

January 20, 2016

House Committee on General Housing and Military Affairs
Montpelier, Vermont

Re: House Act 111 – An act relating to Vermont Labor Relations Board Website

Dear Sir/Madam,

Thank you for the opportunity to testify today before your committee on this matter. It is of particular importance to me and I would like to thank Rep. William Canfield for introducing this important piece of legislation and for listening to my concerns.

I am submitting this written memo in support of my oral testimony to ensure I communicate my concerns in support of this proposed piece of legislation. My testimony represents and refers to the most painful period of my adult life and involves subject matter that continues to upset me to this day. The chronicle maintained by the VLRB presently maintains this episode in perpetuity.

I would start by acknowledging the fact that my experience before the Labor Relations Board (herein referred to as the 'Board') has led me to believe that significant problems exist with the administration of the Board. It is my opinion the Board has failed in its mission to provide for alternative dispute resolution to the courts. My defense in this matter cost \$26,000.00, of which the firm for whom my attorney was of counsel agreed to a lesser amount after the conclusion of the case. The original balance with the firm did not afford us the opportunity to depose many of the states witnesses and, more significantly, did not allow me to maintain representation throughout the final hearings before the Board. This was in part related to the Board's interpretation of the Rules of Criminal Procedure and the administration thereof.

I note the above in support of this piece of legislation as it pertains to the Board's use of its website to chronicle case history. This practice, in and of itself, is a continuation of the peculiar practices of the Board. One of the first warnings afforded a grievant in pursuing a grievance before the Board is that any matters before the Board is public information. This seems fair except when the State introduces information from your personnel file unrelated to the matter at hand. In my case the information presented was very personal information related to my mental health. So, in perpetuity, anyone can Google my name and the first item that pops up is the VLRB website and my grievance. So, the worst episode in my life is now chronicled for the world to learn. I would submit that it is presently much easier to view this information than it is to secure criminal information through the Vermont Criminal Information Center. Further, to the casual observer, the information appears to be a legal finding of guilt very similar to a criminal conviction.

My years of service with the Dept. Of Corrections afforded me the opportunity to participate in many legal procedures. One of the most interesting is the Governor's Pardon, which affords individuals convicted of criminal offenses in Vermont to have their records expunged provided certain requirements are met. I will not go into the particulars of the process, but suffice to say that the process affords convicted individuals the opportunity to expunge the legal record of their transgressions. In writing this for the committee, it occurs to me that such a process would be appropriate for VLRB decisions as well. In the interim, this proposed process will provide some form of relief.

I would submit that I am more than what is described in the chronicle of my grievance before the VLRB and that the maintaining of this electronic record continues to punish me years later and, at this point, indefinitely. I understand that this legislation will not expunge the record with the VLRB. It will however remove it from the electronic record and send a message to the VLRB that this is a significant practice which has serious negative consequences in perpetuity for the individuals who have appeared before them in attempt to defend themselves and their livelihoods. Thank you for your time.

John Alexander
Castleton, VT