



Vermont State Employees' Association

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House Committee on General, Housing and Military Affairs

VSEA Testimony on H.111

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Madam Chair, members of the committee,

My name is Timothy Belcher and I am the General Counsel for the Vermont State Employees' Association. I'd like to begin by thanking you and all of the committee members for allowing me to testify before you on H. 111. This is my first time testifying before this committee and appreciate the opportunity.

As you know, VSEA represents most of the employees who would be affected by this legislation. It is undoubtedly true that most of those members would prefer to have a grievance procedure that was entirely private, especially in discipline cases. For those reasons, we certainly appreciate the intent behind this legislation. We asked last year for the right to negotiate for an arbitration process that would be less public, at least during the litigation and hearing process, than the administrative proceedings before the VLRB.

Nonetheless, the partial road to privacy that is offered by this bill is deeply problematic. It does not shield the grievant or witnesses from adverse publicity at the time of the decision, but merely removes the decisions from the internet after some years. This would prevent future parties or the public from searching the decisional record unless they could either travel to Montpelier or otherwise find the resources to develop a private database. The press could still research and write about long-forgotten misconduct by state workers, but most members of the public would not. Parties currently rely on VLRB's the internet database to research the law, and this bill would seriously undermine the public's ability to research case law.

This does not mean that the parties or the Board cannot protect sensitive or confidential information, especially as it relates to third parties. The courts and administrative agencies can seal records or decisions in appropriate cases, and decisions can be written to identify witnesses or victims by their initials. There are other ways to address these kinds of concerns as they arise.

Finally, while we absolutely favor a private process, we recognize that there is a strong need for public access to information. We would recommend that a balance be struck that would allow the hearing and litigation process to be private, but that would make the decisions public records.

Respectfully submitted by Timothy Belcher, Esq., General Counsel for VSEA.