

TEACHER PAY ORDER UNDER STAY



union, the Southwest Vermont Supervisory Union gained the upper hand on Wednesday after the Vermont Labor commissioner agreed to stay a prior order, issued last month, requiring the district to disperse back pay to teachers. Subsequent to a complaint filed in December by the Southwestern Vermont Education Association, Department of Labor Commissioner Annie Noonan gave the SVSU 30 days to pay teachers back pay. The union has accused the SVSU of not properly paying teachers according to the terms of a new labor contract that was ratified in November. Part of the Vermont National Education Association, the union represents more than 300 local teachers. "The (SVSU) has asked for clarification of our order, and upon review, the questions presented to the department are appropriate for further examination and clarification. As such, we have asked for additional information, and are requesting the parties to meet informally with the Department on March 16 to review the information and determine if an agreement on the matter can be reached", Noonan said. The union maintains that the new labor contract ratified in November, which provided teachers with a pay increase and lower health insurance premiums retroactive to July 1, also entitles the teachers to a lump sum payment to account for the lower wages paid for most of the current school year. In their appeal, asking Noonan to vacate the February 10th order, the SVSU cited several arguments. The SVSU states that under state law the union does not qualify as an acceptable complainant and that the 112 individuals mentioned in the complaint need to be properly identified. It also says the exact number of teachers who need to be paid back pay has to be clarified. The school district also filed an appeal in Bennington Superior Court on February 23rd requesting Noonan to stay or halt her original order. Superintendent Catherine McClure and Chief Financial Officer Richard Pembroke of the SVSU also say that teachers were given an advance paycheck after Tropical Storm Irene delayed the start of the school year and therefore are not owed any additional pay. Acknowledging that her original order "does not identify with sufficient specificity" the teachers who are entitled to payment, Noonan has asked for more evidence, including specific wage information for each teacher to determine what, if anything, each teacher is entitled to. She has ordered the SVSU to provide relevant work and pay information about each teacher to the Department of Labor and the union by March 13. In the meantime, the union has to provide the Labor Department and the SVSU details of each teacher who is, according to them, entitled to back pay. On further review of the information made available, Noonan will be holding what she described as an "informational meeting" on March 16th prior to issuing a new order. McClure, who believes the stay will allow the process to move forward with the appropriate information included, said, "We are happy that she has granted a stay, that she's seeking additional information and she'll be holding an informational session". He went on to add, "The union chose this avenue and we are only following it responsibly to make sure we are managing the contract responsibly. We didn't file the complaint, they did, and I think there's a lot of question about the cost, the legal cost". Vermont NEA spokesman Darren Allen believes Noonan's original order will continue to stand even after the additional information is reviewed. He said, "From our side, the commissioner was correct several weeks ago when she found the Central Office's arguments without merit. What this means is that Central Office, through their Burlington lawyer-for-hire, managed to delay doing the right thing again". "The commissioner made it very clear that the argument about Irene was bogus" Darren also said. "We continue to be baffled about what the district wants, other than to continue spending taxpayer money on delays."