

BOARD NEGOTIATION COUNCIL MEETING MINUTES  
THURSDAY, MAY 14, 2020  
REMOTE PARTICIPATION VIA GOOGLE MEET

BNC members present: Sue Hamlyn-Prescott, Bill Sander, Katie Orost, Mark Nielsen, Bernard Barnes

Others present: Charleen McFarlane, Deb Clark, Cat Gallagher, Gail Whitten, Eric Hutchins, Erin Carr, Louis Weller, Carol-Lyn Willean, Betzi Goodman, Patrick LaClair, Earl Domina, Thad Tallman, Yvonne Heath, Darcey Fletcher, Paul Legris

**1. Call to Order and Approval of Agenda**

S. Hamlyn-Prescott called the meeting to order at 5:32. No changes to the agenda were suggested.

**2. Board Negotiations Council – Executive Session**

K. Orost moved and B. Barnes seconded to go into executive session to discuss contract negotiations because premature general public knowledge would clearly place the school board at a substantial disadvantage, inviting D. Clark, C. Gallagher, C. McFarlane and D. Griffiths to remain, the motion was passed and the BNC entered executive session at 5:32. The BNC came out of executive session at 5:56.

**3. Joined by Teacher and Support Staff Associations**

Teachers and support staff joined the BNC at 6:03.

C. Gallagher said the BNC thought it would be good for D. Clark to give information on what we know and what is unknown. She read something today that shocked her. She read that 663 million people have applied for unemployment in the last 2 months across the USA. NVU and UVM are in dire financial straits. She asked if association members have any questions or thoughts for her.

Patrick LaClair asked, is the goal to have an open conversation or to put out some information and then reconvene in some amount of time? C. Gallagher said she got a letter Jeff Francis sent to the Vermont Superintendents Association. The letter says state administrators spoke to the Ways and Means Committee about the need to address the deficit. They laid out two concepts. One is that the tax commissioner could set the ed fund payment, presumably shorting funds. The second option, which was more prominent in the discussion, would be to fund a partial year budget and ask districts to revise FY2021 budgets for voter consideration in late summer or early fall. The administration received considerable pushback from the committee on that proposal for various reasons.

D. Clark discussed the current economic situation. She said the state ed fund is one bucket of funds that cover and support education preK through college. Due to the economic impact of COVID-19 the ed fund is facing a loss of about \$53 million for the year ending June 30 and an estimated loss of a \$150-200 million dollars for next year. There is a direct loss of consumer tax revenue that supports the ed fund. There is a multi-year economic problem we are facing. The most immediate issue is that by current statute the state is required to cover these deficits in the next fiscal year. To achieve this there are three options. The state can increase property taxes. They calculated that that would mean around a 26 cent addition to

current tax rates, which would be pretty untenable. It would be difficult for property owners to meet that demand with the current high unemployment rate. The second option is to reduce the ed fund. The state set the precedent for this in 2018/19. The third option we heard of today is forcing rebudgeting. The chaotic piece to that is that who knows if the newly proposed budgets will even pass and what they would look like? And we can't begin to work on new budgets until midsummer at the earliest when we have better information from the state. D. Clark received notice today that the Ways and Means Committee does not want to put the burden on the property tax. That leaves the other two options. The second option does not have a lot of traction. We need to be prepared not to come out of FY21 with a deficit. If we do, we have to pay it back and that is money that just goes toward paying back debt, not education.

P. LaClair asked if it is D. Clark's understanding that the budgets passed on town meeting day will stand, given the opposition from the state House and Senate to the idea of reopening up school budgets and forcing a revote. D. Clark said she doesn't think the budgets will stand statewide. The money isn't there for that. She is thinking that "clawback" is the option where they will probably focus the most interest and energy. If we continue with spending as budgeted and don't get the revenue we budgeted for we will automatically be in deficit.

