

VERMONT LABOR RELATIONS BOARD

GRIEVANCE OF:

SALLY SIMPSON

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Docket No. 89-5

FINDINGS OF FACT, OPINION AND ORDER

Statement of Case

On January 11, 1989, the Vermont State Employees' Association ("VSEA") filed a grievance on behalf of Sally Simpson ("Grievant"). The grievance alleged that the State of Vermont, Department of Corrections ("Employer") dismissed Grievant in violation of Article 16 of the collective bargaining agreement between the State and VSEA for the Corrections Unit, effective for the period July 1, 1988 to June 30, 1990 ("Contract"). Grievant alleged that the dismissal violated Article 16 of the Contract in that there was no just cause, it was unclear whether Grievant's dismissal was for misconduct or performance reasons, the progressive discipline/progressive corrective action requirements were not met and there was no just cause for bypassing the same, the investigation was neither complete nor fairly conducted, and the penalty was so excessive as to constitute an abuse of discretion.

Hearings were held before Board members Charles McHugh, Chairman; William Kemsley, Sr., and Louis Toepfer on May 18, 1989; June 14, 1989; June 22, 1989; and June 29, 1989 in the Labor Relations Board hearing room in Montpelier. Michael Seibert, Assistant Attorney General, represented the Employer. Michael Zimmerman, VSEA Staff Attorney, represented Grievant. The parties filed briefs on July 13, 1989.

FINDINGS OF FACT

1. Grievant is a teacher licensed by the State of Vermont. She is certified as a Principal for grades Kindergarten through Twelve, a Special Education Coordinator, a Consulting Teacher/Learning Specialist, and an Elementary School Teacher. Grievant has earned a Bachelor of Science Degree in Education from the University of Connecticut, a Masters Degree in Education from the College of St. Joseph in Rutland, and a Certificate of Advanced Study in Administration and Planning from the University of Vermont. Grievant taught for three years in a private school and for eight years in public schools.

2. Grievant was hired by the Department of Corrections on March 3, 1986. She was hired as a permanent, full-time Correctional Instructor A at the Northwest State Correctional Facility in St. Albans, Vermont. Grievant completed probation on September 7, 1986 (Grievant's Exhibit 4).

3. Grievant was one of 15 certified teachers employed by the Department of Corrections to instruct inmates at correctional facilities in the State. Robert Lucenti is Chief of Educational Services for the Department. The Department is considered to be a school district by the State Department of Education. In her position as Correctional Instructor A, Grievant was responsible for administering the Vermont Basic Competencies to the inmate population. (Grievant's Exhibit 3, page 1).

4. The Vermont Basic Competencies are learning objectives in the areas of Reading, Writing, Speaking, Listening, Mathematics, and Reasoning. They have been compiled by the Department of Education as the minimum skills necessary to enable further learning and social

functioning. Each competency specifies a level of ability in one particular skill. Mastery of the competencies indicates a level of achievement which is recognized as functional literacy. Mastery implies the ability to perform the Competency without review immediately proceeding, without assistance, and with a limited number of errors. Indications of mastery on a pupil's record may be made only under these conditions. A manual of information and guidelines for teachers and administrators concerning the Basic Competencies was published by the State Department of Education in 1977. Grievant was aware of the requirements which constituted mastery of the Basic Competencies (Grievant's Exhibit 25).

5. Mastery of the Vermont Basic Competencies in Reading, Writing and Math are a prerequisite to taking a General Equivalency Diploma test in Department of Corrections Facilities. The Department expects the same level of achievement on these competencies from the inmates as is expected from students in other school districts. Each school district is allowed a relatively high amount of freedom in administering the competencies, within certain guidelines. The Department of Corrections administers the Competencies as a series of short tests, to be administered in testing sessions.

6. On January 1, 1987, the Department of Corrections implemented a revised Inmate Employment Policy 662. Under this policy, all employment assignments and recommendations for employment are given only to inmates who had met or who were in the process of addressing basic functional literacy requirements. Any inmate not certified for the Vermont Basic Competencies loses employment privileges unless he or she attends three hours per week of literacy instruction (State's Exhibit O, page 2).

7. Reading Competency 4 of the Vermont Basic Competencies requires the student to demonstrate an ability to read and understand material of a practical need and interest. In the learning center at Northwest State Correctional Facility, the student is given a variety of materials, including a Driver Education Manual, a First Aid Manual, a Fish and Game Manual, a newspaper, and a Train and Bus schedule. The student chooses three of these materials and must answer five questions on each. The student is required to look up the answer in the appropriate material. The purpose of the exercise is to demonstrate the student's ability to locate the answers in each source. (Grievant's Exhibit 25, page 33).

