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State Concludes Investigations into Employee Misconduct and Retaliation Allegations

MONTPELIER – Human Resources Commissioner Kate Duffy announced today that the investigation into alleged misconduct by Vocational Rehabilitation Counselor John Howe has been closed, as has the Department’s related review of retaliation against Howe. Howe had publicly disclosed the investigation into his practice of permitting non-authorized personnel to sign his name to dispense state funds through the Department of Disabilities, Aging and Independent Living (DAIL), which had referred the matter to the Department of Human Resources. Howe had claimed that the investigation constituted retaliation for Howe testifying at the Vermont Legislature and engaging in union activity.

The Department of Human Resources investigation recommended that Howe’s conduct did not justify disciplinary action. The Department found that although DAIL has a policy that requires authorized employees, such as Howe, to personally review and sign approval for expenditures of state funds, that policy has been neither clearly conveyed to DAIL employees nor routinely enforced. The Department therefore found no basis to discipline Howe for this conduct, even though it did not meet DAIL’s policy. DAIL Commissioner Susan Wehry issued that decision.

In a letter from Duffy to DAIL Commissioner Susan Wehry detailing the findings, Duffy confirmed Howe’s assertion that his practice was longstanding, and that other employees similarly delegated their authority to non-authorized personnel. Duffy said DAIL had not communicated its expectations clearly enough to staff, and therefore no disciplinary action should be taken against the small number of employees who did not personally approve state funds that were released under their authority.

Wehry confirmed that DAIL would immediately redraft a clearer policy to ensure all expenditures are appropriately reviewed, authorized and signed going forward. That policy will be clearly communicated to all affected employees, she said.

In addition to investigating the misconduct allegations, the Department of Human Resources reviewed Mr. Howe’s related retaliation claims. On the Department’s recommendation, Commissioner Wehry determined that the initial investigation into John Howe’s expenditure approvals was warranted in light of DAIL’s policy requiring personal approval by authorized employees, and did not uncover evidence that DAIL’s referral for investigation had been motivated by retaliation against protected activity or illegal animus.

“As I said when this investigation was made public by Mr. Howe, I believe that investigating complaints that are brought to the Department of Human Resources is important for both our employees and for our managers,” said Commissioner Duffy. “We investigate claims in order to learn the facts through a diligent process. The process here worked well. We identified an important issue that will be remedied by providing guidance to our managers and training to those they supervise so that they can exercise better control over the distribution of state funds, which the public rightly expects.”