P. LaClair asked about the expected timeline to understand whether clawback will happen or what the situation will be for next year's budget. D. Clark said we are not hearing specific timelines. These are huge unprecedented questions. As C. Gallagher mentioned, they may just put out a budget for 3 months.

C. Gallagher said we can make some deductions. Initially we were told that the CARES money we were going to receive related to Title One would have a quick turnaround. Today we heard there will be no dissemination until July. D. Clark said it turns out that independent schools want them to change the allocation. The US Department of Education is looking into the basis on which funds are distributed.

C. Gallagher said we put out to Secretary French that we need timelines on what fall is going to look like. His initial suggestion was August 1, which prompted significant backlash. She requested a waiver of all our snow days so teachers and support staff can have time for planning. She doesn't know if it will be honored. We are waiting for a lot of information. She doesn't know that we can answer the timeline question.

P. LaClair said, in terms of negotiations it sounds like the situation is unsettled to the extent that it would be difficult to make headway. Too much is unknown. As of this moment it seems like any decisions would be based on speculation.

S. Hamlyn-Prescott said as far as salaries and last proposals, in direct response to the unprecedented COVID-19 situation the BNC no longer feels the previously presented offers are feasible and supportable. What might have seemed reasonable three months ago is now very different.

P. LaClair said it seems that with so much unknown determining whether or not the last offers are tenable might be subject to time. Is the BNC's thought that we will take a look at the situation in one or two months and reassess then how to move forward?

S. Hamlyn-Prescott said the BNC wanted to have this discussion to find out the associations' expectations at this point in time – whether the associations felt negotiations could move forward or should be postponed.

D. Fletcher said support staff is good with holding on for now. They understand this is hard to deal with. P. LaClair said he would say the same for the teachers, emphasizing the point that the financial hardships are impacting teachers and support staff as well. Looking forward at a potentially long economic recovery, making sure teachers and support staff who are going the extra mile right now are compensated equitably will still be a priority to the association. The association shares concerns about the district's financial situation, but they have concerns about their personal fiscal situations. Finding solutions that balance is both is a big task but he thinks we can handle it with the certainty of a little time.

S. Hamlyn-Prescott asked C. Gallagher and D. Clark if there are any projections of when we should consider coming back. C. Gallagher said she will share memos she gets. If we share information back and forth maybe we will be able to come up with a time when we think we have some clarity. Does it seem reasonable just to have an open dialogue with her sharing anything she hears? P. LaClair said that seems reasonable. D. Fletcher said support staff are willing to wait and figure out together with the BNC how to move forward. D. Clark said it is too speculative to know when we will have good data.

P. LaClair said he is wondering how this impacts language proposals on the table. Does the BNC think resolving them sooner is prudent or is it better to wait until we can come together to resolve all the issues?

S. Hamlyn-Prescott said she thinks if the association just wanted to address current proposals that were on the table we could possibly meet to discuss ones that have no financial impact. We would have to go back through and see which ones had no financial impact. She doesn't know if there is a reason to move forward with any of them unless the association thinks any will be pressing as of July 1.

P. LaClair said that makes sense. In light of the situation the association will need to look more closely at the language proposals. If the BNC is feeling it is best to wait to discuss them they are with the BNC on that.

C. Gallagher said support staff and teachers have different things on the table. She suggested that D. Fletcher and P. LaClair talk to their teams and figure out how they want to move forward with those pieces.

P. LaClair said it sounds like the plan is for the associations to be in good contact with C. Gallagher, as she is in contact with the BNC and can mediate when it seems like a good time to return to the table for more sustained negotiations. C. Gallagher said that sounds fair. S.

Hamlyn-Prescott said if there was some proposal that was non-financial that teachers or support staff felt was important to address before July 1 the association should feel free to contact the BNC for discussion of that issue and what might be put in place even temporarily to address it. And if teachers or support staff want to meet about non-financial proposals they should let the BNC know.

