



Vermont State Employees' Association

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TO: House Committee on General Housing and Military Affairs

FROM: Vermont State Employees' Association

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RE: State Employee Whistleblower Protections

State employees believe that Vermonters have a right to an ethical, transparent and efficient state government. They are the experts on the delivery of state services that they provide every day to Vermonters and, with their information and expertise, are often uniquely positioned to provide lawmakers and the public with vital information about state government, provided that they feel that they can share with lawmakers and other policy makers the truth without fear of retaliation.

VSEA received an overwhelming 625 (roughly 12% of membership) responses in one weekend to a whistleblower survey it sent to its members. One of the survey's chief findings was that many state employees cite fear of retaliation as a significant barrier to them coming forward to blow the whistle.

The findings of the survey are as follows:

- 1.) VSEA members are strongly in favor of additional protections, including the protection of a whistleblower's identity in an audit or other third party reports;
- 2.) 472 members indicated that additional protection would make them more likely to come forward to report corruption or unlawful practice;
- 3.) 469 members used the term "essential" when asked to describe the need for protection of a whistleblower's identification (as opposed to "not essential" or "no opinion");
- 4.) 562 members did not believe that there was a significant amount of whistleblowing in state government, of which 276 indicated that the primary reason for this was because of the fear of retaliation from management (most suggested that retaliation was isolated; 200 indicated that retaliation was widespread; and 26 said that retaliation was nonexistent);
- 5.) 321 respondents said that they were not aware of the current statute that offers them protections from retaliation, while less than 50% indicated that they were aware of the law; and,

- 6.) When asked what they thought might happen if their boss found out that they were a whistleblower, 232 said that they had "no idea", 207 thought that they would be called in for a face-to-face meeting and 83 thought that they would be fired, while a mere 36 thought that they would be thanked.

What cannot be determined, however, is whether there are members who chose not to respond to the survey refused to do so out of fear that their participation could be used to their detriment.

Assuming that a goal is to eliminate barriers and disincentives to the reporting of alleged wrongdoing, VSEA recommends:

- 1.) Providing more protections to state employees;
- 2.) Educating state employees on the protections that currently exist; and,
- 3.) Making the reporting of wrongdoing as safe for state employees as possible.

Quotes: If you have ever known a whistleblower, please describe the outcome of his/her whistleblowing action

"The person was forced to retire early due to retaliatory harassment."

"It was made clear the person would not get any type of promotion or raise; they would be tasked with work duties not applicable to their job and they would essentially be purposely overlooked for any possible opportunity for professional development or gain. The person left the department to work somewhere else."

"One was eventually fired because s/he came forward. The other had to look for other employment in another agency with the state due to retaliation, etc."

"Outcome was that nothing was done."

"Complaints...were met with undue pressure and eventual administrative leave, pending termination (the whistleblower has been out on leave for months now)."

"The employee was marginalized and passed up for promotion in favor of a newer employee. They ended up leaving the office as a RIF."

"Nothing. The supervisor got away with payroll fraud."

"The whistleblower was not highly regarded or well liked in the department and was eventually out on administrative leave and investigated. The whistleblower was 100% correct in the complaint."

"The whistleblower's employment was terminated by certain members of administration."

"There was no resolution because there were not enough wasted dollars for the AG's office to be interested in pursuing."

"Demotion and removal of tasks/responsibilities. Pressure to quit."

"The State of Vermont was sued for discrimination and a very large settlement was paid."

"No outcome. Told to document a year ago and still documenting."

"The person was given a better job at another location after suffering through retaliatory behavior."

"Testified to Senate and HR director and was ignored."

"Eventually let go."

"The law continued to be broken despite his efforts."

"He retired because they would not allow him to grow within company. That was their retaliation."

"It was such a traumatic event that this person offered to RIF herself just to get away from higher ups who might discriminate against her."

"He was labeled a "disgruntled employee" by the department, through the media."

"There appeared to be retaliation by management."

"A horrible series of internal investigations. The person eventually left the agency but it was a while after the investigation. Some people's lives were significantly disrupted."

"They were hounded until they quit."

"Management was told to cease and desist threatening practices."

"Management said it wouldn't correct what it can't see firsthand."

"Employee was targeted by management and ended up quitting state job."

"Continued harassment and threats."

"He no longer works for the state."

"Lost his job."

"There was a justified sense of fear of what management might do as a response."

"Hostile work place created by supervisor."