

Resolution Relating to

EXERCISE OF FINALITY OF DECISION BY SCHOOL BOARD

RESOLUTION _____

Sponsor(s): _____

Introduced: _____

Referred to: _____

Action: _____

Date: _____

CITY OF BURLINGTON

In the year Two Thousand Sixteen

Resolved by the Burlington, Vermont Board of School Commissioners, as follows:

1 WHEREAS, this School Board (Board) has been engaged in collective bargaining with the Teachers
2 Unit of the Burlington Education Association, Inc. (BEA) since the summer of 2015 for the purpose of
3 reaching agreement on the terms of a successor Agreement to the Agreement which expired on August 31,
4 2016, such new Agreement to be for the one year period of September 1, 2016 until August 31, 2017; and

5 WHEREAS, the Board and BEA met regularly through their respective bargaining committees into
6 February of 2016, but were not able to reach an negotiated agreement, and impasse was acknowledged; and

7 WHEREAS, in March of 2016, the parties agreed to a mediation session under the auspices of the U.S.
8 Mediation and Conciliation Service, conducted by FMCS Commissioner Anne Rutsky, which also did not
9 result in agreement; and

10 WHEREAS, the parties then agreed to utilize the services of John Cochran Esq. as a Factfinder per the
11 Factfinding process set forth in Title 16 Vermont Statutes Annotated, Chapter 57, Section 2007, and a
12 Factfinding Hearing was held on June 30, 2016; and

13 WHEREAS, on August 15, 2016 Mr. Cochran communicated his non-binding Report and
14 Recommendations concerning some but not all of the issues that remained in dispute between the parties; and

15 WHEREAS, on August 17, 2016, the parties met with Mediator Ira Lobel in a further but again
16 unsuccessful attempt to reach agreement based in part on the recommendations of the Factfinder; and

17 WHEREAS, on September 12 and 14, 2016, the parties met further with Mr. Lobel serving as
18 Mediator, but were once again unable to reach agreement, instead continuing to remain significantly apart in

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19 their respective positions with, for illustration, the Board offering a compensation increase costing 2.75%
20 above the cost of teachers' salaries during the 2015-16 academic year, and the BEA demanding an increase of
21 3.25%; and

22 WHEREAS, it now has become clear to the Board that a mutually agreed upon settlement for the
23 2016-2017 contract year is not reasonably foreseeable, and the Board also notes that it will very soon be
24 necessary to commence negotiations with BEA for the 2017-2018 and subsequent contract years; and

25 WHEREAS, the Board has consequently concluded that it needs to bring negotiations for 2016-2017 to
26 a close through the exercise of its Finality of Decision rights under 16 V.S.A. Section 2008 with regard to all
27 items remaining in dispute between the parties; and

28 WHEREAS, the Board has the highest regard for the professional contributions of our teachers to the
29 District's success, but is constrained by today's economic realities.

30 NOW, THEREFORE, IT IS RESOLVED that in accordance with Title 16 Vermont Statutes
31 Annotated, Chapter 57, Section 2008 the following final decisions are hereby made by the Board of School
32 Commissioners as a matter of Policy concerning the matters in dispute in negotiations with the BEA for the
33 one year period of September 1, 2016 through August 31, 2017 (the Contract Year):

- 34 1. Salary compensation for covered employees shall be increased at a new money cost to the
35 Board of 2.75% in the manner depicted on the salary grid attached hereto and incorporated
36 herein as Exhibit A, on to which teachers will be slotted based upon their column and step
37 during the 2015-2016 contract year, without any step movement for the 2016-2017 Contract
38 Year. Additionally, during the 2016-2017 Contract Year, a joint study committee with
39 representation appointed by the Board and the BEA shall be constituted to study and make

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- 40 recommendations as to alternative compensation model for contract years 2017-2018 and
41 beyond.
- 42 2. Article XXII Section 22.1(b) shall be amended to require a 16% teacher contribution to the
43 insurance premium of the VEHI Plan, effective as of January 1, 2017.
- 44 3. Article XIX, Section 19.7 shall be amended to limit the Board’s financial exposure for tuition
45 reimbursement to \$80,000 for the 2016-2017 contract year and to further require that advance
46 approval for tuition reimbursement must be received from the Superintendent or designee based
47 upon an appropriate relationship between the proposed course and the teaching responsibilities
48 of the requesting teacher as well as the needs of the District. Additionally, any covered
49 employee who receives a tuition reimbursement benefit and then separates from District
50 employment within three years from the school year in which reimbursement by the District
51 was made thereafter shall be obligated to repay the District in the full amount of the benefit
52 provided if separation occurs within the first year; at 75% of the full amount if separation
53 occurs within the second year; and at 50% of the full amount if separation occurs in the third
54 year, unless any such repayment obligation is waived. Denial of reimbursement requests shall
55 not be subject to the grievance procedure, but may be appealed to the Superintendent.
- 56 4. The so-called “Middle of the Middle” or “Living Contract” language set forth in Article XVIII,
57 Section 18.2 (c) of the 2013-2016 Agreement is hereby deleted.
- 58 5. Article XXIII, Section 23.1 (a) shall be amended to provide that any request for personal leave
59 after Memorial Day in any particular academic year and on any day that is pre-scheduled as a
60 District Wide In-Service Day is subject to the advanced written approval of the Superintendent.

