



## **WEEK IN ACTION!**

Weekly News From Your Union ~ June 18 – June 22, 2018

Your union's weekly newsletter, *Week In Action*, is emailed every Friday afternoon. *Week In Action* is the best way to stay up to date with weekly VSEA news!

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### **VLRB Grants VSEA Bargaining Teams A New Hearing On Contract**

In case you missed it, VSEA sent the following message to members and retirees on June 19:

VSEA received some very welcome news this morning when the union was notified by Vermont Labor Relations Board (VLRB) Chair Tim Noonan that the Board has granted VSEA's request to present oral argument on our Motion to Reconsider the VLRB's March 30 decision in favor of the State's last-best-contract-offer. This means the VLRB is taking VSEA seriously and is giving union Bargaining Teams another chance to argue their case, which is more than VSEA members and retirees had a week ago. Remember, implementation of the State's last best offer is coming fast.

#### **VSEA Contract Oral Argument @ VLRB**

Thursday, July 12  
13 Baldwin Street  
Montpelier  
TBD

### **Board Calls Special Council Meeting For June 28**

In advance of an anticipated government shutdown on July 1, 2018, VSEA's Board of Trustees is calling the VSEA Council to Montpelier for an important meeting to discuss strategy and next steps in the event of a shutdown. The meeting will begin at 9:00 a.m. at the Capitol Plaza Hotel in Montpelier.

The Board of Trustees and the Council are VSEA's two primary governing bodies.

VSEA members, retirees and supporters should check VSEA's Facebook page, website, etc. to learn what action steps the Board and Council decide to take and how you can contribute to your union's campaign to stop a shutdown.

## **VSEA Bargaining Teams Meeting With DHR On Tuesday To Discuss Shutdown**

It took a while, but the Department of Human Resources finally responded on Wednesday to a June 7 request from VSEA Labor Relations Director Gary Hoadley and three Bargaining Teams to meet to discuss how a government shutdown will work. The meeting will take place on Tuesday, June 26, beginning at 9:00 a.m.

Here's another reminder of the primary issues for clarification that Hoadley and the Bargaining Teams will bring to the table on Tuesday:

- Compensation to be paid to employees after budgetary authority is restored, both for employees who are called to work and for those who are prevented from working;
- The designation of employees as essential, including the selection of which employees are selected to work where a worksite operates on a reduced workforce;
- Procedures for notifying employees of the commencement or conclusion of the shutdown;
- Whether any non-working time is treated as work time for benefits and other rights;
- What obligations employees may be under to be available for work during non-work days; and
- The treatment of pre-scheduled vacations, employees who are otherwise entitled to use sick leave, and compensation for the July 4 holiday.

Note: Check the VSEA Facebook page, website and your email on June 26 for a summary of what comes out of Tuesday's important meeting.

## **Lip Service? State Officials Tell Workers Not To Worry About A Shutdown**

In a poorly conceived effort to try to tamp down state employee and retiree anxiety about a potential state government shutdown on July 1, *VTDigger* reports on June 22 that agency and department heads began sending out emails and memorandums this week, advising anyone concerned about a shutdown not to worry.

"I encourage you to be skeptical of the political and media noise about a shutdown," Tax Commissioner Kaj Sampson wrote to his workers. "Everyone has Vermont's best interest at heart and in the end I really believe there will be a way to avoid to avoid the shutdown," AOT Secretary Joe Flynn told his. But VSEA Executive Director Steve Howard tells *VTDigger* that the union is not content to rely on lip service from State officials, saying "Everyone has Vermont's best interest at heart and in the end I really believe there will be a way to avoid to avoid the shutdown."

## **Monday's House Vote To Override Budget Veto Fails By 5 Votes**

House Republicans voted as a block on Monday to prevent an override of the State's budget veto. Because there were no GOP defections, the vote was 90-51 to override, but, sadly, that is still 5 measly votes short of the 2/3 needed to spare Vermonters a lot of pain come July 1.

[View House Roll Call Vote](#)

After the vote, VSEA identified 33 Republican House members who switched their May "yay" vote on a budget to a "nay" vote in June. You can view the list of House flip floppers [here](#).

VSEA thanks its members, retirees and supporters for your recent calls to targeted GOP lawmakers, who obviously care more about partisan politics than they do about the well being of Vermont and Vermonters.

