

VERMONT LABOR RELATIONS BOARD

GRIEVANCES OF:)	DOCKET NOS. 90-34
)	90-53
)	91-26
MOHAMMAD CHOUDHARY)	91-27
)	91-29
)	91-30

MEMORANDUM AND ORDER

At issue is a Motion For Injunctive Relief and Stay of Board's Order filed by Mohammad Choudhary ("Grievant") in these matters. Therein, Grievant requests reinstatement to employment with the State of Vermont, Department of Public Service ("Employer"), pursuant to Vermont Rules of Appellate Procedure ("V.R.A.P."), specifically V.R.A.P. 8 and 21. V.R.A.P. 8 deals with stays of orders, and injunctions, pending appeal. V.R.A.P. 21 deals with extraordinary relief.

V.R.A.P. 8 is inapplicable to stays of Board orders. Stays of Board orders are governed by 3 VSA §1003(b). Under this statutory provision, the Board determines whether a Board order rescinding an action by an employer, and requiring the employer to make employees whole for violations of statute, contracts or rules and regulations, should be stayed pending appeal. See Grievance of Lowell, 15 VLRB 436 (1992). In the cases before us, the Board upheld each of the adverse actions which the Employer took against Grievant, culminating in his dismissal from employment. 15 VLRB 118 (1992). The status quo has been preserved.

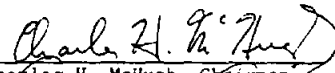
Similarly, it would be contrary to the Board's decisions in these matters to grant Grievant's motion for injunctive relief

pursuant to V.R.A.P. 8. Grievant, by requesting that the Board enjoin the Employer from terminating his employment while these matters are on appeal, is seeking relief from an employment action (i.e., dismissal) which the Board determined was for just cause. Thus, granting the injunctive relief pending appeal requested by Grievant would be contrary to the Board conclusion reached in these matters after full consideration of Grievant's claims.


Now therefore, based on the foregoing reasons, it is heraby ORDERED that the Motion For Immediate Injunctive Relief and Stay of Board Order filed by Mohammad Choudhary is DISMISSED.

Dated this 2nd day of March, 1993, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD


Charles H. McHugh, Chairman


Louis A. Toepfer


Carroll P. Comstock