

VERMONT LABOR RELATIONS BOARD

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| VERMONT STATE EMPLOYEES' |) | |
| ASSOCIATION AND DETECTIVE |) | |
| SERGEANT GLORIA DANFORTH |) | |
| |) | |
| v. |) | DOCKET NO. 97-10 |
| |) | |
| DEPARTMENT OF PUBLIC |) | |
| SAFETY |) | |

MEMORANDUM AND ORDER

At issue is whether the Labor Relations Board should issue an unfair labor complaint under the State Employees Labor Relations Act, 3 V.S.A. Section 901, *et seq* ("SELRA"). On February 24, 1997, the Vermont State Employees' Association ("VSEA") filed an unfair labor practice charge on behalf of VSEA, Trooper Michael Manning, Sergeant Rodney Hall and Detective Sergeant Gloria Danforth alleging that the Department of Public Safety ("Employer") committed an unfair labor practice in violation of 3 V.S.A. Section 961(1) and (4). The Employer filed a response to the charge on March 7, 1997. On March 11, 1997, Hall and Manning withdrew their participation in the matter, leaving VSEA and Danforth as the remaining Complainants. On March 13, 1997, Complainants filed a reply to the Employer's response.

Complainants contend that the Employer committed unfair labor practices when the Employer's Head of Internal Affairs contacted Danforth, and another potential witness, to inquire about the substance of their proposed testimony in the disciplinary hearings involving Manning and Hall. The Employer contends that this unfair labor practice charge is moot because, subsequent to the charge being filed, the parties reached a global settlement of all pending disciplinary issues involving Manning and Hall.

We conclude that the charge should be dismissed as moot because an actual controversy between the parties no longer exists. Milton Staff Association, Vermont-NEA/NEA Local 130 v. Milton Board of School Directors, 17 VLRB 176, 178-79 (1994). Windsor Southwest Education Association v. Windsor School District Board of School Directors, 11 VLRB 217 (1987). The issue as to whether the Employer's actions of inquiring about the substance of the testimony of Danforth and another potential witness interfered with VSEA and employees' rights, in defending against the pending charges against Manning and Hall, no longer needs to be decided due to the global settlement of all pending disciplinary issues involving Manning and Hall. If a similar action occurs in the future, the Board would be able to review such action in a timely manner.

NOW THEREFORE, based on the foregoing reasons, we decline to issue an unfair labor practice complaint and it is hereby ORDERED that the unfair labor practice charge filed by the Vermont State Employees' Association and Detective Sergeant Gloria Danforth is DISMISSED.

Dated this 1st day of May, 1997, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

Catherine L. Frank
Catherine L. Frank, Chairperson

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