Ellen Kaye, UVM Staff United/AFT 5754, February 26, 2026 Testimony in Senate Committee on Economic Development, Housing, and General Affairs

S. 292 - An act relating to granting public higher education employees the right to strike

Good Morning and thank you for the opportunity to testify in support of S. 292.

My name is Ellen Kaye. I work at the University of Vermont as a full time library cataloger, and I also serve as co-president of UVM Staff United, which is a local union of AFT (the American Federation of Teachers) Vermont.

Our union was established in 2021, and represents my colleagues: 1500 clerical, technical, specialized, and professional staff at UVM. Alongside our union is the faculty union, United Academics, also a local of AFT-VT.

Our union is led by members who are all full-time workers at UVM. We carry out all of the work of our local, including doing our own contract bargaining and enforcement. I and my co-president, Claire Whitehouse, serve as co-lead negotiators in contract negotiations.

I'm here today in support of this bill, which would lift the prohibition to strike for the public higher ed workers at UVM and at Vermont State University. Our statewide federation, which includes faculty and staff unions and Vermont State University and at UVM, has endorsed this bill as part of our legislative priorities.

Under a provision of the current statute, public higher ed workers are expressly prohibited from striking and work stoppages. This means that member leaders like myself are not permitted to coordinate any strikes or work stoppages. It is my understanding that doing so would put our union and its leaders at risk for lawsuits and termination.

To be clear: in supporting this bill, we are not expressing our desire to strike. No union member wants to strike. It carries risks and requires tremendous work on the part of a union and its members. Striking requires 90% of the membership to vote yes. It is not a tool used lightly.

What having the right to strike does is to level the playing field at the bargaining table. We know that when management understands that workers can withhold our labor, there is incentive for them to bargain in good faith.

We are asking to lift the prohibition and extend to Vermont higher ed workers the same protections and rights that other unions have, notably including k-12 workers in

Vermont. And we wouldn't be alone: Public higher education workers in 11 other states have the legal right to strike.

The possibility of a strike is essential to creating a level playing field for unionized workers. Without it, employers hold all of the levers of control, and workers have little leverage.

The possibility of a strike also gives management incentive to come to a timely and prompt agreement.

In AFT-Vermont locals, private sector unions have bargained contracts in significantly less time than the public sector unions at UVM and VTSU

- The average length of bargaining reopeners in AFT-VT private sector unions: 3.7 months
- The average length of bargaining reopeners in AFT-VT public sector unions: 8.5 months

Most notably: no strikes were needed to settle those private sector contracts - the possibility of strike alone was incentive for management to bargain in good faith and in a timely manner.

Long, drawn-out bargaining costs time and money - in this case taxpayer money. Last year UVM spent $135k on an outside national law firm to fight its staff union (which doesn't use lawyers at the table). It took thirteen months to reach an agreement: six months at the table and in mediation, and another seven months to go through a fact-finding process requiring lawyers and a hearing.

UVM employees, both management and union members, could and should have been doing the important work of serving its students and Vermonters.

During the course of fact finding, we learned that UVM had budgeted more for wage increases than they offered in negotiations.

And after UVM drew out the bargaining past our contract expiration date, it threatened that the contract settlement would not include retroactive pay, meaning that UVM's ability to stall would actually save them money, on the backs of their hard working staff.

The fact finder stated in his findings:

> - "A potential recommendation that a contract should not be retroactive would provide a public sector employer with an unfair advantage in bargaining. The public sector employer might deliberate in bargaining, knowing that the longer it took to reach an

agreement, the more money could be saved because the settlement would not be retroactive."

- And, apropos to the topic of this proposed legislation, he went on to say: **"**On the other hand, a union without the right to strike would have very little leverage to speed up the bargaining **other than to make concessions it might otherwise not have made."**

In conclusion, without the ability to strike, it took 13 months, and the ruling of a neutral fact finder to reign in UVM management and finally get us a contract for our members, including retroactive pay.

We need to give public higher ed workers access to all of the tools in the toolbox. This legislation would reinstate all the rights that unions need to have an equal seat at the table.

Thank you for the opportunity to speak on behalf of my colleagues and higher ed workers in Vermont.