8. Grievant had in her classroom one Driver's Manual, one First Aid Manual, seven or eight Fish and Game Manuals, and bus and train schedules. The Driver's Manual, the First Aid Manual, and three of the Fish and Game Manuals had the answers to the Reading Competency four marked in red. The number to the corresponding question on the test sheet was written in beside each marked answer in each manual. The materials which were marked with the answers were not kept separate from the unmarked materials. None of these materials, marked or unmarked, were normally kept locked (State's Exhibit B).

9. Grievant marked the Driver's Manual and First Aid Manual sometime prior to October 11, 1988 to be used by a student completing Reading Competency 4. Grievant also marked the Fish and Game Manuals prior to October 11, 1988.

10. Grievant certified that inmate Ronald Barboza had completed Reading Competency 4 requirements on November 14, 1988. To demonstrate mastery of this competency, he was required to choose three out of

five categories and answer all five questions within each category. One of the categories chosen by Barboza to answer involved use of the Driver's Manual. At the time Barboza used the Driver's Manual, it was marked in red with the answers. When Grievant certified Barboza for this competency, she knew she had only one Driver's Manual, and that she had marked the answers in that manual. Grievant was aware, or should have been aware, that Barboza had not demonstrated the level of mastery required, and that he had not done the required work independently on Reading Competency 4, but she nonetheless certified his mastery (State's Exhibit D).

11. Grievant certified that inmate Paul Gagne had completed Reading Competency 4 on October 11, 1988. Grievant marked the Driver's Manual, First Aid Manual, and possibly one of the Fish and Game Manuals specifically for Gagne's use in taking these competency tests. Grievant and Gagne went through the test together, reading each question and searching for the answer circled in red in the book. Grievant viewed Gagne as a slow, handicapped learner and she made adaptations to the competency requirements to meet his special needs. When she certified Gagne's mastery of the skills in Reading Competency 4, Grievant knew, or should have known, that he had not demonstrated the level of mastery required and that he had not done the work independently (State's Exhibit C, State's Exhibit G, page 4).

12. Inmate Donald Ritchie completed all of his reading and writing Basic Competencies at some point subsequent to October 11, 1988, and prior to November 16, 1988. Grievant gave Ritchie the marked Driver's Manual to complete Reading Competency 4. She knew the manual was marked. When she certified Ritchie's completion of Reading Competency 4, Grievant knew, or should have known, that Ritchie had

used the marked Driver's Manual, that he had not demonstrated the level of mastery required and that he had not done the work independently (State's Exhibit H).

13. Grievant certified inmate Donald Harris as completing Reading Competency 4 on September 28, 1988. Harris told Facility Assistant Superintendent Fowler that he used marked materials to complete this Competency. We are unable to conclude by a preponderance of the evidence that Harris used marked materials to complete this competency requirement (State's Exhibit E, page 4).

14. Reading Competency 6 requires the student to demonstrate the ability to get specific information from at least three sources. Library skills are a required category, and the other two may be selected by the student from four other possible choices. One of the choices at Northwest State Correctional Facility involved locating specific information in the telephone book (Grievant's Exhibit 25, page 34).

15. Grievant kept two phone books in her classroom. One was unmarked. This was kept in a desk near the computer. The other phone book was marked with the answers to the Reading Competency 6 questions in red, along with the number of each question. Grievant marked this as her answer key. The marked phone book was not normally kept locked.

16. Grievant allowed inmate Gagne to use the marked phone book to complete Reading Competency 6. Grievant knew, or should have known, when she certified Gagne that he had not mastered the necessary skills for completing the Reading Competency 6 requirements and that he had not completed the Competency without assistance, yet she nonetheless certified him.

17. Writing Competency 8 requires the student to select a topic on which he or she feels able to write a page of organized material.

There must be a logical arrangement of ideas and facts. As with all of the Competencies, Writing Competency 8 must be done without assistance. Pupils are allowed to use dictionaries as needed to check spelling (Grievant's Exhibit 25, pages 30 and 37).

18. Sometime near the end of October, 1988, Grievant marked an encyclopedia article on hunting from the New Book of Knowledge. Parts of the article were set off in parentheses by Grievant and there was a bookmark marking the page (State's Exhibit g, pages 6-7).

