

Grand Isle Supervisory Union
Alburgh School District
School Board **Special Meeting**
Monday, October 22, 2018, at 5:30 p.m.
Location: Alburgh Education & Community Center
Agenda

Call to Order

1. Call to Order (M. Savage)
2. Vermont Labor Relations Board Update (Executive Session)
3. Adjourn

Note: Executive Session: If discussion warrants and the Board so votes, some items may be discussed in Executive Session pursuant to VSA 1 §313(a)

Discussion Items - Issues the Board needs to discuss and deliberate, but upon which no action is taken at this meeting.

Action Items - Issues that require the Board to make a decision by vote, may have been discussed over several meetings prior to this point.

Consent Items - Routine matters that need no discussion by the Board, but require Board approval. They are grouped together as a single agenda item. Background materials are provided in the Board packet to be reviewed ahead of the meeting. If there are no concerns, they are approved with a single vote. Any member can request the Board remove an item to be discussed and voted on separately. This frees up time at meetings.

Information Items [Incidental Information] - Matters the Board needs to know about, but for which no Board action is needed. The information flow is one way, from presenter to the Board. Questions for clarification are entertained as time allows.

**State of Vermont
Labor Relations Board**

Mailing Address:
133 State Street
Montpelier, VT 05633-6101

Physical Address:
13 Baldwin Street
Montpelier, VT

[phone] 802-828-2700
[fax] 802-828-2392
[web site] <http://vlrb.vermont.gov>

October 3, 2018

Superintendent Michael Clark
Grand Isle Supervisory Union
5038 US Route 2
North Hero, VT 05474

Re: #18-48, Grand Isle Supervisory Union/Vermont-NEA and Alburgh School Board

Dear Superintendent Clark:

Please file a response to the above-entitled unit clarification petition by October 19, 2018. The response shall include a specific admission or denial of each claim made in the petition and a concise statement setting forth the Employer's reasons in support of or in opposition to the unit clarification proposed by the Petitioner.

Please send your response to me and forward a copy of the response to Conor Casey

Sincerely,

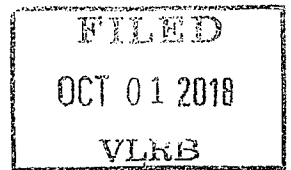


Timothy J. Noonan
Executive Director

cc: Conor Casey



VERMONT LABOR RELATIONS BOARD



UNIT CLARIFICATION PETITION

Docket # 18-48

Description: *A petition for clarification of an existing bargaining unit or units may be filed by a collective bargaining representative or an employer where no question concerning the majority status of the exclusive bargaining representative is pending at the time the unit clarification petition is filed. Such a petition may be filed where 1) there is a dispute over the unit inclusion or exclusion of employee(s), or 2) there has been an accretion to, or reorganization of, the workforce, or 3) the collective bargaining representative or employer seeks a reorganization of the existing structure of a bargaining unit or units. For further information click on the "Bargaining Units and Elections" link on our home page.*

Instructions: *Submit an original and four copies of the petition to the Vermont Labor Relations Board (Mailing address: 133 State Street, Montpelier, Vermont 05633-6101). Also, provide a copy of the petition to the other involved party or parties.*

1. Name and address of the employer.

Alburgh School Board, Alburgh Community Education Center, 14 North Main St, Alburgh, VT 05440

2. Name and address of the collective bargaining representative.

Grand Isle Supervisory Union / Vermont-NEA/, 10 Wheelock Street, Montpelier, VT 05602

3. Describe in detail the existing bargaining unit and, if the collective bargaining representative has been certified as representative of the employees in the bargaining unit, identify the docket number and date of the certification order.

The first collective bargaining agreement on file at Vermont-NEA for this bargaining unit dates back to 1983-1984 between the Alburgh Board of School Directors and the Grand Isle Staff Association/VEA/NEA (now named the Grand Isle SU – NEA/Vermont-NEA/NEA). In this agreement, the collective bargaining unit is defined in the recognition clause as "*Article 1: Recognition, 1.1 The Board recognizes the Association for the purpose of collective bargaining, pursuant to Title 21, Ch 20, Sec 1721-17434, of the Vermont Statutes Annotated, as the exclusive representative of a bargaining unit as certified by the Vermont Labor Relations Board, with the exception of the principal's secretary who is excluded.*" Also in this same agreement, reference to "custodian and maintenance workers" is made under Article 6.8 under conditions of employment for work shift schedules and later the pay schedule in Appendix A and B indicate wage scales for "custodians/maintenance/bus drivers, secretary, aides, and cooks/hot lunch agents."

