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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
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| 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”
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| 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
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| 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

Yy00Mjg4LTk4YTktNTQyNWYzNDdiMTRlIiwidCI6IjM4MmZiOGIwLTRkYzMtNDEwNy04MGJkLTM1OTViMjQzMmZhZSIsImMiOjZ9 |
| 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
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| 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
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| 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
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| 9. | Motion to Adjourn* Louras motion to adjourn
* 2nd Chief Frank
* Unanimous approval
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