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| **Meeting Minutes: Act 56 Working Group** | | | |
| **Date:** | | | 07/26/2023 |
| **Time:** | | | 1300 hours |
| **In attendance:** | | | Christopher Brickell  Christopher Louras  Erin Jacobsen  James Whitcomb  Jennifer Frank  Kim McManus  Michael Major  Mike O’Neil  Tucker Jones |
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| 1. | Approval of the minutes   * Louras motion to approve * 2nd Frank * Unanimous approval | | |
| 2. | Discussion surrounding the definition of “off duty”   * On duty or acting under the authority of the state * In re Grievance of Hurlburt, 175 Vt. 40, 48 (2003) (“In cases where an employer disciplines or dismisses an employee for off-duty conduct, there must be a nexus between off-duty conduct and employment to justify the employer's disciplinary action against an employee for that conduct. In re Ackerson, 16 V.L.R.B. 262, 272 (1993).”) * Discussion regarding self-activation off duty and whether it triggers “on duty” | | |
| 3. | Discussion around committee process for approaching the questions posed   * Piecemeal reviewing A-H or should we assess what other states are doing first? * Conduct a sample inventory, and then come up with a draft definition of Category B | | |
| 4. | | Discussion around consultation with others   * OPR * Subject matter expert in LEO matters * IADLEST * National Decertification Index * Other states reference ACT 56 related matters * Examine various career fields for their licensure sanction regulations ex: Secretary of State, Educators, Medical Licensing board * Efforts have already been made, and discussion has begun, with the NH Police Academy staff reference their successes and failures with the implementation of certification sanctions * https://app.powerbi.com/view?r=eyJrIjoiM2EyYWZmYzQtODg5   Yy00Mjg4LTk4YTktNTQyNWYzNDdiMTRlIiwidCI6IjM4MmZ  iOGIwLTRkYzMtNDEwNy04MGJkLTM1OTViMjQzMmZhZSIs  ImMiOjZ9 | |
| 5. | | Concern expressed regarding opening up ALL off duty-conduct   * Are there any limitations that should be considered to balance expanded authority? * Discussion around specific questions ex: include ALL off duty conduct, if No, explain why with specific examples, suggested models to follow, lessons learned from initiation of act 56 – tweak language | |
| 6. | | Misunderstandings   * Identified need for individual agencies to better understand what matters need to be reported to Act 56 and which matters do not * Misunderstanding by many that all matters referred to Act 56 will automatically be escalated to de-certification * Discussion around the elements that the public see are only the more serious / egregious matters and they do not see the minor infractions that do not result in decertification or certification suspensions | |
| 7. | | Discussion around better cataloging of what the complaints are and what the outcomes are   * Anonymize the data * Transparency regarding what sanctions result for various broad categories of conduct * Website challenges for reporting out findings | |
| 9. | | Motion to Adjourn   * Louras motion to adjourn * 2nd Chief Frank * Unanimous approval | |