

October 4, 2022

RE: Step Two Grievance-Sociology, Benedict House

William Falls, Ph.D.
Dean, College of Arts and Sciences
University of Vermont
438 College Street
Burlington, VT 05405

Dear Dean Falls,

United Academics (UA) files this Step Two grievance contesting the administration's violation of Articles 10.2, 10.4, and 25.

Sometime beginning early in the week of September 18, Benedict House, 31 South Prospect experienced several sewage backups in the basement. Faculty were informed of the problem in an email from our Chair, Professor Thomas Macias, on September 22 which noted the most recent backup that had occurred on September 21. Faculty were told that they should not feel compelled to enter the building; that the situation would take some time to resolve; that they could work remotely if necessary and that he was in discussion with the Dean to find faculty other space in which to work.

Faculty arriving to work on September 27 were aware of a terrible stench and started contacting the Department Chair. He had sent an email saying that he had visited the Department the day before and that the odor had dissipated, and we were clear to enter the building. Faculty remained in the building that day wearing masks but were alarmed at the possible health hazards of breathing air contaminated with fecal matter. Again, faculty were assured that other temporary space would be secured, and Vice President Cate did suggest one possibility on Mansfield Street that was deemed unacceptable because the WIFI is spotty there; there are no chairs and inadequate space for all faculty, there is a lack of privacy, and the space is slated for other occupants before it is likely that Benedict House will be remediated. As of today, October 4, no alternative space has been provided; the faculty have no assurances that anyone qualified to assess Benedict House as to the quality of air or water with respect to occupant/visitor health has been undertaken; there has been no communication from the administration to UA; and no communication from the CAS Dean or Provost to the faculty. Individual faculty members have made arrangements to use offices in CAS (mostly in Political Science in Old Mill) that are not being used this semester because the occupants are on leave. Article 10.2 of the Collective Bargaining Agreement (CBA) states *[f]aculty members will be provided with reasonable access to available administrative and technical support, duplicating services, office supplies and equipment for the preparation of teaching materials, examinations and related materials for the purpose of carrying out their professional responsibilities. Faculty members shall also have*

access to telephones, voice mail, photocopying, computer and e-mail resources, and software for the purpose of carrying out their professional responsibilities. Additionally, Article 10.4 of the CBA asserts [f]aculty members will be provided office space and, where space allocated to department use allows, faculty members will be provided with private offices. Where space constraints necessitate the sharing of offices among some faculty members, consideration shall be given to rank and years of service in determining allocation of private office space. Where space constraints necessitate the sharing of office space, each faculty member will be provided with a desk, chair, bookcase or shelving, and three file drawers. Faculty are not responsible for finding alternative workspace that provides necessary technologies to perform their duties. The presence of workers in Benedict House suggest that the administration is well aware of the problem with the physical plant of Benedict House. Despite the efforts of the Chair, who has no control over college or university space, the faculty remain concerned that no space for them to do their jobs has been provided and there have been no communications from the Dean or Provost with regard to their health and safety or provision of space for them to work.

Article 25 of the CBA specifies that “The University shall provide faculty members with safe and healthy conditions of work consistent with its obligations under OSHA and any other state, federal or local law or regulation” and that the University and Union agree to notify each other promptly, but usually within forty-eight (48) hours, whenever a health or safety related issue comes to their attention.” It also outlines the faculty obligation to notify the University of such issues when they come to their attention. The faculty of the Department of Sociology, which occupies Benedict House have repeatedly discussed the state of the Building with the Chair and with John Marcus in Emergency Management, Chris Walker in Occupational Health and Safety, and James Lang and Mike O’Brien in Physical Plant. Lee Diamond has also been cc’d on some of this messaging.

UA is filing this second step grievance to underscore the violation of section of the CBA that requires UA notification of health or safety related issues and the provision of a healthy and safe workspace and the university administration’s responsibility to locate suitable office space and supplies. Therefore, United Academics is requesting the following remedies on behalf of the faculty of the Department of Sociology:

1. temporary short-term relocation to office space that is consistent with the routine performance of faculty in their offices as they prepare materials for their teaching and research, consult with each other, and advise students often on confidential matters including access to WIFI, copy machines, printers/scanners and clerical support.
2. the provision to the affected faculty of evidence from experts based on scientific monitoring that the air and water quality in Benedict House is consistent with the health and safety of its occupants and visitors before the building is reoccupied and annual written reports of such assessments given the age of the building
3. given the condition of Benedict House more generally, a University/CAS plan to permanently relocate the Department to more safe, healthy, and secure space

4. immediate communication with UA and the affected faculty about the measures the administration will take to rectify the situation described above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wade Carson".

