

MEMORANDUM

TO: The Committee on General, Housing and Military Affairs
FROM: Jeff Fannon, Executive Director 
DATE: February 20, 2020
RE: H.805

Thank you for allowing me to discuss with you H.805. I am Jeff Fannon, the executive director of Vermont-NEA, and this bill is important to Vermont-NEA's members and I'll explain why.

The bill addresses three labor and employment issues. First, Section 1 attempts to allow teachers to enjoy the right that all other employees enjoy, specifically the right to interview for another teaching position. Currently, the system prohibits teachers from interviewing for another teaching job without first quitting her current teaching position. The risk of quitting one's job in hopes of getting an interview for another position is too great, therefore, most teachers decline to seek employment elsewhere even if they have very good reasons for becoming employed in another school district. This problem is not new, but it has become acute, and Vermont-NEA's members are increasingly upset with the state of affairs in this regard.

Prior to becoming the executive director, I was Vermont-NEA's long-time general counsel. In that position, annually I heard from teachers who asked me what they could do to stop their superintendent from blocking them from interviewing in another district. For example, one math teacher in Chittenden County sought a teaching position in the Upper Valley, i.e., she wanted to leave a higher paying position. Her reasons were family since her husband had accepted a position at Dartmouth. Her superintendent blocked her from interviewing at three Upper Valley districts. He contacted the superintendents in those three districts and said she was under contract and could not interview for the openings. All three Upper Valley superintendents agreed and did not grant her an interview; instead, she quit her job later in the summer and accepted a position that was "only" 50 miles away from her family. This made no sense and it still happens.

This is not a one-off scenario. Superintendents have told Vermont-NEA staffers (and our members) that they discuss this with one another and have agreed to prohibit teachers from interviewing for another position while under contract. This is not a good system and needs to be fixed. H.805 would fix this problem, for both sides, and allow teachers to change jobs without resorting to quitting and hoping for a new job.

The second proposed amendment, found at section 1752(b) and (c), addresses a recent Vermont Supreme Court decision. In that decision, *Northfield School Board v. Washington South Education Association and Paul Clayton*, the Court said that because the way the law is written, teachers and school boards must adhere to a restrictive 15-day timeline when processing a teacher's complaint against her discharge. For years local unions and school boards, essentially, ignored the 15-day timeline and, instead, followed the timeline in their collective bargaining agreement and nobody complained. The amendment allows school boards and local teacher unions to do what they did for years – follow their contract's timelines in which to file a grievance and not the overly restrictive statutory timeline. The change would protect the parties' right to contract.

The third change H.805 seeks is to add subsection (f) to protect teachers who testify before the legislature, a legislative committee, or the state board of education. We heard that teachers were retaliated against for appearing here and speaking up about educational matters. That is wrong and should be prohibited. The amendment would make clear that a teacher may appear and give testimony without fear of losing her job or suffering any form of discipline.

Thank you, and I would happy to take your questions.