

PHILIP B. SCOTT
Governor



State of Vermont
OFFICE OF THE GOVERNOR

January 22, 2019

The Honorable Mitzi Johnson, Speaker of the House
The Honorable Tim Ashe, President Pro Tempore
115 State Street
Montpelier, VT 05633

Dear Speaker Johnson and Senator Ashe:

The Vermont National Guard is one of Vermont's most essential and valuable assets – particularly in terms of our state and national security, emergency preparedness and economy.

We only need to look at the role it has played for generations in our national defense and in our response to ice storms, floods and other state needs, to know they are a vital resource.

The Vermont National Guard provides 3,634 jobs for Vermonters – making it one of our state's largest employers, with a collective payroll that puts it on a scale comparable to Global Foundries. The Guard supports Burlington International Airport, an essential economic hub for our state. They strengthen our position in the defense and aerospace sectors. And they help us sustain and recruit equipment suppliers and manufacturers.

With the full support of the congressional delegation, we are looking forward to the basing of the F-35 in Vermont. The F-16 mission ends this year, and its replacement with the F-35 is essential to our state's economy and the job retention and creation, housing and infrastructure goals we all share. The next Adjutant General must be well versed in this mission, and its timelines, in order to avoid any negative impacts to Vermont's employment base and overall economy.

For all these reasons, and more, we are all aware that leading the Vermont National Guard requires topnotch military leadership skills and management abilities. As the Legislature considers candidates to be the next Adjutant General of the Vermont National Guard, I write to offer my feedback on some key items related to the process and the important work of Adjutant General.

Creating a Joint Committee to Interview & Recommend Candidates

First, it is important the Legislature thoroughly review the experience, qualifications and commitments of each applicant. You may be interested to learn, as I was, that prior to the creation of the Judicial Nominating Board process (by a constitutional amendment approved by voters in 1974), judges were elected by the Legislature. It's time we made that change for the selecting the Adjutant General as well.

The Honorable Mitzi Johnson, Speaker of the House
The Honorable Tim Ashe, President Pro Tempore
January 22, 2019
Page Two

While I would prefer a long-term approach, and will continue to advocate for one, I believe we all recognize the significance of the current situation. With that in mind, I ask you to consider creating a joint committee composed of three (3) members appointed by the House, three (3) members appointed by the Senate and three (3) members appointed by the Governor to conduct a thorough review of each candidate in order to recommend the most qualified candidate(s). I don't believe this improved process will delay the vote, nor can it. The current Adjutant General is scheduled to retire from military service at the end of March. For that reason, and others, it is important a replacement be elected as scheduled. This will ensure they transition into their leadership role while General Cray is still in service to the state and nation.

Review of all Human Resource Policies & Procedures

Second, as part of the review process candidates should be made aware of expectations that s/he will thoroughly evaluate all human resource policies and procedures and strengthen the high legal and ethical standards expected of our Guard. Specifically, I believe candidates must commit to a full review of all human resources policies and procedures. Special attention should be given to the systems in place to prevent, report and respond to sexual harassment, assault, and professional misconduct or preferential treatment in the National Guard. This review should begin immediately upon election and include an evaluation of the quality of healthcare and other physical, mental and emotional support services available to members of the Vermont National Guard.

The status of this review should be reported on or before May 1, 2019 and include any deficiencies in the policies identified, as well as the steps they have identified to improve them. The status report should also specify when the full review will be complete, and when we can expect all action items to be implemented. Emphasis should be placed on ensuring all systems contain oversight and accountability that ensures they are free of bias and administered fully and fairly, without regard to rank, years of service or personal connections.

Review Specific Cases Where Policy Allows

The new Adjutant General should also conduct, to the extent law and regulation allow, a review of any and all cases where they have reason to believe there may have been bias, preferential treatment or unfair adjudication of any kind. This review should include, but not be limited to, an assessment of whether adequate protections were afforded to anyone bringing forward complaints or other information regarding the conduct of others.

Expand Reporting to the Legislature & Governor

The Adjutant General candidates should commit to expanding the scope of information contained within the annual report submitted to the Legislature including, but not limited to:

- the number of complaints made to human resources by type;
- the number of complaints of professional misconduct by type;
- the number of disciplinary actions taken by type;
- the number of offenses reported to Vermont state or local law enforcement by type; and
- the number of appeals made, and the number found to be in favor of the member or the Guard.

The Honorable Mitzi Johnson, Speaker of the House
The Honorable Tim Ashe, President Pro Tempore
January 22, 2019
Page Three

To the extent permitted by law and personnel policy, all reporting should include the rank of the complainant and the rank of the accused. In addition, I respectfully request you amend the current reporting law to require the report be delivered to the Governor as well as the Legislature.

Work with the Legislature and the Governor to Strengthen Recruitment

As noted above, the Vermont National Guard is a critical asset in the state's capacity to respond to emergencies of all types. From deep cold snaps and natural disasters, to terrorist attacks and pandemics it is not an exaggeration to say we rely on their abilities in all emergencies. The next Adjutant General should commit to working with the Legislature and Governor to strengthen recruitment.

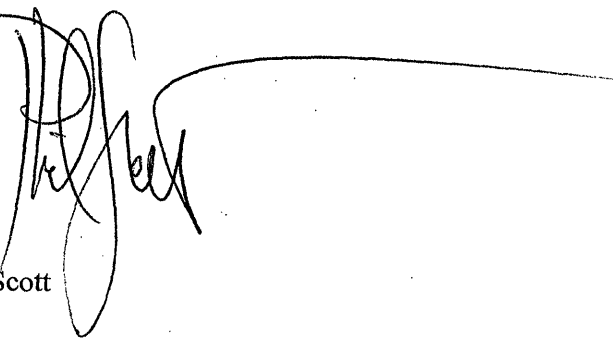
Conclusion

As you know, the vast majority of the women and men serving in our National Guard do so with the honor, integrity and the excellence we expect and the important work they do requires. They continue to make tremendous sacrifices on our behalf, always putting our state and country before themselves, time and time again. These Vermonters command my deepest respect and gratitude for their service.

While I do not have a vote in this election, as Commander-in-Chief of the National Guard, and as Governor, it is my hope the Legislature's review of candidates for our next Adjutant General will be an opportunity for the candidates to communicate how they will strengthen the capacity of the institution, as well as the standards and processes it relies on.

Thank you for your consideration on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Philip B. Scott', with a long horizontal flourish extending to the right.

Philip B. Scott
Governor

PBS/kp

