

Article 19 - Miscellaneous Appeals Pursuant to State Employees
Labor Relations Act

Section 19.1 Appeals Pursuant to 3 V.S.A. Section 1001(a)

Appeals filed pursuant to 3 V.S.A. Section 1001(a) shall be heard by the Board only after exhaustion of all administrative procedures that may be required by the State of Vermont, Vermont State Colleges or the University of Vermont. Such appeals must be filed within 30 days after receipt of final decision of the employer, provided notice of right of appeal to the Board is contained in the notice of the employer's final decision. Proceedings with respect to appeals filed pursuant to 3 V.S.A. Section 1001(a) shall conform to the following provisions:

- (A) An appeal shall be in writing and signed by the appellant or his/her representative.
- (B) The notice of appeal shall contain:
 - (1) The full name and address of the person filing the appeal;
 - (2) The full name and address of the employer involved;
 - (3) A concise statement of the nature of the appeal, including a statement of the date the matter leading to such appeal arose;
 - (4) Specific references to any pertinent rule or regulation; and
 - (5) A brief statement of the facts concerning the appeal.
- (C) All parties in interest shall have the right to file an answer within 20 days after service of the appeal. Upon application, the Board may extend the time within which the answer shall be filed.
- (D) The answer shall admit or deny each specific allegation contained in the appeal or shall indicate any lack of knowledge or information thereof sufficient to form a belief. An allegation in the appeal not specifically denied in the answer, unless the party asserts it is without knowledge or information thereof sufficient to form a belief, shall be deemed admitted and shall be so found by the Board. Allegations of new matter in the answer shall be deemed denied without the necessity of a reply.
- (E) Failure to file a timely answer may be deemed by the Board to constitute an admission of the material facts alleged in the appeal and a waiver by the party of an evidentiary hearing, leaving a question or questions of law to be determined by the Board.

Section 19.2 Dispute Concerning the Amount of Collective Bargaining Service Fee

Any dispute concerning the amount of a collective bargaining service fee may be grieved to the Board by affected nonmember(s) of an employee organization in accordance with the Board's rules concerning grievances pursuant to 3 V.S.A. Section 1001(c). Accordingly, such dispute will be heard by the Board provided that any nonmember(s) objecting to the amount of the collective bargaining fee files notice of such dispute with the Board within 30 days after receipt of the final decision of the employee organization addressing the objection of the nonmember(s) to the amount of the collective bargaining service fee. Proceedings before the Board with respect to such disputes shall conform to the following provisions:

(A) A notice of dispute shall be in writing and signed by the person(s) filing the dispute or such person(s)' representative.

(B) The notice of dispute shall contain:

- (1) The full name and address of the person(s) filing the notice of dispute;
- (2) The full name and address of the employee organization involved;
- (3) A concise statement of relevant facts and the nature of the dispute, including the amount of the collective bargaining fee assessed by the employee organization; the particular expenditures of the employee organization which are disputed, if known by the disputant; and the disputant's position as to what amount is appropriate to assess for the collective bargaining fee; and
- (4) the date the disputant received the final decision of the employee organization addressing the objection of the nonmember(s) to the amount of the collective bargaining service fee.

(C) The employee organization shall have the right to file an answer within 20 days after service of the notice of dispute. Upon application, the Board may extend the time within which the answer shall be filed.

(D) The answer shall admit or deny each specific allegation contained in the notice of dispute or shall indicate any lack of knowledge or information thereof sufficient to form a belief. An allegation in the notice of dispute not specifically denied in the answer, unless the party asserts it is without knowledge or information thereof sufficient to form a belief, shall be deemed admitted and shall be so found by the Board. Allegations of new matter in the answer shall be deemed denied without the necessity of a reply.

(E) Failure to file a timely answer may be deemed by the Board to constitute an admission of the material facts alleged in the notice of dispute and a waiver by the employee organization of an evidentiary hearing, leaving a question or questions of law to be determined by the Board.

Article 19A - Hearing Officer

The Board may appoint one of its members, the Board Executive Director or other qualified individual to act as a hearing officer to determine the relevant facts of a particular case and to issue a recommended opinion and order, or to determine the relevant facts of a case without issuing a recommended opinion and order. Hearings before the hearing officer shall be informal. Parties shall be given the opportunity to file exceptions to facts found and any recommended opinion and order. If exceptions to facts are filed, the Board shall hold an evidentiary hearing to determine facts in dispute. If no exceptions to facts are filed and the case remains unresolved, the Board shall give the parties an opportunity to argue orally before the Board and to submit written briefs. Subsequently, the Board shall issue a written decision.