

VERMONT LABOR RELATIONS BOARD

VALLEY EDUCATION)	
ASSOCIATION, VERMONT-NEA /)	
NEA)	
v.)	
)	
MORETOWN BOARD OF SCHOOL)	
DIRECTORS, DUXBURY BOARD)	DOCKET NO. 95-6
OF SCHOOL DIRECTORS, WARREN)	
BOARD OF SCHOOL DIRECTORS,)	
WASHINGTON WEST)	
SUPERVISORY UNION BOARD OF)	
SCHOOL DIRECTORS, AND)	
FAYSTON BOARD OF SCHOOL)	
DIRECTORS)	
WATERBURY ELEMENTARY)	
TEACHERS' ASSOCIATION /)	
VERMONT-NEA / NEA)	
)	DOCKET NO. 95-7
v.)	
)	
WATERBURY BOARD OF)	
SCHOOL DIRECTORS)	
WATERBURY ELEMENTARY)	
TEACHERS' ASSOCIATION /)	
VERMONT-NEA / NEA)	
)	
v.)	
)	DOCKET NO. 95-10
WATERBURY BOARD OF)	
SCHOOL DIRECTORS)	
AND WASHINGTON WEST)	
SUPERVISORY UNION)	
BOARD OF SCHOOL DIRECTORS)	

FINDINGS OF FACT, OPINION AND ORDER

Statement of Case

On January 27, 1995, the Valley Education Association/Vermont-NEA/NEA
filed an unfair practice charge, alleging that the Moretown Board of School Directors,

Duxbury Board of School Directors, Warren Board of School Directors, Washington West Supervisory Union Board of School Directors, and Fayston Board of School Directors committed an unfair labor practice in violation of 21 V.S.A. Section 1726(a) (1), (2), and (4), and 16 V.S.A. Section 1982(a) and (c). The Association alleged that the School Board interfered with the employees' rights to engage in union activities, and sought to coerce, restrain and impose lawful conditions on union officers in exercise of their union duties, through a letter Superintendent of Schools Robert Harrington sent to the Association President. This charge was docketed as Docket No. 95-6.

On January 27, 1995, the Waterbury Elementary Teachers' Association / Vermont-NEA / NEA filed an unfair labor practice charge, alleging that the Waterbury Board of School Directors committed an unfair labor practice in violation of the statutory provisions, and for the reasons, cited in Docket No. 95-6 through a letter Superintendent Harrington sent to the Waterbury Association President, which was identical to the letter at issue in Docket No. 95-6. This charge was docketed as Docket No. 95-7.

On March 1, 1995, the Labor Relations Board issued an unfair labor practice complaint in Dockets No. 95-6 and 95-7, and scheduled a hearing for April 13, 1995. The April 13 hearing was continued at the request of the parties to provide the parties with an opportunity to meet with a mediator to seek to resolve their differences.

On February 28, 1995, the Waterbury Elementary Teachers' Association / Vermont-NEA/ NEA filed another unfair labor practice charge, and amended the charge on March 14, 1995. In the charge as amended, the Association alleged that the

Waterbury Board of School Directors and the Washington West Supervisory Union Board of School Directors committed an unfair labor practice in violation of 21 V.S.A. Section 1726(a) (1), (2), and (4), and 16 V.S.A. Section 1982(a) and (c), through a meeting Superintendent Harrington had with the Association President, comments the Superintendent made at a workshop, and a letter which the Superintendent sent to the Association President concerning a grievance filed by the President. This charge was docketed as Docket No. 95-10.

On July 28, 1995, the Labor Relations Board issued an unfair labor practice complaint in Docket No. 95-10. Docket Nos. 95-6, 95-7 and 95-10 were consolidated for hearing. Hearings were held on October 2 and 3, 1995, before Labor Relations Board Members Louis Toepfer, Acting Chairperson; Leslie Seaver and Carroll Comstock. Attorney Anthony Lamb represented the respondent School Boards. Vermont-NEA General Counsel Joel Cook represented the Associations. The parties filed Proposed Findings of Fact and Memoranda of Law on October 17, 1995.

FINDINGS OF FACT

1. The Respondent School Boards are responsible for overseeing public schools in the Washington West Supervisory Union. The Washington West Supervisory Union Board of School Directors oversees the administration of the supervisory union, and each of the other School Boards is responsible for overseeing the public school in its community. Since September 1, 1994, Robert Harrington has been Superintendent of schools within the Washington West Supervisory Union.

