

VERMONT LABOR RELATIONS BOARD

APPEAL OF:

GLORIA DANFORTH

)
)
)

DOCKET NO. 99-62

MEMORANDUM AND ORDER

The issue before the Labor Relations Board is whether to grant a motion filed by the State of Vermont Department of Public Safety (“Employer”) to quash a third subpoena duces tecum served by Appellant Gloria Danforth (“Appellant”) on Department Commissioner A. James Walton, Jr., in connection with the appeal of her dismissal from employment as a State Police Detective Sergeant. This case originated on September 30, 1999, when Appellant filed an appeal with the Labor Relations Board over her dismissal.

The Employer filed the motion to quash the third subpoena, and supporting memorandum, on January 22, 2001. Grievant filed an opposition to the motion on January 30, 2001. In her third subpoena served on Commissioner Walton, Appellant seeks to obtain internal affairs investigative reports concerning alleged false testimony given by two state police officers, Detective Sergeant Ray Keefe and Detective Sergeant Paul Barci, in a district court hearing on May 10, 2000. Appellant has served the subpoena in connection with her claim that discipline was imposed on her in an inconsistent manner.

We grant the motion to quash the subpoena for the same reasons stated in our decision in this matter issued on December 14, 2000, in which we granted another motion of the Employer to quash a subpoena. Appeal of Gloria Danforth, 23 VLRB 288. Our role in the dismissal process, the legislative policy of promoting expeditious resolution of state police dismissals, and practical considerations lead us to conclude that evidence of

alleged inconsistent discipline imposed on other employees is not relevant to our review of Appellant's dismissal to the extent that it involves alleged improper conduct of which management was unaware at the time of Appellant's dismissal. Id. at 293-97.

In this third subpoena, Appellant is seeking information with respect to alleged improper conduct occurring eight months after her dismissal. Since management obviously was not aware of this alleged improper conduct at the time of Appellant's dismissal, such evidence is not relevant to our review of Appellant's dismissal. If the Board fails to limit the timeframe within which evidence of alleged inconsistent discipline may be introduced, it would set into motion the potential for ongoing discovery continuously delaying the date the case could be heard, which is a result that is inconsistent with the legislative policy of expeditious resolution of cases. Id. at 297.

Based on the foregoing reasons, it is ordered that the Department of Public Safety's motion to quash the third subpoena duces tecum served on Commissioner A. James Walton, Jr., is granted.

Dated this 21st day of February, 2001, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

Edward R. Zuccaro, Acting Chairperson

Richard W. Park

John J. Zampieri