## **VSEA General Counsel's Commentary Warns Of Harm From Government Shutdowns, Pointing To What Happened In Maine**

VSEA General Counsel Tim Belcher wrote an excellent commentary, warning against government shutdowns, which [posted to VT Digger on June 21](#). Belcher, who was General Counsel for SEIU Local 1989 in Maine before coming to work at VSEA a few years back, cites what happened in Maine when the government shut down—and not just once.

Here's an excerpt:

"I worked in Maine as a union lawyer for the state workers before moving to Vermont, to take the same job. I've had a front-row seat to watch two state shutdowns and one near miss. I understand exactly what the [State] means when [it] talks about "leverage." Gov. John McKernan shut Maine state government down in 1991 to force the Democratic Legislature to gut the state's workers' compensation system."

## **Sitting VLRB Members Write To State, Urging It To Obey Statute (Unlike What Happened With Karen O'Neill) When Appointing To Fill Two Current Vacancies**

VSEA's case against the State for failing to follow statute when appointing Karen O'Neill to fill a "neutral" seat on the Vermont Labor Relations Board got a boost on June 19 when two sitting VLRB members wrote to the state's top official to remind him that "labor organizations" must be consulted in the appointment process, not just one labor union, as was the case with Ms. O'Neill.

From [the VLRB members' June 19 letter](https://bit.ly/2K9Ebgy) (<https://bit.ly/2K9Ebgy>):

"When a vacancy on the Board arose last fall, upon the resignation of a Board member with a neutral background, the Labor Board Review Panel had to be convened to present nominees to you to fill the vacancy. The Commissioner of

Labor contacted Jeffrey Wimette of the International Brotherhood of Electrical Workers and asked him to serve as a Labor Representative on the Review Panel. The Commissioner subsequently appointed Mr. Wimette. The Commissioner received input from one labor organization before appointing Mr. Wimette to the Review Panel, even though statute requires that names be provided by labor organizations. The Review Panel as constituted with Mr. Wimette as Labor Representative subsequently submitted nominees to you to fill the vacancy, and you appointed Karen O'Neill from these nominees as a Board member with a neutral background to fill the vacancy."

"It is our understanding that the Labor Board Review Panel is now considering nominees and applicants for the Board member appointments awaiting action with no changes having been made with respect to the Labor Representative on the Review Panel. We are concerned that the legitimacy of any future appointments made to the Labor Relations Board may be questioned under this present arrangement because the Labor Representative has not been appointed to the Review Panel from names provided by "labor organizations" as required by 3 V.S.A. 921 (a)(1). The statutory language is the plural, explicitly requiring input from more than one labor organization before appointing the Labor Representative to the Review Panel. We raise this concern now so that a correction consistent with statutory direction may be made prior to any further Board appointments. It would be detrimental to the credibility and effectiveness of the Board, as well as unfair to the person appointed as the Board member, if uncertainty exists as to the legitimacy of the appointment. The possibility of future appeals of Board decisions based on this issue needs to be avoided. The impartiality, and appearance of impartiality, of the Board is of fundamental importance and can be promoted with this correction."

## **VSEA & State Reach Agreement On Executive Branch's Use Of Temporary Employees**

VSEA and the State reached a mediated settlement this week to a legal challenge to gain a better understanding of how the Executive Branch is using temporary employees. The agreement increases the State's transparency by ensuring VSEA will receive monthly reports from the Department of Human Resources (DHR) that identify temp positions and provide sufficient detail to permit VSEA to monitor compliance with the law and promptly challenge violations. The new data should also help VSEA provide concrete and detailed facts to both the public and the legislature about the State's use of temporary employees and aid in the drafting of any legislative improvements that may be needed.

The settled case was based on a VSEA FOIA, seeking temporary employee requests made in 2017 for 2016. After analyzing the records provided, VSEA filed a request to the DHR Commissioner to reconsider 61 requests by agencies or departments for waivers of statute's 1,240-hour cap for temps. That request was denied in late 2017, and VSEA's legal team promptly filed an appeal and unfair

labor practice charge. After some initial discovery, both parties agreed to mediate the case.

VSEA did receive some anecdotal evidence yesterday that its challenge has already had some positive impact on the use of temporary employees in the Executive Branch. The new monthly data should allow VSEA to police this process effectively and in a timely way.

This settlement is one step in a long-term strategy that may require additional litigation, legislation, or other union responses. It represents significant and hard-earned progress, but not an end to this work.

### **Judiciary Temp ULP Going Forward**

VSEA is continuing to prosecute an unfair labor practice against the Judiciary for misclassifying an individual employee as a temporary employee. In that case, the employee contacted VSEA immediately after she resigned to work for another employer. She had worked in a bargaining unit classification for years, under terms that don't qualify as "temporary" under any definition, let alone the Judiciary's own policies.