19. On November 1, 1988, Grievant certified that Donald Ritchie had successfully mastered the required skills in Writing Competency 8. The text of his page of organized material was copied directly from the New Book of Knowledge article on hunting which Grievant had marked. Grievant knew, or should have known, that this was not independent work of a student with Ritchie's abilities. Grievant certified Ritchie's completion of this competency as if it had been independent work (State's Exhibit G, pages 6-7, State's Exhibit H, pages 3-4).

20. On November 4, 1988, Grievant certified that Paul Gagne had successfully mastered the required skills in Writing Competency 8. The text of Gagne's page of organized material was copied directly from the New Book of Knowledge article on hunting which Grievant had marked. Grievant had certified Ritchie's Writing Competency 8, copied directly from the same article, only two days earlier. Grievant knew, or should have known, that Gagne had not done this work independently. She had marked the encyclopedia article and told Gagne to copy it. She had also read Ritchie's completed assignment two days before, which with the exception of a few lines, contains the exact same text as Gagne's completed assignment. Grievant certified Gagne's completion of this competency as if it had been independent work (State's Exhibit H, page 4).

21. Reasoning Competency 15 requires that a student research and organize data on a given topic in a meaningful report of three to five pages. Key to the mastery of this competency is demonstration of research skills (Grievant's Exhibit 25, page 21; State's Exhibit E, page 6).

22. On October 18, 1988, Grievant certified that inmate Donald Harris had mastered the required skills in Reasoning Competency 15. Harris' three page report was copied word for word from the New Book of Knowledge article on Mexico. Grievant knew, or should have known, that this was not independent work of a student with Harris' abilities. Grievant certified Harris as having mastered the requirements of Reasoning Competency 15 although he demonstrated no research skills, no organizational ability, and did not complete the work independently (Grievant's Exhibits E, F).

23. On November 17, 1988, inmate Ronald Barboza reported to facility nurse Lynn McMorro that Donald Harris had received his competency certificate but could not read or write. Barboza also alleged that the answer keys were being given to the students to use while they took their competency tests. McMorro reported this to the facility Assistant Superintendent Dixie Fowler. (State's Exhibit J).

24. On November 18, 1988, Fowler met with Harris who issued a statement on the matter. Harris dictated the statement to Fowler because he claimed he could not read or write. Therein, Harris indicated that Grievant had provided students with marked answer books when administering the Basic Competencies and had allowed them to copy stories out of the encyclopedia. Fowler then contacted Robert Lucenti, Chief of Educational Services for the Department of

Corrections, who agreed to investigate this matter (State's Exhibit L).

25. On November 18, 1988, Grievant was called to facility Superintendent Heinz Arenz's office. She sent her students back to their units, and put everything in her classroom back in its usual place. Before leaving the room, she locked all of the materials which she normally kept locked. She locked the classroom and reported to Arenz's office. Arenz handed Grievant a letter advising her that she was being temporarily relieved from duty with pay pending the results of an investigation. The letter stated in part:

Such action is being taken as a result of allegations made against you regarding irregularities in the testing process for the Vermont Basic Competencies.

(Grievant's Exhibit 7).

26. Grievant received no other information regarding the nature of the charges against her. She was escorted by the facility Chief of Security to her classroom to retrieve her coat and handbag. She surrendered her keys and was escorted out of the building.

27. On November 22, 1988, Robert Lucenti and Ralph Costanza, Special Education Consultant, went to the Northwest State Correctional Facility to conduct a classroom review and review of student records in Grievant's classroom. Prior to the investigation, they met with Fowler and she relayed the allegations made by Donald Harris and Ronald Barboza. Lucenti and Costanza then conducted a review of classroom materials and student records (State's Exhibit L, page 4).

28. Upon this review, Lucenti and Costanza discovered much of the information outlined in Findings of Fact numbers 8, 10, 11, 12, 13, 15, 18, 19, 20, and 22. (State's Exhibit L at 6-13).

29. On December 2, 1988, Lucenti and Costanza held an interview with Grievant to review their findings. This meeting was attended by Lucenti, Costanza, Grievant, her Attorney, and VSEA Representative Richard Lednicky. During this meeting, Grievant admitted that she was aware that Reading Competency 6 and Writing Competency 8 were to be done independently by the student. She also indicated that she was aware that the Basic Competencies manual was to be used for guidelines in developing the program. Grievant claimed that she was unaware of any cheating by the students. She said that the students may have taken the books back to their units. She also said that she was understaffed and needed help to properly monitor the classroom. Grievant also admitted that she gave the students the books with the answers marked to complete the Basic Competencies because she did not have unmarked materials. She claimed that if she had other materials available she would have used them. Grievant made no mention during this meeting that she made adaptations to the competency requirements to meet inmate Gagne's needs (State's Exhibit L).