2. At all times relevant, the Valley Education Association / Vermont-NEA / NEA has been the exclusive bargaining representative of the teachers

employed by the Moretown, Duxbury, Warren and Fayston Boards of School Directors. Kathi Orr is a teacher at Moretown Elementary School, and was President of the Valley Education Association during the 1994-95 school year.

3. At all times relevant, the Waterbury Elementary Teachers' Association / Vermont-NEA / NEA has been the exclusive bargaining representative of the teachers employed by the Waterbury Board of School Directors. During the 1994-95 school year, Wayne Hobbs, a teacher at the Waterbury Elementary School, was President of the Waterbury Association. Patricia Feld, a teacher at the Waterbury Elementary School, was Vice President of the Association during the 1994 - 1995 school years.

4. On September 2, 1994, Orr, Vermont-NEA Uniserv Director Mark Hage, and teacher Kathy Dean attended a meeting with Superintendent Harrington concerning discipline which Harrington was initiating against Dean. Orr believed that Harrington did not provide Dean with an adequate opportunity to respond to allegations made against her. As a result of this meeting, Orr was concerned about the Associations establishing a working relationship with Harrington.

5. Other leaders of the Associations had developed concerns about establishing a working relationship with Harrington. As a consequence, the Associations established what they called the "School Climate Committee", consisting of several leaders of the Associations. Included among the Committee members were Orr, Hobbs and Jeffrey Isham, a teacher in Moretown and a past president of the Valley Education Association.

6. The School Climate Committee asked Hage to conduct an inquiry into Superintendent Harrington's background for the purpose of discovering information on how Harrington had worked in past jobs with employees. Hage conducted such an investigation in the Fall of 1994, and reported his findings to the Committee on previous employment by Harrington as a school superintendent in Massachusetts and New Jersey.

7. The School Climate Committee met several times. They met in December, 1994, to consider what to do with the information discovered by Hage. They decided not to ignore the information, as they viewed it as pertinent and they did not know what information the School Boards had concerning Harrington at the time they hired him. They decided that it was inappropriate to provide the information directly to the media. They decided to not provide the information directly to Harrington. Members of the Committee were intimidated by Harrington and viewed him as unapproachable. The Committee decided to provide the information directly to the members of the Associations, and have the members specifically decide what to do with the information. The Committee decided to recommend to members that the information on Harrington ultimately be provided to the respective School Boards.

8. The Valley Education Association scheduled a meeting for January 11, 1995. The Waterbury Elementary Teachers' Association scheduled a meeting for January 12, 1995. A flyer was distributed to employees through their school mailboxes indicating that the School Climate Committee would present a report on

the Supervisory Union's administrative leadership, and members of the Associations would vote on the Committee's recommendation regarding disposition of the reports.

9. On January 10, 1995, Harrington sent letters on Supervisory Union stationery to Orr and Hobbs in their capacities as presidents of the Associations. The letters were hand-delivered to Orr and Hobbs by their school principals, who told Orr and Hobbs that they had been directed by Harrington to deliver the letter and have Orr and Hobbs sign for it. Orr and Hobbs signed for the letters. Neither Orr nor Hobbs previously ever had been asked to sign for having received a letter from the Supervisory Union central office.

10. The letters were identical in content, and provided in pertinent part:

A number of people have mentioned to me that they are upset because they feel my reputation is being assailed and jeopardized by people either employed within the Washington West Supervisory Union or by people employed by the Vermont Education Association. Defaming and slanderous gossip tends to make people feel nervous . . . It was my understanding with Mark Hage and the Vermont NEA that we agreed to avoid discussions of this nature and, therefore, avoid my taking legal action against those involved in such discussions . . .

I understand there is a Valley Education Association / Waterbury Elementary Teachers Association Joint Committee studying school climate . . . I am aware that it addresses concerns of the staff about Washington West's administrative leadership . . .

Let me be clear, I support your right to use our school buildings for your Association meetings, and I support you in your right to freedom of speech. I expect, in return, that you will respect my right not to be defamed or slandered or to have interference with my rights of employment. My Association Executive Director and my attorney have both agreed with me that the ethical action for me to take would be to share with you the legal dangers you may face if personal information presented about me at your scheduled meetings hold you personally and professionally responsible for any misinformation that might be shared. You understand, of course, since you are sponsoring

the information sharing that you have responsibility to protect my state and federal civil rights. I know you would expect the same from me in return. As a result of the responsibility you hold in this situation, I expect you to provide me with notes and a copy of an audio-tape of the meeting, a list of the participants, and a roll call list of the names of any people who vote on any issues that might relate to me.

