

Vermont Labor Relations Board

GRIEVANCE OF]	
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PHILIP D. CHIARAVELLE and]	
GEORGE W. MERCER]	
]	
- and -]	DOCKET #78-40S
]	
VERMONT STATE COLLEGES]	

OPINION AND ORDER

The grievants filed a petition dated 21 December 1977 on 23 December 1977 in which they grieved the work load policy of Johnson State College dated 1 January 1977 and made effective 1 September 1977, both as to principle and, at the time of the hearing, as to its implementation and effect on the workloads of Professor Mercer and Professor Chiaravelle. The Answer of the Vermont State Colleges was filed on 5 January 1978, and hearing was scheduled for 17 February 1978, but was postponed because of the lack of a quorum of the Board members. A new hearing was set by notice mailed to all parties on 24 February 1978, and the matter was heard on its merits 3 March 1978 in the Public Service Board Hearing Room, State Office Building, Montpelier, Vermont. All Board members were present. The grievants were represented by Stephen T. Butterfield, Grievance Chairperson, Vermont State Colleges Faculty Federation, and the Vermont State Colleges were represented by Gary H. Barnes, Esquire.

Discussion of Evidence and Credibility of Witnesses.

There was almost no dispute as to the facts in the case. The witnesses included George W. Mercer, of Hyde Park, Vermont, a member of

the faculty of Johnson State College since 1971 and one of the grievants. Also testifying was Paul G. Abajian, a faculty member at Johnson State College since 1969. Finally, Philip D. Chiaravelle of Randolph, Vermont, a Johnson State College faculty member since 1966, testified. All the witnesses testified as to the workload which was normal in the Science Department prior to the new workload policy (Grievant's Ex. 1) and the increased workload which was claimed to be in effect after the policy had been implemented in the Fall of 1977. There was testimony about the purported firing of the former head of the department, who apparently objected to the increased workload. The questions centered around whether the witnesses were objecting to the policy itself, or to its actual effect on each of them. It was difficult to determine exactly the thrust of all the testimony in this regard.

The Board does not decide whether Personnel Policy Notice 76-77-2 (Grievant's Ex. 1) is either valid or invalid. We do not need to decide this question because it is unnecessary so to do, since the main consideration which now concerns the grievants is the actual implementation of the workload policy, so-called, on themselves. It is quite possible that the grievance may not have been filed within the thirty day time limit as required by Article XIX of the Master Agreement between the Vermont State Colleges Faculty Federation, American Federation of Teachers, AFL-CIO, and the Vermont State Colleges, particularly Paragraphs 6 and 16. The Board further declines to decide at this point whether or not the Personnel Policy Notice is or is not a violation of Article XXIX of the Master Agreement. It is contended by the Vermont State Colleges that the phrase "normal faculty course credit loads" found in such notice is not intended to require that all members of the faculty comply

precisely with its standards, but rather leaves room for certain exceptions as required by the Master Agreement.

The grievants and the Federation, while disagreeing with the positions taken by the Vermont State Colleges, are perfectly willing that the matter be remanded to a Step II grievance before the President of Johnson State College. We agree with both parties with respect to the advisability of such a remand, since it is obvious that the parties to this grievance, and the College itself, being responsible for the decision after such hearing, did not have an opportunity to consider the application of the workload policy to the individual grievants.

The Board sees no great advantage to a remand to Step I of the grievance procedure under Article XIX of the Master Agreement, and sees some time savings in a remand to Step II, before the President.

ORDER.

NOW, THEREFORE, it is the ORDER of this Board that the grievances be remanded to Step II of the grievance procedure under Article XIX of the Master Agreement in order that the following questions may be considered:

1. Has the Personnel Policy Notice 76-77-2 dated January 1, 1977 any affect on the grievants which, if the policy had been implemented, would amount to a violation of the Master Agreement?

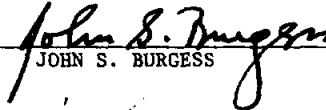
2. If so, has the Personnel Policy Notice 76-77-2 been applied to either of the grievants so as to increase the number of courses and number of different course preparations for a faculty member in excess of the normal and customary number for the Department in which they are employed, in violation of Article XXIX of the Master Agreement?

The decision of the President of Johnson State College, or his duly authorized representative, shall be final, except as an appeal may be permitted under the Master Agreement and under Vermont state law.


Dated at Montpelier, Vermont this 17th day of March, A.D. 1978.

VERMONT LABOR RELATIONS BOARD

By


JOHN S. BURGESS


WILLIAM G. KEMSLEY, SR.


ROBERT H. BROWN