30. On December 9, 1988, Lucenti and Costanza completed an Investigative Report. This report contained the following conclusions:

1. Ms. Simpson did provide answer keys to students.
2. [Ms. Simpson] [a]llowed and enabled students to copy when independent work was required.
3. Ms. Simpson falsified pupil records by knowingly stating that students had demonstrated mastery of a learning objective by a certain standard when in essence that standard was not met.
4. Ms. Simpson...circumvented Corrections' Policy (Policy 662) by stating that inmates had satisfactorily completed the Basic Competencies when they had not, therefore, allowing them access to employment, etc.
5. Ms. Simpson did undermine the credibility and integrity of the Corrections' Education Program which is mandated to provide Basic Literacy Training to inmates.

(State's Exhibit L, pages 15,16.)

31. Lucenti and Costanza recommended at the conclusion of the report that Grievant be terminated to reestablish the credibility and integrity of the Literacy program (State's Exhibit L, pages 16-17).

32. Superintendent Arenz informed Grievant on December 12, 1988 that the investigation was complete and that the Department of Corrections was contemplating her dismissal from State service. A pre-termination hearing was later arranged for December 19, 1988. Grievant received a copy of the Investigative Report prior to the December 19 hearing (Grievant's Exhibit 9).

33. On December 19, 1988, Grievant submitted a 13 page response to the Investigative Report. In that response, Grievant reacted to most of the findings of the report. She did not dispute Lucenti's and Costanza's finding that on December 2, 1988 she had admitted to giving the students the marked materials because she had no others. Grievant also made no mention in this report that she made adaptations to the competency requirements to meet inmate Gagne's needs. Grievant gave no oral response to the charges at the December 19 pre-termination hearing (Grievant's Exhibit 10).

34. On December 28, 1988, Superintendent Arenz informed Grievant that she was being dismissed effective December 30. The dismissal letter provided in pertinent part as follows:

A fair and objective investigation was conducted prior to reaching this decision. Every effort was made to discover if a violation did occur.

On December 19, 1988, you were given an opportunity to rebut the charges made against you. The written statement submitted by you was reviewed and taken into consideration.

I feel you were adequately informed of the conduct expected of you, specifically as outlined in Personnel Rules and Regulations of the facility, of which you received a

copy. Rule 12 states: "No employee or volunteer shall falsify any official document, record or written or oral report". Such a rule is necessary for the efficient and orderly operation of this facility.

I also have taken into consideration the impact of your behavior on this facility, your performance record and your demonstrated amenability to corrective action.

My decision is based on the following:

- 1) that you did provide answer keys to students.
- 2) That you did allow and enable students to copy, when independent work was required.
- 3) That you did falsify pupil records by stating that students demonstrated mastery of a learning objective by a certain standard when in essence that standard was not met.
- 4) That you did circumvent Corrections Policy #662 by stating that inmates had satisfactorily completed Basic Competencies when they had not, therefore allowing them access to employment.
- 5) That you did undermine the credibility and integrity of the Corrections Education Program which is mandated to provide Basic Literacy Training to inmates.

Your termination will take effect on December 30, 1988. I will extend to you two weeks pay in lieu of notice (State's Exhibit A).

35. In deciding to dismiss Grievant, Superintendent Arenz and Assistant Superintendent Fowler concluded that Grievant's offense was very serious. They concluded that aiding and abetting inmates to cheat undermined not only educational goals but the role corrections employees have as role models for inmates. They concluded that Grievant's actions were deliberate, and not inadvertent. They concluded that Grievant could not be trusted due to the falsification of records.

36. At the time she began employment, Grievant received a copy of the facility Personnel Rules and Regulations referred to in the

dismissal letter. She understood that she would be held accountable for compliance with the Rules (State's Exhibit 1).