### **VSEA Elections, Rules & Nominating Committee Reminds Members To Vote In Four Board Of Trustees' Elections**

#### ***Deadline to vote is August 1!***

*Members of VSEA's ERN Committee asked WIA to share this letter:*

As many of you know, there are four elections going on right now for seats on the VSEA Board of Trustees (NMU, Judicial, District 3 and District 6). This is a reminder that ballots for these elections were issued Friday, June 15, at 8:00 a.m. All members who are eligible to vote in one or more of these elections should have received an electronic ballot(s) from "Simply Voting" in your primary email (a.k.a. home email, unless VSEA does not have a home email for you, then we use your work email). All email providers filter mail differently, so if you did not see the ballot in your primary mail box please do a keyword search of "all mail boxes" for "Simply Voting" or "elector" and this should bring up your e-ballot. If you are unable to locate your ballot, VSEA can have Simply Voting re-issue the ballot. Your unique ID ensures you can only vote once per election.

To request a new ballot, or have your ballot sent to a new email address, please email Ray Stout at VSEA at [Rstout@vsea.org](mailto:Rstout@vsea.org). Voting in any of these elections closes on August 1, 2018, and, until then, members will be receiving weekly reminders to vote, including a voting link.

In the past few years, VSEA and the ERN Committee decided to make the switch to electronic balloting, and, to date, it's been successful, evidenced by a member-participation rate that has nearly doubled.

Members, of course, have the option to opt-out of electronic balloting and receive a standard paper ballot via US Mail. You can request a paper ballot be sent in future elections by emailing [vsea@vsea.org](mailto:vsea@vsea.org) with the subject "paper ballot."

In solidarity:

The VSEA ERN Committee

## **VSEA Wants To Know: What's A Government Shutdown Mean For You, Your Family, Your Job & Your Service?**

The VSEA Board of Trustees is asking members and retirees to let headquarters know what harm one of the following scenarios would cause you, your family, your job & your service:

- A) Government shuts down on July 1, and you are told to stay at home, without pay. The State is not paying health care premiums.
- B) Government shuts down on July 1, and you are told you are essential and must report for work, but you won't be paid. The State is not paying health care premiums. |
- C) You're a VSEA retiree who no longer knows if your next pension check is going to arrive or not. The State is not paying health care premiums.

VSEA appreciates your responses, and will be using them as an additional way to educate State officials and lawmakers about the harm of a shutdown.

**You can post your response publicly on VSEA's Facebook page or you can write an online response and send it discreetly to headquarters. If you wish to remain anonymous, please include that somewhere in your response.**

## **VSEA Schedules 2018 "Day At Fenway" Event For August 27**

"VSEA Day 2018 at Fenway" has been scheduled and the bus will be headed to Fenway Park on Friday night, August 17, to see the Red Sox battle the Tampa Bay Rays, starting at 7:10 p.m. The cost is \$80 per person, which includes a bus ride to and from the park, as well as a ticket to the game.

As in years past, the bus will make stops in Waterbury (2:00 p.m.) and White River Junction (3:00 p.m.). ETA at Fenway is 5:30 p.m.

If you and your family would be interested in joining your union and fellow members at Fenway on August 17, 2018, contact VSEA Union Representative Bob South or VSEA Administrative Assistant Sue DeVoid. You can reach Bob by email at [bsouth@vsea.org](mailto:bsouth@vsea.org) or by phone at 223-5247. You can reach Sue by email at [sdevoid@vsea.org](mailto:sdevoid@vsea.org) or by phone at 223-5247.

Note: Payment must be received before tickets are released, and there is no refund on purchased tickets.

## **UVM Nurses Holding Town Hall Strike Meeting Tonight!**

University of Vermont (UVM) Medical Center nurses are holding a Town Hall meeting tonight to update the public and press on the status of contract negotiations and talk about the nurses' next steps and how VSEA members and others can help.

[A Town Hall Facebook page](#) describes the event as a place to "come to learn about the issues in negotiations, and how community members can help secure a fair contract and quality patient care at our region's Level 1 Trauma Center."

### **UVM Nurses Town Hall**

Friday, June 22

6:30 p.m. to 7:30 p.m.

Burlington High School Auditorium

Burlington

## **Organizer's Worksite Meetings On June 27 In Bennington!**

VSEA Organizer Danielle Warner is holding two meetings on June 27 with VSEA members working at the Vermont Veterans' Home in Bennington. The first meeting begins at 11:00 a.m. in the Home's Crispe Room, and the second meeting begins at 1:00 p.m. in the same room. There will be snacks for members attending.

