger  
David R. Boulanger

/s/ Karen F. Saudek  
Karen F. Saudek

/s/ Roger P. Donegan  
Roger A. Donegan

Appendix to VLRB Annual Report  
Caseload Statistics  
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Category	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Annual Average*
# Cases Filed	55	68	47	56	69	51	73	60	54	52	59
# Cases Closed	52	70	60	44	79	46	71	57	49	64	59
# Cases Open at End of Year	29	27	14	26	16	21	23	26	31	19	23
# Board Hearing/Meeting Days Scheduled	37	43	33	20	22	24	36	35	40	35	33
# Cases Scheduled for Hearing	27	41	27	13	34	20	35	28	31	34	29
Board Hearing/Meeting Days Held	17	16	7	10	10	13	13	18	13	13	13
# Cases Heard	10	13	3	5	13	7	12	6	13	10	9
Average Days of Hearing Time Per Case	1.5	1.1	1.8	1.6	0.5	1.1	1	1.8	1.4	1.1	1.3
Average Days from Case Filing to Sched. Hearing	200	164	165	185	154	164	184	183	171	199	177
Average Days Between Case Filing and Closing	221	157	164	145	131	156	150	167	170	194	166
# Board Decisions Containing Opinions	10	13	14	10	20	12	19	12	17	21	15
Average Days Between Briefs and Bd. Decisions	63	43	35	40	41	25	30	42	39	45	40
# Cases Closed by Board Opinion	9	12	12	5	20	11	17	9	12	17	12
# Cases Closed by Settlement or Withdrawal	31	41	38	29	38	23	38	32	29	33	33
# Cases Closed by Certification of Union	9	6	2	5	14	6	7	9	5	11	7
# Cases Closed by Non-Cert/Decert. Of Union	0	2	3	0	2	1	3	1	0	0	1.2
# Cases Closed by Amending Certification Orders	1	2	2	0	1	0	0	0	0	0	0.6
# Cases Closed by Mediator-Factfinder Appt.	1	4	2	3	3	5	3	3	3	1	2.8
# Cases Closed for Miscellaneous Reasons	1	3	1	2	1	0	3	3	0	2	1.6
# Grievances Filed	28	20	15	24	14	33	28	31	27	22	24
# State/Judiciary Employee Grievances	21	15	11	24	12	27	24	27	24	18	20
# State Colleges Non-Faculty Grievances	0	1	0	0	0	0	0	0	2	2	0.5
# State Colleges Faculty Grievances	6	2	1	0	0	3	1	1	0	1	1.5
# UVM Employee Grievances	1	2	3	0	2	3	2	3	1	1	1.8
# Board State Employee Grievance Decisions	5	10	1	4	3	6	10	6	4	11	6
# Board State Colleges Faculty Grievance Decisions	0	0	0	0	0	0	2	0	0	1	0.3
# Board State Coll.Non-Faculty Griev. Decisions	0	0	0	0	0	0	0	0	0	0	0
# Board UVM Grievance Decisions	1	0	0	3	0	2	1	0	4	1	1.2
# Unfair Labor Practice ("ULP") Charge Filings	17	26	14	18	13	6	18	9	16	12	15
# ULP Charges Filed by Unions Against Employers	14	14	11	17	10	5	12	7	16	10	12
# ULP Charges Filed by Employers Against Unions	0	2	1	0	0	0	2	1	0	2	0.8

\*Annual Average Covers 2010-2019 Period

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Category	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Annual Average*
# ULP Char. Filed by Employees Against Employers	2	7	1	1	1	0	3	1	0	0	1.6
# ULP Charges Filed by Employees Against Unions	0	3	0	0	2	1	1	0	0	0	0.7
# ULP Char. Filed by Employees Against Un./Empl.	1	0	1	0	0	0	0	0	0	0	0.2
# ULP Charges Involving Schools	5	5	5	1	1	3	5	3	6	5	3.9
# ULP Charges Involving Municipalities	9	16	6	10	6	1	8	3	4	5	6.8
# ULP Charges Involving State	3	2	2	7	6	1	4	3	6	2	3.6
# ULP Charges involving State Colleges	0	1	0	0	0	1	0	0	0	0	0.2
# ULP Charges Involving UVM	0	1	0	0	0	0	0	0	0	0	0.1
# ULP Charges Involving Private Employers	0	1	1	0	0	0	1	0	0	0	0.3
# Board Unfair Labor Practice Decisions	2	2	7	1	4	2	3	3	4	5	3.3
# Board ULP Decisions under SELRA/Jud. Act	0	0	1	0	3	2	2	1	0	0	0.9
# Board ULP Decisions Under MERA	2	2	6	1	1	0	1	2	4	4	2.3
# Board ULP Decisions Under SLRA	0	0	0	0	0	0	0	0	0	0	0
# Unit Determ./Representation ("UD/REP") Filings	8	18	16	11	39	7	19	17	8	16	16
# UD/REP Cases Filed Under MERA	8	12	5	5	30	6	19	15	7	13	12
# UD/REP Cases Filed Under SELRA/Jud. Act	0	5	11	5	8	1	0	2	1	3	3.6
#UD/REP Cases Under SLRA/IDSPLRA/ECEPLRA	0	1	0	1	1	0	0	0	0	0	0.3
# Board UD/REP Decisions	1	1	6	2	6	2	0	1	4	1	2.4
# Union Representation Elections	5	6	3	5	17	1	10	8	6	8	6.9
# Union Rep. Elections Under SELRA/Jud. Act	0	0	1	0	1	0	0	1	0	2	0.5
# Union Representation Elections Under MERA	5	6	2	4	15	1	10	7	6	6	6.2
# Union Rep. Elections Under SLRA/IDSPLRA	0	0	0	1	1	0	0	0	0	0	0.2
# Elections in Which Unions Prevailed	5	4	1	5	14	1	7	7	6	8	5.8
Percentage of Elections in Which Unions Prevailed	100	67	33	100	82	100	70	88	100	100	84
# Miscellaneous Case Filings	2	4	2	3	3	5	8	3	3	2	3.5
# Board Decisions Appealed to Supreme Court	1	3	1	3	7	0	1	4	2	2	2.4
Percentage of Board Decisions Appealed	10	25	9	33	37	0	8	33	12	10	16
# Supreme Court Decisions on Appeals	3	1	2	0	3	1	3	0	3	2	1.8
# Supreme Court Decisions Affirming Board	3	1	2	0	3	1	1	0	3	2	1.6
# Supreme Court Decisions Partially Affirming Board	0	0	0	0	0	0	0	0	0	0	0
# Supreme Court Decisions Reversing Board	0	0	0	0	0	0	2	0	0	0	0.2

\*Annual Average Covers 2010-2019 Period