37. Article 17 of the Contract, entitled Disciplinary Action, provides in pertinent part as follows:

1. No permanent or limited status employee covered by this Agreement shall be disciplined without just cause. The parties jointly recognize the deterrent value of disciplinary action. Accordingly, the State will:

a. act promptly to impose discipline or corrective action within a reasonable time of the offense;

b. apply discipline or corrective action with a view toward uniformity and consistency.

c. impose a procedure of progressive discipline or progressive corrective action in increasing order of severity;

d. In misconduct cases, the order of progressive discipline shall be:

i. oral reprimand

ii. written reprimand

iii. suspension without pay

iv. dismissal

e. In performance cases, the order of progressive corrective action shall be as follows:

i. oral notice of performance deficiency;

ii. written performance evaluation, special or annual, with a prescriptive period for remediation specified therein, normally 3 to 6 months;

iii. warning period of thirty (30) days to six (6) months. Placement on warning status may take place during the prescriptive period if performance has not improved since the evaluation;

iv. dismissal.

f. The parties agree that there are appropriate cases that may warrant the State:

i. bypassing progressive discipline or corrective action;

ii. applying discipline or corrective action in different degrees;

iii. applying progressive discipline for an aggregate of dissimilar offenses, except that dissimilar offenses shall not necessarily result in automatic progression; as long as it is imposing discipline or corrective action for just cause.

... 2. The appointing authority or his authorized representative may dismiss an employee for just cause with two weeks' notice or two weeks pay in lieu of notice.

... 10. In any misconduct case involving a suspension or dismissal, should the Vermont Labor Relations Board find just cause for discipline, but determine that the penalty was inappropriate or excessive, the Vermont Labor Relations Board shall have the authority to impose a lesser form of discipline.

11. In any case involving dismissal based on performance deficiencies, the Vermont Labor Relations Board shall sustain the State's action as being for just cause unless the grievant can meet the burden of proving that the State's action was arbitrary and capricious. It is understood that this paragraph does not bar a grievance alleging that progressive corrective action was bypassed.

38. On April 26, 1989, the VSEA and the State entered into a settlement agreement which provided, in pertinent part, that "(t)he parties reaffirm the agreement that, upon a finding the State had just cause for imposing discipline but that the State was unreasonable in the imposition of a suspension or dismissal, the VLRB shall have the authority to impose a lesser form of discipline".

MAJORITY OPINION

We first address two preliminary issues raised by Grievant. First, Grievant contends that, because of the nature of this case, the Employer should be held to a standard greater than mere preponderance of the evidence. Given the nature of the alleged misconduct, and given the fact that the alleged misconduct concerns Grievant's conduct as a licensed teacher, Grievant submits that the Board should require the Employer to prove its case by the higher standard of clear and convincing evidence or the standard of beyond a reasonable doubt. We decline to adopt a higher standard of proof. In dismissal cases involving State employees, the burden of proof on the Employer on

operational facts must be met by a preponderance of the evidence, and there are no exceptions to this standard. In re Grievance of Muzzy, 141 Vt. 463, 472-473 (1982). Grievance of Bishop, 5 VLRB 347, 367-368 (1982), aff'd 147 Vt. 280 (1986).

Second, Grievant contends that the Employer violated the requirement for the conducting of a complete and impartial investigation before any decisions concerning discipline are made. As previously stated by the Board, we are unwilling to call into question the sufficiency of the Employer's investigation in the absence of any specific Contract provision giving the Board such authority or in the absence of any violation of an established due process right; particularly where Grievant has the opportunity before the Board for a complete, impartial review of the appropriateness of the disciplinary action taken. Grievance of Thurber, 11 VLRB 312, 323 (1988). Grievance of Munsell, 11 VLRB 135, 145 (1988).

Here, no violation of an established due process right occurred. Grievant's right to a pre-termination hearing, where she had written notice of the charges against her and an opportunity to present her side of the story, was protected. Grievance of Johnson, 9 VLRB 94 (1986). Grievant contends that she was deprived of the right to a complete review before the Board by virtue of the Employer's denial of her right to confront her inmate accusers. We disagree. The Employer simply decided to establish its burden of proof by a preponderance of the evidence without potential witnesses. Grievant could have subpoenaed the inmates to appear as witnesses if she wished to confront them. Her right to do so indicates no due process right was violated.

The central issue to be decided herein is whether the Employer established that Grievant engaged in misconduct warranting her dismissal for just cause. There are two requisite elements which establish just cause for dismissal: 1) it is reasonable to discharge an employee because of certain conduct, In re Grievance of Brooks, 135 Vt. 563 (1977), and 2) the employee had fair notice, express or fairly implied, that such conduct would be grounds for discharge. In re Grievance of Yashko, 138 Vt. 364 (1980). The ultimate criterion of just cause is whether the employer acted reasonably in discharging an employee for misconduct. Brooks, supra.

