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January 26, 2012

**Via Electronic Delivery**  
**(Email -- tim.noonan@state.vt.us)**

Timothy J. Noonan, Executive Director  
Vermont Labor Relations Board  
133 State Street  
Montpelier, Vermont 05633-6101

Re: *#11-66, University Staff Union/Vermont-NEA/NEA and University of Vermont*

Dear Mr. Noonan:

I am writing to provide the University of Vermont's ("the University's") response to concerning the composition of the unit set forth in the above-referenced petition pending before the Board. The University believes that the described unit composition is inappropriate and that resolution of its objection may need to be determined before the Board at an evidentiary hearing.

It is the University's position that the job titles of the proposed unit set forth in the primary union and intervener's petitions is an inappropriate unit for collective bargaining pursuant to 3 V.S.A. Sec. 927 and 941. Certification of such a unit will result in an over-fragmentation of units which in turn will have an adverse effect on the efficient operation of the University in contravention of 3 V.S.A. Sec. 927 and 941. The only appropriate unit would be one that includes the petitioned employee group (largely making up the unrepresented employees in the University Clerical job family) along with all remaining non-professional staff employees of the University (i.e., those in the Technical/Specialized job family), excluding appropriate supervisory, managerial and confidential employees.

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In addition, the Union's Petition has included certain individuals who are supervisory and confidential and thus should properly be excluded from the unit. For **supervisors**, these positions include for following (including department, title, and name of current incumbent):

Department	Title	Incumbent
English	Office/Prgm Support Generalist	Layton, M. Katherine
UVM Bookstore	Business Support Generalist	Peredo Jr, Enrique S.
Ext - Operations & Staff Sup	Office/Prgm Support Generalist	Cleveland, Sally J.
Ext - Operations & Staff Sup	Business Support Generalist	LeVitre, Susan Rachael
Ext - Operations & Staff Sup	Technical Support Specialist	Yandow, Catheryn Agan

For **confidential** employees, these positions include for following (including department, title, and name of current incumbent):

Department	Title	Incumbent
Animal Science	Business Support Generalist	O'Neil, Jane Kennedy
Nutrition & Food Sciences	Business Support Generalist	Ure, Lacey A F
Plant & Soil Science	Business Support Generalist	Englert, Patricia Kay
Plant Biology	Business Support Generalist	McGovern, Karyn
COM Executive Office	Office/Prgm Support Generalist	Counos, Vicki Lynn
COM Executive Office	Office/Prgm Support Generalist	Willey, Christopher C.
COM Executive Office	Office/Prgm Support Generalist	Witherell, Patricia Irene
Orthopaedics & Rehabilitation	Business Support Generalist	Vallieres, Denis Charles
Pediatrics	Business Support Generalist	Smith, Brenda D.
Custodial Services	Business Support Generalist	Russell, Connie L
Human Resources	Office/Prgm Support Generalist	Stebbins, Barbara J.W.
Information Security Office	Technical Support Specialist	St. Louis Sr., John R.
Police Services	Office/Prgm Support Generalist	Shepard, Joyce L.
UVM Bookstore	Business Support Generalist	Peredo Jr, Enrique S. Ausman-Hagan, Kelley
Student Financial Svcs	Office/Prgm Support Generalist	Colleen
President's Office	Office/Prgm Support Generalist	Mitchell, Dencie
Affirm Action / Equal Opp	Office/Prgm Support Generalist	Riel, Kelly C.
Dean of Students Ofc	Business Support Generalist	Barucic, Ertan E
University Communications	Business Support Generalist	Reardon, Karen Marie

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In continuing its review of the Petition, the University reserves the right to identify other supervisors and confidential employees who should be excluded from any staff unit.

The University reserves the right to present other arguments and evidence on these matters, either as part of your investigation of the Petition or through an evidentiary hearing.

Thank you for your attention to this matter. Per my discussion with you, I am also forwarding this response to the email accounts of the representative of the petitioning and intervener unions. If you have any questions or require any further information, please do not hesitate to contact me.

Very truly yours,



Joseph P. McConnell

Timothy J. Noonan, Executive Director

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bcc: Richard H. Cate  
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