P. LaClair asked, if there are non-financial items that would impact working conditions next year, even if a full new contract wasn't accepted is S. Hamlyn-Prescott saying that maybe something could be agreed upon related to those items? S. Hamlyn-Prescott said she thinks the BNC is open to having conversations around that to see what could be put in place if there is something non-financial already put on the table that the association wanted to discuss.

P. LaClair said there are some limitations on our bargaining under the ground rules previously agreed upon. It seems like it is probably necessary to discuss amending them. S. Hamlyn-Prescott agreed. S. Hamlyn-Prescott said the question is whether the association feels the need to have a meeting of both groups regarding extension of the ground rules or if it could be done by a smaller designated group, maybe P. LaClair, D. Fletcher, S. Hamlyn-Prescott and C. Gallagher, C. McFarlane or D. Clark as applicable. P. LaClair said he thinks as long as we have an opportunity to hear from our teams about what makes sense it can be a smaller group that gets together. D. Fletcher agreed. C. Gallagher said she thinks that is a good idea. The smaller group is not a group that is bargaining, just helping clarify and move things forward in an efficient manner. S. Hamlyn-Prescott said obviously if there were going to be significant changes to the ground rules other than extending them, we would need a full face to face meeting. She is seeing the amendment more as a request for bargaining to continue based on the length of time.

D. Fletcher asked if we can amend the ground rules today. S. Hamlyn-Prescott asked if P. LaClair had a specific amendment in mind other than the extension of time. P. LaClair said he had in mind the extension of time and also extension of the meetings at which proposals can be brought forth. S. Hamlyn-Prescott said she thinks if that is all we are talking about the three groups could caucus and then come back to talk about it.

At C. Gallagher's request, P. LaClair read the existing ground rules. He said one that we would want to amend is that new proposals can be introduced no later than the fourth meeting and the other is the one saying that the parties will work diligently toward the goal of concluding negotiations by March 1, 2020.

S. Hamlyn-Prescott said she thinks the BNC would need to caucus about the one related to proposals. She asked if D. Fletcher's group would like to caucus about it. D. Fletcher said yes. It was agreed to caucus until 7:00.

The BNC consented into executive session at 6:46. B. Sander was not present for this caucus. The BNC came out of executive session at 6:59. Support staff and teachers joined the BNC at 7:03.

S. Hamlyn-Prescott said the BNC is in agreement with changing the last ground rule in terms of moving the date to a later time. She is not sure if the language should be based on a certain timeline or on further financial updates. In terms of the second to last ground rule, we already have that any counter proposals to proposals already on the table can go forward. Our assumption is that those will continue based on pushing the date out.

D. Fletcher said she thinks both teachers and support staff would like to hold back on amending anything and get a clearer picture of what is going on. P. LaClair agreed. He thinks revising the ground rules going forward either in a smaller conference or with the larger group would be smart. Giving decisions space would be good. The only thing he would state now is that he feels tonight's meeting should not be included as a meeting as far as being able to introduce proposals. This would be the fourth meeting if we called it one, but it seems to be more of a conference and information session. D. Fletcher and S. Hamlyn-Prescott agreed.

P. LaClair asked if it makes sense to have a more continuous conversation about ground rules and amend them when we are ready to set a date for conclusion of negotiations. S. Hamlyn-Prescott said we can come back to the ground rules. The only one the BNC wants to revise at this point is the last one, extending the date of when we were going to try to finalize negotiations. She thinks a verbal understanding is sufficient for extending the timeline. P. LaClair said that is agreeable on the teachers' part. D. Fletcher said it is also agreeable on the part of support staff.

C. Gallagher said she will continue to share info. If the associations want to be included in AOE guidance communications, she can share those. D. Clark said all the information she gets from her business officers' association is shared with C. Gallagher.

#### **4. Adjourn**

The meeting was adjourned at 7:10.

*Minutes submitted by Donna Griffiths*