I have written this letter to you personally instead of having my attorney write to you in an effort to keep this from escalating beyond what was intended by the Association. I do believe, however, you would be prudent to consider your personal liability if someone you sponsor violates my civil rights. I wanted you to know that you are in a very vulnerable position.

Having expressed my thoughts, it is my hope that you will share the following with the staff. If there are serious concerns expressed by a number of teachers regarding school climate, it is my hope that you will be professional in your response to their concerns. I would welcome the opportunity to meet with a committee of staff who would like to look at school climate as an ongoing process. I am also open to any other professional response that might meet your needs. What I will not do is engage in any process that could lead our communities down the road to division . . .

(Associations Exhibits 3, 3A)

11. Hobbs felt intimidated upon receiving the letter. Orr was uncomfortable. Hobbs and Orr both questioned whether they should go ahead with their Association meetings. They contacted Hage and Joel Cook, Vermont-NEA General Counsel, for advice on whether to continue with the meetings. They ultimately decided to go ahead with the meetings to obtain direction from Association members concerning what actions to take with the information they had on Harrington.

12. The Valley Education Association met on January 11, 1995, as scheduled. The meeting of the Waterbury Elementary Teachers' Association was

rescheduled to January 13 due to inclement weather. At the meetings of the Associations, copies of the investigation report on Harrington prepared by Hage were distributed to the Association members in attendance. The members discussed the information contained in the report, and what action to take. The members decided to provide copies of the investigation report to the School Boards, the respondents in these cases. Copies of the investigation report distributed at the meetings were collected by the end of the meetings.

13. The Associations provided copies of the investigation report on Harrington to each member of each school board within a few days of the meetings of the Associations.

14. The Associations did not provide Harrington with a copy of the investigation report on him, or an opportunity to respond to the information contained in the report, prior to distributing the report to members of the Associations or School Board members. Harrington received a copy of the report around the time the School Board members received their copies.

15. Teachers have a right, under Article 5(E) and (F) of the collective bargaining agreement between the Valley Education Association and the School Boards to: 1) review derogatory material before it is entered in the teacher's personnel file, and respond to such material; and 2) respond to any complaint made against them (Associations Exhibit 1).

16. On February 14, 1995, Waterbury Association Vice President Patricia Feld attended a resume writing workshop for teachers in Waterbury and Duxbury conducted by Harrington. The workshop was held in connection with a pending

proposal to establish a school district which would provide public schooling from kindergarten through eighth grade for schoolchildren in Waterbury and Duxbury. Current teachers in the Waterbury and Duxbury schools would have to apply to be hired by the new school district. At the workshop, Harrington stated that a “lot of slime” had been spread about him, and then said that “Mr Hage is a fascist.” 17.

Shortly before February 15, 1995, Hobbs was informed by his principal that Harrington wished to meet with him on February 15 as a parent. The principal told Hobbs that Harrington wanted to discuss Harrington’s daughters. Harrington had one daughter who had been a music student of Hobbs until recently, when Harrington had removed his daughter from the Waterbury Elementary School. Harrington also had another daughter in the school being taught by Hobbs. The principal told Hobbs that Harrington had no objection to Hobbs having a union representative at the meeting. The collective bargaining agreement between the Waterbury Association and the Waterbury School Board provides for representation by the Association at a meeting where charges against a teacher concerning the performance or behavior of the teacher are going to be discussed.

18. The February 15 meeting took place in the principal’s office of the Waterbury Elementary School. Feld accompanied Hobbs to the meeting. The superintendent sat behind the principal’s desk. The principal attended the meeting, and sat off to the side of his office. After some preliminary discussion, Harrington began the meeting by stating that he was cognizant that he was at the meeting both as a parent and as the superintendent. Harrington also indicated that, in the future,

Hobbs could deal with the assistant superintendent “career-wise” if he was uncomfortable dealing with Harrington (Associations Exhibit 12).

