

Dear VSBA Members,

Earlier today, the South Burlington School Board formally filed an Unfair Labor Practice charge against the VT-NEA and the South Burlington Educators' Association related to actions taken during their recent collective bargaining process. Given the importance of this issue for the entire state, VSBA has simultaneously submitted a motion to intervene on behalf of Vermont school boards. You will see media coverage of this matter, and we wanted all of our members to be fully aware of the issues and why this is important to every school board member. Our belief is that the actions of the VT-NEA threaten the integrity of the collective bargaining process in Vermont and, if unchecked, could discourage citizens from serving on local school boards.

The basic facts are as follows:

The South Burlington Educators' Association and the South Burlington School Board were involved for over a year in bargaining over a new contract. The School Board voted on February 16, 2011 to impose a contract on the teachers, and the SBEA had scheduled a strike vote for March 2, 2011—all lawful parts of the process.

On February 25, 2011, the executive director of the VT-NEA sent an *ex parte* e-mail to the chair of the South Burlington School Board, Rich Cassidy, threatening to picket his private law practice if bargaining did not resume.

As a result of this communication, Mr. Cassidy was forced to withdraw from further involvement in negotiations. He rightfully believed that his role in negotiations had been compromised, since, regardless of his actions, he could be seen as acting in self interest in response to the threat. Board members must make decisions solely in the interests of the students and taxpayers of the district they serve, and they must withdraw from involvement if the independence of their decision-making is compromised.

The key points to be made here are the following:

The VT-NEA's threat undermines the integrity of the collective bargaining process. As a result of the potential conflict of interest created by the February 25, 2011 email, Mr. Cassidy was forced to withdraw from further involvement in negotiations, therefore causing the community to lose one of its elected representatives, along with his history, perspective, and recent negotiation experience. The VT-NEA's email appeared to be strategically timed. It was sent just before Town Meeting, when two new board members were elected. With Mr. Cassidy forced to recuse himself, and two brand new members on the board, the dynamics of the situation changed dramatically, placing the board at a disadvantage as a strike vote loomed

School board members must be allowed to serve without fear of retaliation. Serving on a school board is an act of commitment to a community and its children. Board members must never be subjected to bullying tactics. Threatening to picket a board member's place of business or home cannot be tolerated. In this case, the victim happened to be an attorney. But it could have been a hairdresser, a person who owns the corner store, or a realtor. If allowed to stand, it would deter individuals from volunteering to serve.

The NEA's actions could undermine negotiations in any community in Vermont. There are more than 250 elected school boards in Vermont, with almost 1500 members. There are scores of collective bargaining agreements, many of which are still being negotiated. This situation could happen anywhere. A clear line must be drawn in order to protect the integrity of the collective bargaining process.

The full text of the various legal documents as well as a copy of the joint South Burlington School Board/VSBA press release can be found in the links below.

We at VSBA will continue to monitor this situation closely. If you have had a similar experience in the collective bargaining process, we would be interested in hearing about it.

Feel free to call the office if you have questions.

Steve Dale, Executive Director, VSBA

Joint Press Release from South Burlington School Board and VSBA  
<http://www.vtvsba.org/JointPressRelease.pdf>

The Unfair Labor Practice Charge filed by South Burlington  
<http://www.vtvsba.org/ulpcharge.pdf>

Motion to Intervene filed by the VSBA  
<http://www.vtvsba.org/vsbamotiontointervene.pdf>