Members with questions can contact Danielle by email ([dwarner@vsea.org](mailto:dwarner@vsea.org)) or by phone at 802-223-5247.

## **Employee Appreciation Day Event June 28 In Burlington!**

There will be an Employee Appreciation Day event on June 28 for VSEA members working at the State Office Building in Burlington and the surrounding area. The event begins at 11:00 a.m. in Conference Room 1A at 108 Cherry Street. There will be giveaways for VSEA members attending.

Members with questions can contact VSEA Organizer Danielle Warner by email ([dwarner@vsea.org](mailto:dwarner@vsea.org)) or by phone at 802-223-5247.

## **FINAL WEEK To Donate To Your Unit Sick Leave Bank**

### ***Donation Period Ends June 30!***

VSEA member Dawn Carrillo is reminding Non-Management Unit members that your Unit's Sick Leave Bank is currently accepting time donations to the bank and that the deadline to do so is June 30, 2018. Carrillo reminds that **donations to the Corrections and Supervisory Unit Banks are also needed.**



“Just donating an hour of your time can mean the world to a fellow employee,” reads a DHR flyer. It also informs state employees that they can **donate any amount of annual- or personal-leave time** to their respective Unit sick leave bank. “Know that you are performing a wonderful service by helping your friends and fellow employees, who, along with their families, are struggling due to serious health issues,” the flyer concludes.

[VSEA members interested in donating some much-needed time to the NMU, Corrections and Supervisory Sick Leave Banks can find a donation form here.](#)

“I want to thank every member for considering a donation to your Unit sick leave bank,” says VSEA President Dave Bellini. “Even if you only donate one hour to the bank, these one-hour donations add up. It’s so worthwhile because your donation is going to help a fellow state employee who is battling a serious illness.”

## **Upcoming Steward Training**

The next Steward training is:

- September 18: VSEA HQ, Montpelier.

Training begins at 8:30 a.m.

[Register Here](#)

## **Data Finds 28% Of Millennials Expect To Never Retire**

TD Ameritrade released data this week that found 28 percent of millennials asked believe they will never be able to retire.

From a [June 17 NW Indiana Times story](#):

*Countless younger workers today are saddled with student debt to the point where it seems unshakable. Throw in the fact that younger workers tend to earn less than their older counterparts and their paychecks are often eaten up by debt payments and living expenses, and it's no wonder so many have written off retirement completely.*

*Though the idea of ever establishing enough of a nest egg to retire might seem undoable, one thing younger workers need to remember is that they have an extremely valuable weapon on their side: time. And if they take advantage of it, they just might manage to retire after all.*

## **Quote Of The Week!**

*“The VSEA demands to meet immediately, discuss the issues, get answers for its members, and be provided with requested information.”*

VSEA Labor Relations Director Gary Hoadley in a letter this week to the Department of Human Resources, again demanding to meet about a shutdown.



DHR finally did respond, and VSEA's Bargaining Teams will be meeting with DHR on June 26.

### **Upcoming Meetings/Events/Holidays:**

#### **June 22**

UVM Nurses Town Hall  
Burlington High School Auditorium  
Burlington  
6:30 p.m. to 7:30 p.m.

#### **June 26**

VSEA Bargaining Teams Meet With DHR On Shutdown  
VSEA HQ  
155 State Street  
Montpelier  
9:00 a.m.

#### **June 26**

Child & Elder Care Committee Meeting  
VSEA HQ  
155 State Street  
Montpelier  
9:30 a.m.

#### **June 26**

State Housing Authority Unit Meeting  
VSEA HQ  
155 State Street  
Montpelier  
2:00 p.m.

#### **June 27**

Retirees' Chapter Meeting  
VSEA HQ  
155 State Street  
Montpelier  
9:00 a.m.

#### **June 27**

Organizer's Worksite Meetings: Bennington  
Veterans' Home  
325 North St.  
Bennington  
6:00 a.m. & 1:00 p.m.

**June 28**

Special VSEA Council Meeting  
Capitol Plaza Hotel  
Montpelier  
9:00 a.m.

**June 28**

Employee Appreciation Event: Burlington  
State Office Building  
108 Cherry Street  
Conference Room 1A  
Burlington  
11:00 a.m.

**June 30**

Deadline To Donate Time To NMU, Corrections & Supervisory Unit Sick Leave  
Banks!