

**VERMONT LABOR RELATIONS BOARD**

**SOUTH BURLINGTON** )  
**EDUCATION ASSOCIATION,** )  
**Affiliated with Vermont-NEA,** )  
**Petitioner,** )

Case No.: \_\_\_\_\_

v. )

**Charge of an**  
**Unfair Labor Practice**

**SOUTH BURLINGTON** )  
**BOARD OF SCHOOL DIRECTORS,** )

**ELIZABETH FITZGERALD** )  
**(Individually and in her capacity as** )  
**Chair of the South Burlington** )  
**School Board),** )

**MARTIN LALONDE** )  
**(Individually and in his capacity as** )  
**Clerk of the South Burlington** )  
**School Board),** )

**JULIE BEATTY** )  
**(Individually and in her capacity as** )  
**a member of the South Burlington** )  
**School Board),** )

**DIANE BUGBEE** )  
**(Individually and in her capacity as** )  
**a member of the South Burlington** )  
**School Board),** )

**DAN FLEMING** )  
**(Individually and in his capacity as** )  
**a member of the South Burlington** )  
**School Board),** )

**Respondents.** )

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## INTRODUCTION

The South Burlington Education Association (“SBEA”) charges the South Burlington South Burlington Board of School Directors (“SBSD”); its chair Elizabeth Fitzgerald, its clerk, Martin LaLonde, and its members Julie Beatty, Diane Bugbee, and Dan Fleming with violations of 21 V.S.A. §§ 1735 and 1726(a)(1), (5), and 16 V.S.A. §§ 1983 and 2001 when they failed to bargain in good faith and engaged in direct-dealing with members exclusively represented by the SBEA.

## THE PARTIES

1. The petitioner, South Burlington Education Association, is a labor organization affiliated with Vermont-NEA and the National Education Association (hereinafter the “Association” or “SBEA”). The Association is the exclusive bargaining agent of the teachers employed by the SBSBD, pursuant to 16 V.S.A. § 1991(a). The Association’s address is c/o Vermont-NEA, 10 Wheelock Street, Montpelier, Vermont 05602-3737.

2. The Respondent, South Burlington Board of School Directors, is the employer of the teachers at the South Burlington Schools, as defined by 16 V.S.A. § 1981(3) & (4). The SBSBD’s address is 550 Dorset Street, South Burlington, Vermont 05403.

3. The Respondent, Elizabeth Fitzgerald, is chair of the SBSBD. Ms. Fitzgerald’s address is 95 Holbrook Road, South Burlington, VT, 05403.

4. The Respondent, Martin LaLonde, is clerk of the SBSBD. Mr. LaLonde’s address is 304 Four Sisters Road, South Burlington, VT, 05403.

5. The Respondent, Julie Beatty, is a member of the SBSBD. Ms. Beatty’s address is 59 Dorey Road, South Burlington, VT, 05403.

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6. The Respondent, Diane Bugbee, is a member of the SBSB. Ms. Bugbee's address is 89 Floral Street, South Burlington, VT, 05403.

7. The Respondent, Dan Fleming, is a member of the SBSB. Mr. Fleming's address is 339 Golf Course Road, South Burlington, VT, 05403.

**JURISDICTION**

8. The Vermont Labor Relations Board has jurisdiction over this matter pursuant to 21 V.S.A. §§ 1727 and 1735.

### **FACTS**

9. The parties are signatories to a collective bargaining agreement that expired June 30, 2014.

10. Bargaining for a successor agreement began in the fall of 2013. After numerous bargaining sessions, mediation, and fact-finding, the parties have still been unable to reach agreement as of today's date, October 14, 2014.

11. During the bargaining process, Respondents proposed changing the health insurance policy to a new plan. (Attachment 1)

12. During the bargaining process, Petitioner rejected Respondent's proposal.

13. On or about July 22, 2014, mediator and fact finder Sarah Kerr Garraty renounced the Respondent's proposal in her fact-finding report. (Attachment 1)

14. Respondent and Petitioner remain unable to reach agreement on the health insurance plan issue.

15. On or about September 23, 2014, Respondent sent an email to all employees and SBEA bargaining unit members noticing them of a meeting whereby the SBSB invited representatives from the Vermont Education Health Initiative ("VEHI"), on October 13, 2014. (Attachment 2)

16. The stated purpose of the October 13<sup>th</sup> SBSB meeting was to discuss Respondent's health insurance proposal with bargaining unit members outside the negotiation process.

17. On or about late September or early October, Petitioner cancelled any and all staff meetings scheduled for October 13, 2014 and encouraged all bargaining unit members to attend the meeting.

18. On or about October 6, 2014, Petitioner met with Respondent after impasse, mediation, and fact-finding had long concluded to discuss a further compromise by Petitioner. The Respondent admittedly arrived to this bargaining session unprepared to make a counter-proposal or even discuss any outstanding bargaining issues.

**CHARGE I: Direct Dealing**

19. Paragraphs 1 – 18 are incorporated herein by reference.

20. Pursuant to 21 V.S.A. §§ 1735 and 1726(a)(1) the collective bargaining agreement the Petitioner is the exclusive bargaining agent for all teachers in the South Burlington School district.

21. Respondent scheduled the October 13, 2014 VEHI meeting in order to discuss its bargaining proposal directly with bargaining unit members, to circumvent the authority of the bargaining team, and to cause employees to pressure the Association bargaining team to accept the Respondent's health insurance proposal in violation of 21 V.S.A. 1726(a)(1) and (5).

**CHARGE II: Failure to Bargain in Good Faith**

22. Paragraphs 1 – 121 are incorporated herein by reference.

23. Pursuant to 21 V.S.A. § 1726(a)(5) Respondents committed an unfair labor practice by failing to bargain in good faith by using stalling tactics and arriving to a bargaining session on October 6, 2014, wholly and admittedly unprepared to negotiate.

WHEREFORE, the Association requests the following relief:

1. A declaration that Respondents unlawfully engaged in direct dealing with teachers exclusively represented by the Petitioner.

2. A declaration that Respondents unlawfully bargained in bad faith.
3. A requirement that Respondents post copies of the Labor Relations Board's decision in all of the SBSB schools in places commonly used for communications between it and its employees and the public.
4. An order directing the Respondents to bargain in good faith concerning the terms and conditions of employment.
5. An order directing Respondents to pay the Association's attorney's fees.

CONCLUSION

For the reasons stated above, the Association requests the Labor Relations Board to conduct a hearing on the merits of this charge, to conclude that the Respondents committed the unfair labor practices as charged, and to provide the relief requested.

Dated at Montpelier, Vermont, this \_\_\_\_ day of October 2014.

South Burlington Education Association

By: \_\_\_\_\_  
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State of \_\_\_\_\_ County of \_\_\_\_\_

| In said county on the \_\_\_\_ day of \_\_\_\_\_, 201~~4~~<sup>0</sup>, personally  
appeared \_\_\_\_\_ who swore to the truth of the  
foregoing response and counter charge. \_\_\_\_\_  
Notary Public