Representatives of Labor present: Kathy Rotondi, Shannon Bessery, Laura Zeisel, Julie Mercier, and Brian Morse (VSEA Field Rep for Judicial Unit)
Representatives of Management present: Gabrielle Lapointe, Theresa Davidson, John McGlynn, and Laura Dolgin

The meeting was called to order at 10:30 A.M. Laura Dolgin opened the discussion by welcoming all those present, each of whom introduced themselves. She noted that the purpose of Labor-Management Committee was not to bargain or negotiate, but rather to take a “weather report” on how things are going, and to address issues of concern. Laura Dolgin and Laura Zeisel agreed to work on the minutes together. Laura D. will write the first draft and forward them to Laura Z. for review; then the combined draft will be circulated to the rest of the Committee. Once the minutes are agreed upon, they may be shared with other employees (both Labor and Management). Those who previously have served on the Labor-Management Committee agreed that this has been the process previously followed (albeit with the former VSEA rep taking them and forwarding along to the Judiciary for editing), and it worked well. Because VSEA’s representative is not able to stay for the entire meeting today, this revised procedure was agreed upon. Future procedure will be discussed at future meetings.

1. **Old Business** (unaddressed items from prior agendas)

   a. **Amendment to Case Manager Job Description/Recruitment Notice:**
   During a previous Labor-Management meeting the question was raised “Do Docket Clerks have opportunities to be hired for recruited positions?” After discussion, it was found that most eligible positions are filled by internal candidates when internal candidates choose to apply. The one exception was Case Manager recruitments: the job description for Case Managers did not allow applicants to substitute court experience for education. This situation was different from most other Judiciary job descriptions, and presented a barrier for some Docket Clerks.
   John McGlynn reported that, effective in January 2014, the Case Manager job description had been revised to allow appropriate experience to substitute for education. The revised job description had been reviewed and approved by the Family Court Oversight Committee to make certain it was in alignment with the Case Manager Best Practices. John McGlynn reported that, since the change in job description was effected, one recruitment for Case Manager had occurred.

   b. **Time off reward for good ideas:**
   The group thinks this idea may have originated through discussion of a past DHR program, based upon a “rewards for cost-savings” statute which has since expired, for recognizing ideas that saved money. Both Labor and Management agreed that this was an interesting concept which should be explored further. Various possibilities were discussed. One of the challenges would be to come up with ways to adequately and fairly rate the ideas while keeping the process relatively simple. If this were to become a reality, clear understandings need to be in place regarding evaluation rating systems, local control, and manager prerogatives.

   Management promised to conduct further research into designing such a program.
2. **New Business**

a. **Recognition Programs:**
The conversation regarding the “Time Off for Good Ideas” agenda item led into a new business item regarding recognition programs. Examples include Judge Davenport’s ‘bobble head’ award; time off; day out of court; and the Judicial Bureau’s ‘Keys to Excellence’ award, which Gabrielle Lapointe discussed in some detail. The ‘Keys to Excellence’ program is an opportunity for both internal and external people to make a confidential nomination of an employee who excels at customer service. The nominations are placed in envelopes, which are then opened and assessed by an objective 3rd party. Once a selection is made, the Judicial Bureau holds a ceremony in which there is a party with refreshments, and the honored employee receives a plaque, a decorated office space, and a small gift. Gabrielle stressed that just being nominated allows an employee to see how she/he is valued. All employees nominated receive public recognition, unless a person is particularly sensitive and prefers anonymity.

Gabrielle stressed that this program, while not involving great expense, has been an uplifting experience. John said that he felt strongly that each work team should have a degree of local control over their recognition program so it can be tailored to local needs. All those present agreed that recognition is an area of mutual interest which should be explored further.

b. **Time report issue** (working on weekends and reporting overtime):
It was reported that managers may have told employees working on the weekend to record their hours as if they worked during the week (i.e., work done on a Saturday, but recorded as if it were done on a weekday). All present agreed that this is not in keeping with state policy, and that hours actually worked should be recorded on the days actually worked.

A related question was raised regarding whether earned overtime is paid in cash or comp time at pay grade 23 and above (see page 65 of the 2012-2014 Collective Bargaining Agreement); several of those present gave examples of having been paid cash for overtime in some instances, but not in others. John McGlynn said that his initial response was that Article 17 of the contract contained the phrase ‘solely at the Judiciary’s discretion’ which he interprets to mean that it is up to an employee’s Manager to make the decision on whether to pay cash or comp time. John will research and provide more information to those who have questions on the topic.

c. **Hostile work environments**
John McGlynn began the discussion by pointing out that the phrase “hostile work environment” has a specific legal definition, which includes some sort of discrimination against a protected class. He said that his understanding of the agenda item was better described as “workplace antagonism,” meaning there are ongoing disagreements and/or friction between co-workers. This type of situation can occur between two employees who are union members and/or between a manager and an employee. All those present concurred that the agenda item would be better described as “Incidents of workplace antagonism.”

Several specific situations which had been reported to “Labor” members of the committee were then discussed. It was agreed by all those present that, since the situations involved personnel matters, the names of those involved and any identifying characteristics of any of the employees involved would be kept confidential.
John and Laura D. reported there have been several situations where they had intervened at a job site where workplace antagonism existed. Other options of dealing with this type of situation were discussed, including, but not limited to, requesting assistance from a supervisor or personnel officer, using a VSEA rep or steward to seek informal resolution (which is difficult to do when both employees are members of VSEA), requesting help from the EAP, and using alternative dispute resolution procedures. Mediation (using an “outside” mediator) was discussed. John reported that the EAP offers training that may prevent and/or address workplace antagonism. The Judiciary had already arranged for the EAP to host two such sessions: one in April (Chittenden), and another in May (White River Junction). Depending on the reaction to these training sessions, they may be offered in other places throughout the state.

Regarding the specific situations which were discussed at the meeting, John said that, at least as a first step, he felt that the situations should be addressed by the supervisors of the workplaces involved. He committed himself to talking to those supervisors.

3. Scheduling Labor-Management Committee Meeting for 2014:
Laura Z. proposed that the Committee should meet four times a year – that is, on a quarterly basis. John and Laura D. reported that, in the past, the committee had met twice a year, and that had seemed to be sufficient (although a special meeting could be scheduled if a situation arose which should not wait until the next regularly-scheduled meeting). After discussion it was agreed that the next meeting scheduled will be Friday, September 12, 2014, 10:30 A.M. to 2:30 P.M., at the Environmental Court in Berlin.