19. Harrington then stated that he was “uncomfortable” with Hobbs working with his daughter in class and in chorus, and that Hobbs was one of the reasons he had removed his daughter from the school. Harrington further indicated that he still was “uncomfortable” that his other daughter was in Hobbs’ class, and that he wanted to ensure that another adult was present anytime she was in Hobbs’ class. Hobbs responded by asking Harrington to confirm that Harrington’s daughters had not been mistreated by Hobbs. Harrington responded in a raised voice: “Have not been. I have not queried them fully but I have a hard time believing that someone who has ethical standards that are contemptible is someone I would trust around my kids. I feel strongly about this. Can you hear it?” Hobbs told Harrington that he had not treated Harrington’s daughters any different from the beginning of the year until the present, that he was “able to separate the two issues”, and that he treated “all children with respect”. Harrington responded: “That’s a load of crap”. Hobbs then indicated that he thought it was time the meeting ended. Harrington said: “I do too and I did it to your face”. The meeting then ended. Hobbs did not raise his voice during the meeting, and acted calmly. Harrington’s voice became louder as the meeting progressed, and he acted increasingly angry (Associations Exhibit 12).

20. Hobbs felt numb and intimidated as a result of the meeting. His knees were shaking immediately after the meeting. Feld also was shaking after the meeting.

21. During the Summer of 1994, Hobbs had auditioned in Zurich, Switzerland in pursuit of an opera career. He also had applied for a teaching opening

in the South Burlington system. Following his February 15, 1995, meeting with Harrington, Hobbs had many discussions with his wife about his career. Ultimately, he decided by April 1995 that, whether or not his quest to become a professional opera singer was realized, he would not return to teach in the Waterbury school for the 1995-96 school year. The way he had been treated by Harrington strengthened his resolve in this regard. Hobbs subsequently was offered, and accepted, a teaching position in South Burlington.

22. Orr completed her term as Valley Education Association President for the 1994-95 school year. She decided not to be considered for re-election to that position because she found dealing with legal issues, including the threat by Harrington of personal legal liability, as too stressful. Jeffrey Isham is President of the Association during the 1995-96 school year.

23. The Waterbury Elementary Teachers' Association has no president during the 1995-96 school year. Feld has continued to serve as Vice President.

24. In addition to the unfair labor practice charges filed in these matters, the Associations filed grievances under the applicable collective bargaining agreements concerning the January 10 letters from Harrington to Orr and Hobbs, and the February 15 meeting between Harrington and Hobbs.

OPINION

The Associations allege that the School Boards committed unfair labor practices in these matters by interfering with employee rights to engage in union activities; and sought to coerce, restrain and impose unlawful conditions on union officers in exercise of their union duties, through a January 10, 1995, letter Superintendent of Schools Robert Harrington sent to the presidents of the Associations. The Waterbury Elementary Teachers' Association further alleges that the Waterbury School Board and the Washington West Supervisory Union committed unfair labor practices through a meeting Superintendent Harrington had with the Association President, and comments the Superintendent made at a workshop. Any other allegations made by the Associations in their unfair labor practice charges in these matters were not developed through evidence, and will not be addressed by the Board.

The applicable statutory provisions here are 21 V.S.A. Section 1726(a)(1) and (2), and 16 V.S.A. Section 1982(a) and (c). Section 1726(a) make it unfair labor practices for an employer “(1) to interfere with, restrain or coerce employees in the exercise of their rights guaranteed by this chapter or by any other law, rule or regulation”; and (2) “to dominate or interfere with the . . . administration of any employee organization . . .” The Labor Relations for Teachers Act provides that “(t)eachers shall have the right to . . . join, assist or participate in any teachers’ organization of their choosing.” 16 V.S.A. Section 1982(a). It further provides that “(n)either the school board nor any employee of the school board serving in any capacity . . . shall interfere with, restrain, coerce or discriminate in any way against .

. . any teacher . . . engaged in activities protected by this legislation". 16 V.S.A. Section 1982(c).

At the outset, we reject the Employers' contention that these matters should be deferred to the contractual grievance procedure. The allegations made by the Associations involve issues central to the system of collective bargaining, and in such cases it is appropriate that we apply our own principles of interpretation of the labor relations statutes we are empowered to administer. Burlington Area Public Employees Union, Local 1343, AFSCME, AFL-CIO v. Champlain Water District, 156 Vt. 516, 520 (1991). Mt. Abraham Education Association v. Mt. Abraham School Board, 4 VLRB 224, 230 (1981).

We turn to addressing the alleged statutory violations. Generally, at the heart of an employment action allegedly linked with anti-union discrimination is the question of employer motivation. Ohland v. Dubay, 133 Vt. 300, 302 (1975). If it can be reasonably concluded that the employer's discriminatory conduct was "inherently destructive" of important employee rights, however, no proof of an anti-union motivation is needed and the Board can find an unfair labor practice even if the employer introduces evidence that the conduct was motivated by business considerations. In re Southwestern Vermont Education Association v. Mt. Anthony Union High School Board of Directors, 136 Vt. 490, 494-95(1978); *citing* NLRB v. Great Dane Trailers, 388 U.S. 26, 34 (1967). The Associations contend that the actions of Superintendent Harrington were inherently destructive of employee rights. Thus, we must decide whether inherently destructive conduct exists here.

