

Vermont Labor Relations Board

GRIEVANCE OF:]	
]	DOCKET #78-14S
RICHARD C. CAMPBELL]	

ORDER

Statement of the Case.

On 20 October 1977 a grievance was filed by Richard C. Campbell, an employee of the Department of Social Welfare. On 25 October 1977 copies of the grievance and enclosed letters were transmitted to the Honorable Jeffrey L. Amestoy, Assistant Attorney General. On 9 November 1977 a Motion to Dismiss was filed by the State, and duly served on the grievant. Pursuant to notice of hearing, on 25 November 1977 a hearing was held in the Jury Lounge, Chittenden Superior Courthouse, Burlington, Vermont. The grievant appeared pro se and the State appeared by the Honorable Jeffrey L. Amestoy, its Assistant Attorney General. The arguments were based mainly on the issues raised by the Motion to Dismiss.

Discussion of Evidence and Presentation.

The grievant was first employed by the State on 26 October 1953 in the Department of Banking and Insurance. In May of 1967 he was appointed Deputy Commissioner of Banking. He resigned from his position voluntarily in November of 1974, and was given classified service status. In an equivalent grade together with all increments under the provisions of 3 V.S.A., Section 253 (f). Eventually he was assigned on September of 1974 to an Accountant A position in the Agency of Human Services.

On or about 4 October 1977, grievant was informed of his reassignment to Waterbury, Vermont with the Agency of Human Services, such reassignment to be effective at some time prior to February 1978. Most Montpelier employees of the Agency are being moved with him by February of 1978.

The claimant said that the reason for his grievance was based on his "arbitrary" assignment to the Agency of Human Services under the statute. He said if he had gone with that agency voluntarily he would not have objected or felt discriminated against. Presently he can walk to work. It was never suggested to him back in 1953 that at some time he might have to give up his residence in order to live near his work. Furthermore, he pointed out that under the directive if he had happened to be in an office that had leased premises, he would not have been moved. Mr. Campbell testified that the reason he was assigned to Human Services was that they were the only agency which could afford a Pay Scale 18 employee in a Pay Scale 12 position. The grievant lives in Montpelier, Vermont beyond the Redstone State Police Headquarters and his office moved to River Street in Montpelier in January of 1975.

ORDER.

The transfer of grievant, who is being transferred along with most other Agency of Human Services employees located in the Montpelier area, is not a discriminatory act by the employer, nor an arbitrary application of a rule or regulation, nor an unfair labor practice, nor a grievance under the statutory definition thereof. The Board can find no personal discrimination against the grievant in such a manner that he has been singled out as distinguished from other employees similarly situated, for special treatment. The Board sympathizes with grievant's personal situation, and wishes that he could continue to be able to walk to

work. However, the Board has no jurisdiction to grant relief to the grievant unless some rule or regulation has been applied in an arbitrary manner as to him or he has been singled out for a special discriminatory treatment. We find that neither of these conditions exist.

NOW, THEREFORE, it is hereby ORDERED that the grievance be, and the same hereby is, DISMISSED.

Dated at Montpelier, Vermont this 16th day of December, A.D. 1977.

VERMONT LABOR RELATIONS BOARD

By John S. Burgess
JOHN S. BURGESS, Chairman

William G. Kemsley, Sr.
WILLIAM G. KEMSLEY, SR.

Robert H. Brown
ROBERT H. BROWN