

VERMONT LABOR RELATIONS BOARD

VERMONT STATE COLLEGES STAFF FEDERATION,)	
VFT, AFT, AFL-CIO)	
)	DOCKET NO. 80-41
v.)	
)	
VERMONT STATE COLLEGES)	

MEMORANDUM AND ORDER DECLINING TO ISSUE
UNFAIR LABOR PRACTICE COMPLAINT

On April 25, 1980, the Vermont State Colleges Staff Federation (the "Federation") filed an unfair labor practice charge with the Vermont Labor Relations Board against the Vermont State Colleges (the "Employer"). In that charge, the Federation alleged the Employer interfered with its employees' protected rights under 3 V.S.A. §903 to bargain subjects under 3 V.S.A. §904 by changing certain procedures relative to the distribution of paychecks for work-study employees.

By memos from the financial aid office of Castleton College dated January 11 and April 5, 1980, certain Federation members who supervise work-study students were advised of procedural changes in the system of distributing paychecks for those students. Prior to this change, students picked up their paychecks every payday at the College business office, causing much congestion and long waiting lines. Now, in addition to the distribution of faculty and staff paychecks, work-study supervisors would also be required by this directive to handle work-study student paychecks. By this directive, designated staff are primarily responsible for seeing that the checks are available to the student during normal working hours,

that checks are secured if left overnight, and that the financial aid office be informed in advance if the designated staff member will not be available on a certain payday.

The Employer filed a responsive pleading with the Board on May 12, 1980, pursuant to Section 24.4 of the Board's Rules of Practice. In the Employer's answer to the Federation's charge, it contends the Board may not consider allegations of a refusal to bargain under 3 V.S.A. §961(5), as the Federation did not cite that statute. While it is true the Federation's petition did fail to cite 3 V.S.A. §961(5), it clearly indicated that a refusal to bargain was the nature of their charge. Section 11.13 of the Board's Rules of Practice provides clear authority for a liberal construction of all pleadings before the Board.

The charge is deficient on its merits however. The facts alleged in the charge fail to constitute conduct violative of 3 V.S.A. §961(a)(5) or 3 V.S.A. §903, 904, and 3 V.S.A. §961(1). The complained of conduct is well protected within the realm of management's right to determine the means and methods of accomplishing the Employer's business. The procedural changes effected by the Employer's directive regarding the distribution of work-study paychecks do not rise to the level of a change in working conditions requiring negotiations, c.f. VSEA v. State of Vermont, 2 VLRB 26, 33 (1979). In that case, this Board held that the State's unilateral change of the State hospital nurses' work schedules, that is, from a normal Monday through Friday workweek to one which includes weekend days, constituted a change in those employees' "conditions of employment." Viewed as such, we required the State to enter "mid-term" bargaining on the proposed changes.

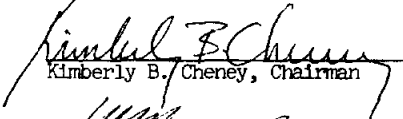
The Employer action here, however, is related to management's right to assign work generally and to determine the most appropriate method and

means through which that work shall be accomplished. While some bargaining unit members here may be saddled with an increased workload, certain other bargaining unit members in the business office will be relieved of periodic rushing. The Employer is redistributing the workload here, not increasing it. The manner in which it is being redistributed does not substantially affect the general terms and conditions of employment of the bargaining unit members party to this charge.

For all the foregoing reasons, and based on our review and investigation of the facts represented in the pleadings, we decline to issue an unfair labor practice complaint.

Dated this 26th day of May, 1980, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD


Kimberly B. Cheney, Chairman


William G. Kemsley, Sr.


Robert H. Brown