The phrase “inherently destructive” is not easy to define precisely. In cases concluding that such conduct has occurred, the employer is held to “intend the very consequences which foreseeably and inescapably flow from (the) actions . . . because (the) conduct does speak for itself - it is discriminatory and it does discourage union membership, and whatever the claimed overriding justification may be, it carries with it the unavoidable consequences which the employer not only foresaw but must have intended”. Vermont State Colleges Faculty Federation, Local 3180, VFT, AFT, AFL-CIO v. Vermont State Colleges, 15 VLRB 216, 226-27 (1992); *citing* NLRB v. Erie Resistor Corp., 373 U.S. 221, 228 (1963).

In applying these standards to the facts of this case, we first consider the identical January 10, 1995, letters which Superintendent Harrington sent to Kathi Orr and Wayne Hobbs addressed to them in their capacities as presidents of their Associations. In the letters, Harrington informed Orr and Hobbs, in reference to Association meetings scheduled to be held within a day or two to address concerns about the Washington West Supervisory Union administrative leadership, that he expected them to provide him “with notes and a copy of an audio-tape of the meeting, a list of participants, and a roll call list of the names of any people who vote on any issues that might relate to me”. Harrington also informed them of “legal dangers (they) may face” and “personal liability” if misinformation was spread about him at the meeting, he was defamed and slandered, and his civil rights were violated. Harrington stated they were in a “very vulnerable position”.

In considering these actions of Harrington, and other subsequent actions which he took, we are mindful that he was responding to ill-advised actions of

representatives of the Associations. As a result of concerns which they had with respect to establishing a working relationship with Harrington, leaders of the Associations established a "School Climate Committee", and approved Vermont-NEA Uniserv Director Mark Hage conducting an inquiry into Harrington's background for the purpose of discovering information on how Harrington had worked in past jobs with employees. Once they had this information, leaders of the Association decided to present the information to Association members with the recommendation that information on Harrington ultimately be provided to the School Boards. The Associations did not provide Harrington with a copy of the investigation report on him, or an opportunity to respond to the information contained in the report, prior to distributing the report to members of the Associations or School Board members.

These actions of representatives of the Associations were far from conducive to developing a productive working relationship with Harrington. They ultimately placed Harrington in the position of having to respond to information obtained on him only after it was provided to the School Board members who employed him and the teachers who reported to him. A person placed in such a position understandably would be upset over not being provided the opportunity to respond to such information before it was so widely disseminated.

These ill-advised actions of representatives of the Associations, however, provide no justifiable excuse for the manner in which Harrington responded. In directing Orr and Hobbs to provide him with a taped recording of an Association meeting, a list of participants at the meeting, and a roll call list of the names of

Association members who voted on any issues relating to him, Harrington impermissibly was seeking to interfere with the internal affairs of the Associations. It is an unfair labor practice for an employer to interfere with the administration of an employee organization, 21 V.S.A. Section 1726 (a)(2), and we can think of few actions which would constitute greater interference with administration of an employee organization than Harrington's actions. These actions were inherently destructive of rights of employees to participate in their union without their employer seeking to interfere with, restrain, or coerce them in the exercise of these rights. If such actions were condoned, the statutory protection of employee organizations operating independently of management would be an illusion.

We further conclude that Harrington engaged in conduct inherently destructive of employee rights by indicating to Orr and Hobbs that they may be subject to "legal dangers" and "personal liability" if untrue information was disseminated about him; and informing them that they were in a "very vulnerable position". Employers have the free speech rights of expressing "views" or "opinions" as long as the "expression contains no threat of reprisal or promise of benefit". 21 V.S.A. Section 1728. Here, we conclude an impermissible "threat of reprisal" is involved. Harrington made his comments in reference to actions of Orr and Hobbs while they were engaging in the protected activities of participating in their unions. The comments have the inescapable consequence of carrying the power of a threat of reprisal for engaging in such protected activities when they come from the top management official responsible for overseeing and assessing employee performance and conduct, making the threat inherently destructive of important employee rights.