The Employer charges that Grievant engaged in misconduct when she: 1) provided answer keys to students, 2) allowed and enabled students to copy, when independent work was required; and 3) falsified student records by stating that students had demonstrated mastery of learning objectives and basic competencies by certain standards when those standards were not met. We conclude that the Employer has proven these charges by a preponderance of the evidence. The Employer has established that Grievant:

1) certified that inmates on four occasions had demonstrated mastery of a reading competency, when in fact Grievant knew, or should have known, that they were using materials that had the answers marked and that they had not demonstrated the level of mastery required;

2) certified that two inmates had demonstrated mastery of a writing competency requiring students to logically arrange ideas and facts on a topic and write a page of organized material; when in fact the inmates had copied text from an encyclopedia and Grievant knew, or should have known, that the students had not done the work independently; and

3) certified that an inmate had demonstrated mastery of a reasoning competency requiring students to research and organize data on a given topic in a meaningful report of three to five pages, when in fact Grievant knew, or should have known, that the inmate had copied text directly from an encyclopedia and that the product was not independent work of a student with the inmate's ability.

Grievant had fair notice that these actions were prohibited and that such conduct could be grounds for dismissal. She was aware that she would be held accountable for compliance with a facility rule providing that no employee "shall falsify an official document, record or written... report". She was aware that successful completion of Vermont Basic Competencies by students requires that they master certain skills and do the competencies independently. Accordingly, she was on notice that certifying inmates as demonstrating mastery of competencies when she knew, or should have known, that they had not done the work independently, and that they had not demonstrated the level of mastery required, was prohibited conduct. The fact that Grievant certified mastery of competencies under such circumstances on seven occasions demonstrates she falsified student records, as charged.

The charges against Grievant having been established, we look to the specific factors articulated in Grievance of Collieran and Britt, 6 VLRB 235, 268-269 (1983), to determine the reasonableness of the disciplinary action imposed based on the proven charges. The fair notice to Grievant already having been discussed, the remaining pertinent factors here are the nature and seriousness of the offense and its relation to the employee's duties, the effect of the offense

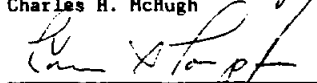
upon supervisors' confidence in the employee's ability to perform assigned duties and the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

Grievant's offenses were very serious, particularly because she undermined the credibility and integrity of the Corrections Education Program and, in so doing, also undermined the responsibility corrections employees have to serve as positive role models for inmates. Grievant's offenses understandably resulted in her supervisors losing confidence in her ability to perform her assigned duties. The Employer reasonably concluded that Grievant could no longer be trusted to perform her duties and, thus, that alternative sanctions less than dismissal were inadequate.

In sum, we conclude that the Employer did not act unreasonably in dismissing Grievant.



Charles H. McHugh



Louis A. Toepfer

CONCURRING OPINION

While I agree with my colleagues' decision in this matter, I also am of the opinion that this is one more case in which the lack of adequate and well-reasoned supervision is obvious.

There is no question that the circumstances under which educational activities in corrections institutions take place differ widely from those in ordinary classrooms of educational institutions. In a correctional institution, the students are adults who have been incarcerated for various crimes against society. Their background and life training have conditioned them to cheat, to cause mischief, to violate confidences, to vent their anger, to seek revenge for fancied wrongs; in short they have been conditioned to cause social damage whenever and however possible. It is a quite common practice for inmates to work toward "setting up" a corrections employee solely for excitement or to satisfy their sense of revenge.

In light of these circumstances, I cannot understand how management could place a teacher with no prior corrections experience in a corrections ambience and give that teacher no immediate supervision. It seems strange indeed that a management that claims to be so sensitive to the role that correctional employees have as a role model for inmates would allow a teacher, inexperienced in working with such inmates, to function for 32 months without any sort of supervisory check to ensure that the teacher was acting as a proper role model and was not in danger of being "set up" by one or more of the inmates. What can be said of supervisory techniques that are so insensitive to the problems faced by those they supervise?

One can only assume that, had not a disgruntled inmate "snitched" on Grievant, the situation for which she was discharged might have continued indefinitely. Further, does this manner of bringing information to the attention of management best serve as a proper "role model for inmates"? Finally, what effect does this encouragement of "snitching" have on the "credibility and integrity" of the Corrections Education Program?


William G. Kemsley, Sr.

ORDER

Now therefore, based on the foregoing findings of fact and for the foregoing reasons, it is hereby ORDERED that the Grievance of Sally Simpson is DISMISSED.

Dated this 21st day of December, 1989, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD


Charles H. McHugh, Chairman


William G. Kemsley, Sr.


Louis A. Toepfer