

Hi Robert

It would appear that HR took your concern to heart. All state offices received a notice last week requiring us to post the statute. Unfortunately, it is seven pages long. My Deputy sent a note suggesting that it be condensed / summarized in hopes of encouraging more people to actually read it. Makes sense.

Thanks for your continued interest in this issue.

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**From:** Robert Appel [rappel@kohnrath.com]  
**Sent:** Monday, February 17, 2014 6:21 PM  
**To:** 'Donna Sweaney'  
**Cc:** 'Denise Diehl'; Hoffer, Doug; HHead@leg.state.vt.us; Duffy, Kate; Noonan, Annie  
**Subject:** RE: whistleblower protection--please distribute to your committee members

Hi Donna-

I see that your committee is revisiting whistle blower provisions again this week. When I testified before your committee several weeks ago (I don't believe that you were present during my testimony), I made a pitch that Vermont needs a comprehensive whistle blower law patterned on New Jersey's Conscientious Employee Protection Act, see file attached. New Jersey's law is both simple yet comprehensive. I am copying Chairwoman Helen Head of House General on this message with the hope that her committee might be willing to take on this work.

Even if House Gov Ops doesn't have the time or interest to take on that task this year, I want to bring to your attention the fact that Act 128 passed in 2008 required that:

**Every state agency and department shall distribute a copy of this law by August 1, 2008, and shall post and display notices of state employee protection under this subchapter in a prominent and accessible location in the workplace." See 3 VSA §977.**

Having been the executive director of the VT Human Rights Commission from August 1, 2008 until December 31, 2012, I was surprised to learn of this requirement since I had never even heard of this law while serving as a manager of a state office.

In preparing for my testimony, I checked on the websites of both the state's departments of human resources and labor and saw neither any reference to this

provision of law nor any prepared poster or notice available. I also checked at the Department of Libraries and at Legislative Council to see if there were such postings as required by this law—there were not. My questions to folks in these departments of state government were met with embarrassed, quizzical looks. This non-compliance with a provision of present law does not seem to square with DHR Commissioner Duffy's repeated assertions to your committee that her department takes retaliation against whistle blowers very seriously.

Perhaps your Committee might take this opportunity to remind the Administration of its obligations to fully implement legislative acts. It is quite disheartening to learn that even when you pass laws designed to stop waste, fraud and abuse of power and direct the State as an employer to do discrete acts, your directive is completely ignored.

Respectfully submitted,

Robert

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