United Aircraft Corp., 192 NLRB 382 (1971), *enforced in part*, 534 F.2d 422, (2nd Cir. 1975), *cert. denied*, 429 U.S. 825 (1976). Employees subject to such a threat understandably would be hesitant to continue to participate in their union.

We next consider Harrington's actions at a February 15, 1995, meeting with Hobbs. The meeting ostensibly was arranged by Harrington as a parent to discuss his daughters with Hobbs, who was a music teacher for both of Harrington's daughters. The way the meeting proceeded, however, made it clear that the true purpose of the meeting was for Harrington to give Hobbs a dressing down for Hobbs' involvement as Association President in the obtaining and disseminating of information on Harrington's background.

This was made clear by Harrington informing Hobbs at the meeting that Hobbs was one of the reasons he had removed one of his daughters from school, and that he wanted another adult present anytime his other daughter was in Hobbs' class. Harrington made these statements even though he admitted at the meeting that Hobbs had not mistreated his daughters, and did not otherwise question Hobbs' performance as a teacher. Also, Harrington stated that Hobbs had "ethical standards that are contemptible", a thinly veiled reference to his actions with respect to Harrington's background.

It was understandable for Hobbs to be intimidated by these statements of Harrington, as well as the fact that Harrington was visibly angry. Given that Harrington's intimidating behavior at this meeting arose only in response to Hobbs' protected union activities, totally divorced from his performance as a teacher, we conclude that they interfered with Hobbs' exercise of his protected rights. Again, the

inescapable consequences are that a teacher subjected to such intimidating behavior by the superintendent as a result of their union activities understandably would be hesitant to continue to participate in their union, making the threat inherently destructive of important employee rights.

The final action of Harrington which we consider is his statement, at a workshop he was conducting for teachers, that Vermont-NEA Uniserv Director Mark Hage was a “fascist”. Unlike Harrington’s statements in his January 10 letters to Orr and Hobbs, we conclude that such a statement constitutes exercise by Harrington of his free speech right to express “views” or “opinions”; that no “threat of reprisal” is inferred from such a statement rising to the level of an unfair labor practice. 21 V.S.A. Section 1728.

Before discussing the remedy to apply as a result of the unfair labor practices which occurred here, we address the affirmative defenses raised by the School Boards in their responses to the unfair labor complaints issued in these matters that Superintendent Harrington was not acting as an agent of the School Boards with respect to any of his actions at issue. This affirmative defense is not well-taken. At the times he took each of the actions at issue herein, Harrington was serving in his official capacity as superintendent of schools, and thereby was an agent of the School Boards.

Also, we do not consider the affirmative defense raised by the Employers that the Associations’ actions in these matters constituted restraining or coercing the Employers in the selection of their representative in violation of 21 V.S.A. Section 1726(b)(2). The method for the Employers to have such an allegation properly

considered was to timely file an unfair labor practice charge; the failure to do so precludes us from deciding this issue.

Finally, we discuss the remedy to apply as a result of the Employers' unfair labor practices in these matters. 21 V.S.A. Section 1727(d) directs the Board to issue an order requiring the party who has committed an unfair labor practice to "cease and desist from the unfair labor practice and to take such affirmative action as the Board shall order". The Associations request that we order various remedial actions. We have considered the proposed remedial actions, and have elected under the circumstances to issue a simple remedial order.

Appropriate affirmative action to order is to require Harrington to rescind the January 10, 1995, letter which he issued to Orr and Hobbs. Such letter was inherently destructive of important employee rights and should have no further force and effect.

We conclude there is no further appropriate action to order with respect to Harrington's actions at the February 15 meeting with Hobbs. Hobbs is no longer employed in the Washington West Supervisory Union, and thus it would be futile to order Harrington to cease and desist from treating Hobbs as he did at the February 15 meeting. In any event, it is clear by this opinion that we view Harrington's conduct at the February 15 meeting as inappropriate. We would not view any similar behavior by Harrington in the future favorably.

ORDER

NOW THEREFORE, based on the foregoing findings of fact and for the foregoing reasons, the Labor Relations Board has concluded that the Employers have committed unfair labor practices in these matters, and it is hereby ORDERED that Robert Harrington, Superintendent of Schools of the Washington West Supervisory Union, forthwith shall rescind the January 10, 1995, letters which he sent to Kathi Orr and Wayne Hobbs.

Dated this 30th day of November, 1995, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

/s/ Louis A. Toepfer

Louis A. Toepfer, Acting Chairperson

/s/ Leslie G. Seaver

Leslie G. Seaver

/s/ Carroll P. Comstock

Carroll P. Comstock