



Vermont State Employees' Association

155 State Street, Montpelier, VT 05602; Phone: (802) 223-5247
Fax: (802) 223-4035 E-mail: vsea@vsea.org Website: www.vsea.org

March 7, 2019

HAND-DELIVERED

Timothy Noonan, Esq.
Executive Director
Vermont Labor Relations Board
13 Baldwin Street
Montpelier, Vermont 05633

Re: Vermont State Employees' Association v. State of Vermont, Unfair Labor
Practice Charge
VLRB Docket No. 2019-

Dear Tim:

Enclosed, please find an original plus four copies of the Unfair Labor Practice Charge captioned above. Also please find my Certificate of Service.

Thank you for your attention to this matter. Please do not hesitate to contact me should you have any questions or concerns.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Timothy L. Belcher', written over a horizontal line.

Timothy L. Belcher, Esq.
VSEA General Counsel

cc: Thomas Waldman, Esq.

VERMONT LABOR RELATIONS BOARD

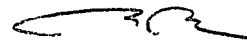
_____)	
VERMONT STATE EMPLOYEES')	
ASSOCIATION,)	
Petitioner,)	
)	
)	
)	Docket No. 2019-____
)	
STATE OF VERMONT,)	
Respondent.)	
_____)	

CERTIFICATE OF SERVICE

I, Timothy L. Belcher, VSEA General Counsel, hereby certify that on this date, I served a copy of the Unfair Labor Practice Charge captioned above on the State of Vermont by having it hand-delivered to the following address:

Thomas Waldman, Esq.
General Counsel
Department of Human Resources
120 State Street
Montpelier, Vermont 05609-1001

Dated this 7th day of March, 2019, at Montpelier, Vermont.



Timothy L. Belcher, Esq.
Atty. Reg. # 5299
VSEA General Counsel
Vermont State Employees' Association
155 State Street
Montpelier, Vermont 05602

Cc: Thomas Waldman, Esq.

VERMONT LABOR RELATIONS BOARD

_____)	
VERMONT STATE EMPLOYEES')	
ASSOCIATION,)	
Petitioner,)	
)	
)	Docket No. 2019-__
v.)	
)	
STATE OF VERMONT,)	
Respondent.)	
)	
(Re: Direct Dealing and Interference))	
_____)	

UNFAIR LABOR PRACTICE CHARGE

NOW COMES the Vermont State Employees' Association, by and through counsel, and, for the following reasons, files this Unfair Labor Practice Charge against the State of Vermont:

1. The Vermont State Employees' Association, Inc. ("VSEA") is an employee organization, as that term is defined in 3 V.S.A. §902(6). VSEA is located at 155 State Street, Montpelier, Vermont, 05602.
2. The State of Vermont is an employer, as that term is defined in 3 V.S.A. §902(7), and is represented for the purpose of collective bargaining by the Department of Human Resources, with offices at 120 State Street, fifth floor, Montpelier, Vermont 05620-2505.
3. At all times relevant hereto, VSEA was recognized by the State as the exclusive bargaining representative for State of Vermont employees in the Non-Management, Corrections and Supervisory Bargaining Units.

4. The VSEA and the State of Vermont are bound by collective bargaining agreements covering each bargaining unit, effective from July 1, 2018 until June 30, 2020.
5. As of January 31, 2019, bargaining unit employees did not have any right, benefit, policy or program that permitted them to bring their infant children to work with them.
6. At no time during the negotiations leading to the current agreements did either party propose a new benefit, right, program, or policy that would permit unit employees to bring their infant children to work with them.
7. On January 31, 2019, the State of Vermont delivered to VSEA a letter signed by Director of Labor Relations John Berard and addressed to VSEA Executive Director Steve Howard, which stated that the State intended to implement a new policy on Infants in the Workplace on February 1, 2019.
8. Mr. Berard stated in the letter that the State did not believe that this new program constituted a negotiable subject, but invited VSEA to discuss employee concerns.
9. Attached to the letter was a six page document with single-spaced text titled “Infants in the Workplace” that detailed a new “program of the State of Vermont to allow state employees working in those agencies/departments that have elected to participate, the option of bringing their infant children into the workplace.”
10. The document set forth detailed rules and parameters for this new program, and included an attached “Parent Agreement” and a waiver of liability that were drafted by the State of Vermont to be signed by the individual employee.

11. By letter dated January 31, 2019, and delivered electronically on that date, VSEA Director of Labor Relations Gary Hoadley wrote to Mr. Berard and demanded negotiations over the new program
12. The new program went into effect on February 1, 2019.
13. By electronic mail dated February 5, Mr. Berard responded to VSEA's request to bargain, and stated that it would discuss the matter but would not negotiate.
14. The new program constitutes a significant new term and condition of employment that was imposed unilaterally without providing the VSEA with notice or the opportunity to negotiate.

COUNT I

(Circumvention of bargaining agent and unilateral change in working conditions)

17. By the actions described above, the State of Vermont unilaterally changed the terms and conditions of employment of unit employees, thereby undermining the union as collective bargaining agent, and in so doing violated its duty to bargain in good faith in violation of 3 VSA §961(1) and (6).

COUNT II

(Direct dealing)

18. The State further circumvented the VSEA as exclusive bargaining agent by requiring employees who wish to participate in this program to sign an individual agreement that was not negotiated through the union, all in violation of 3 VSA §961(1) and (6).

WHEREFORE, VSEA respectfully requests that this Board:

- a. Take jurisdiction of this matter;
- b. Issue an unfair labor practice complaint;

- c. Determine that the State of Vermont has committed and continues to commit unfair labor practices in violation of 3 V.S.A. §§961(1) and (6);
- d. Order the State to immediately cease and desist from engaging in any and all of the above-described activities that constitute unfair labor practices;
- e. Order that State of Vermont post, in conspicuous worksite locations around the State, notice that it committed the unfair labor practices described herein, and that it will immediately cease and desist from engaging in such conduct;
- f. In order to ensure that the State immediately suspend implementation of this program and negotiate with VSEA over its proposal, up to and including the use of statutory impasse procedures.
- g. Order such other relief as this Board deems just and fair.

Dated this 6th day of March, 2019, at Montpelier, Vermont.

Vermont State Employees' Association,
by and through its undersigned counsel:


By:



 Timothy Belcher, Esq.
 Atty. Lic. No. 5299
 General Counsel
 Vermont State Employees' Association
 155 State Street
 Montpelier, VT 05602
 802 223-5247
 tbelcher@vsea.org

STATE OF VERMONT
WASHINGTON COUNTY

Subscribed and sworn to me on this 6 day of March, 2019.



 Notary Public
 My Commission Expires 1/31/19