The collective bargaining agreement between the same parties above for 1985-1986 and 1986-1987 and 1987-1989, include a recognition clause that further defines the bargaining unit as "*Article 1: Recognition, 1.1 The Board recognizes the Association, for the purpose of collective bargaining, as the exclusive representative of a bargaining unit consisting of all support staff employees of Alburgh School District, excluding teachers and administrators.*" The same agreements indicate pay schedules in Appendix A, B and C for "custodians/maintenance/bus drivers, secretary, aides, and cooks/hot lunch agents."

The VLRB Decision, Docket No. 83-5, ordered the secretary to the principal to be included in the "Alburgh nonprofessional staff bargaining unit" on May 19th, 1983.

The current collective bargaining agreement between the Alburgh Board of Directors and the Grand Isle Supervisory Union-NEA/VT-NEA/NEA is in effect between 2017-2019.

4. State the composition of the proposed bargaining unit and the reasons why the Petitioner seeks clarification of the unit.

The composition of the proposed bargaining unit would be the existing bargaining unit, which includes all support staff in the Alburgh school system, excluding teachers and administrators.

At their July 9, 2018 school board meeting, the Alburgh Board of Directors eliminated "one union administrative assistant position" and created "a new non-union executive assistant to the principal position" per their minutes.

It is assumed based on the similar job descriptions that the new, non-union executive assistant position would absorb most of the functions of the eliminated administrative assistant position. However, it is unclear why this new position would not remain in the bargaining unit. While the executive assistant would have access to confidential materials, that in itself does not meet the definition of a "confidential employee" under statute. In this case, the employer has failed to demonstrate any harm were this position to be included in the bargaining unit, as is required. The majority of VLRB cases involving the determination of primary school secretaries have found confidential duties to be "absent, or only occasional or intermittent," and have concluded that most secretaries were not confidential.

In such a small school district, it is preposterous that the principal of the Alburgh Community Education Center would have an assistant whose access to confidential information rose to the volume of them warranting a confidential designation.

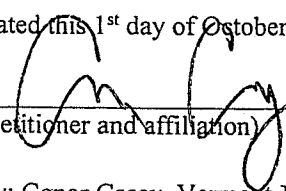
5. The number of employees in the present bargaining unit and in the unit proposed under the clarification.

Currently the unit has 32 employees. The new proposed unit would add 1 employee.

6. State the names and addresses of any other individuals or employee organizations who claim to represent any employee affected by the proposed clarification, and submit a copy of any collective bargaining agreement covering any such employees.

None such exist.

Dated this 1st day of October, 2018, at 10 Wheelock Street, Montpelier, VT 05602.


(Petitioner and affiliation)

VT-NEA

By: Conor Casey, Vermont-NEA Organizer

Address: 10 Wheelock Street, Montpelier, VT 05602 Tel: (802)-223-6375

Dear Superintendent Clark:

The request for an extension of time until October 26 to file a response in this matter is granted due to the unusual delay in the Supervisory Union receiving the letter which I mailed you on October 3.

Timothy Noonan, Executive Director
Vermont Labor Relations Board

From: Michael Clark <mclark@gisu.org>
Sent: Monday, October 15, 2018 3:50 PM
To: Noonan, Tim <Tim.Noonan@vermont.gov>; Conor Casey <ccasey@vtnea.org>
Cc: Christopher Leopold <leopold@wrightjoneslaw.com>
Subject: Extension Request

Mr. Noonan

I am writing to request an extension from October 19, 2018, to October 26, 2018, to respond to the letter dated October 3, 2018, which GISU received from you on October 11, 2018.

Thank you for your consideration.

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Michael J. Clark
Grand Isle Supervisory Union
Interim Superintendent

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