Wade Carson, Grievance Officer, United Academics

CC: Megan Boucher, Manager of Labor and Employee Relations
Peter Blackmer, Director of Labor and Employee Relations
Katlyn Morris, Executive Director, United Academics
Eleanor Miller, President, United Academics

Enclosure:

Attachment A: Email from Chair to faculty

From: Thomas Macias <Thomas.Macias@uvm.edu>
Sent: Tuesday, September 27, 2022 11:18 AM
To: Eleanor Miller <Eleanor.Miller@uvm.edu>; Alice Fothergill <Alice.Fothergill@uvm.edu>; Kathy Fox (she/her) <Kathy.Fox@uvm.edu>; Daniel Krymkowski <Daniel.Krymkowski@uvm.edu>; Lutz Kaelber <lkaelber@uvm.edu>; Nikki Khanna (she/her) <nkhanna@uvm.edu>; Jennifer Strickler <Jennifer.Strickler@uvm.edu>; Noriko Matsumoto <Noriko.Matsumoto@uvm.edu>; Mary Burke <Mary.Burke@uvm.edu>; Jennifer Lai <Jennifer.Lai@uvm.edu>; Moustapha Diouf <Moustapha.Diouf@uvm.edu>; Steven Herbert <Steven.Herbert@uvm.edu>
Cc: Salli Griggs <Salli.Griggs@uvm.edu>
Subject: Re: Our building

Hello,

So, I'm hearing from multiple sources that the building does not smell well. I will be meeting with Bill about this today. We will talk about alternate office spaces and I will have an update for you this afternoon. Thanks, Tom

From: Thomas Macias
Sent: Tuesday, September 27, 2022 8:07:50 AM
To: Eleanor Miller; Alice Fothergill; Kathy Fox (she/her); Daniel Krymkowski; Lutz Kaelber; Nikki Khanna (she/her); Jennifer Strickler; Noriko Matsumoto; Mary Burke; Jennifer Lai; Moustapha Diouf; Steven Herbert
Cc: Salli Griggs
Subject: Re: Our building

Good morning everybody,

Here's the latest on [31 S. Prospect](#) from James Lange at Physical Plant:

Good Morning Tom;

Burlington Public Works has identified and repaired the blockage in the main sewer line which resulted in the backup into Benedict House basement.

ServePro will be in the basement this morning removing the carpet, subfloor and framing, then cleaning and sanitizing the concrete slab under the subfloor.

Step 3 will be A.Cooper Mechanical repairing/altering/removing drain lines.

That will be followed by restoring interior finishes once all clean up and repair activities are complete.

Please feel free to reach out with any questions.
James

I was in yesterday, and odors have dissipated. Sounds like there will be some work going on in the basement for a bit which will make some racket, but other than that, you're all clear to go back into the building.

Thank you, Tom

From: Thomas Macias

Sent: Thursday, September 22, 2022 12:27:40 PM

To: Eleanor Miller; Alice Fothergill; Kathy Fox (she/her); Daniel Krymkowski; Lutz Kaelber; Nikki Khanna (she/her); Jennifer Strickler; Noriko Matsumoto; Mary Burke; Jennifer Lai; Moustapha Diouf; Steven Herbert

Cc: Salli Griggs

Subject: Our building

Dear colleagues,

As you may have noticed over the past week, [31 South Prospect](#) has issues. After a heavy rain last week, there was some overflow in the basement bathroom. Last night, it happened again, only worse - about four inches of overflow on the floor this morning.

Talking to the Physical Plant people this morning, it appears this traces back to the City of Burlington's decision to reroute street drainage into the sewer system. Hence, with every heavy rain, the downstairs toilet backs up, a lot.

There does not appear to be a quick solution to this. Pumps and dehumidifiers only take us so far. Physical plant is considering plugging up the line from the basement toilet. In brief, the near future is uncertain. There is a stench, more evident near the basement stairwell, but a stench, nonetheless.

For the time being, here are two strategies.

1. Do office work/conduct office hours remotely until this is all cleared up.
2. I am in conversation with the Dean about finding alternate office space for us to work in until this is resolved.

In either case, do not feel compelled to work at [31 South Prospect](#) for the time being. I will update as I get more information.

Thanks for your understanding. --Tom

PS: We can all talk about this at the Burlington Surf Club tomorrow at 5PM!

Thomas Macias (he/his)

Associate Dean, College of Arts and Sciences

Professor and Chair

Department of Sociology

University of Vermont