

Celotti, Stella

From: Richardson, Darcy
Sent: Wednesday, February 17, 2010 6:50 PM
To: Celotti, Stella; Bolduc, Amanda
Cc: Lefebvre, Theresa
Subject: RE: Emailing: feb 17 2010



Issues.doc (30 KB)

Stella,

My trial has cancelled on Friday so I am available either day. I have attached the letter I sent to Bob on January 28th regarding several on going issues.

Over the last week there has been a definite shift where Bob has drawn a line with Steve and himself on one side and Amanda and myself on the other. After witnessing two conversations last week and this week I am no longer confident in Bob's desire to deal with these issues or in fact have a quality program at all. One of these was in regards to dealing about serial numbers to get parts covered under warranty for instruments that are no longer under warranty and regarding taking parts from a demo model that we do not own. When I objected I was told that he felt NPAS "owed us" and that it wasn't an issue. I am not the biggest fan of NPAS but the time for objections was when we ordered new instruments not now when we have entered into a new agreement with them. We should not be trying to cheat warrantees. We are not allowed to discuss quality issues and when they come up were are told to ignore them. Additionally if we complain we are met with hostility which I had complained about before in 2008 or 2009.

I look forward to speaking with you and Amanda. We are both truly at a loss.

Thanks,
Darcy

-----Original Message-----

From: Celotti, Stella
Sent: Wednesday, February 17, 2010 12:25 PM
To: Bolduc, Amanda
Cc: Lefebvre, Theresa; Richardson, Darcy
Subject: RE: Emailing: feb 17 2010

Amanda, I have time available on Monday, 2/22 @ 11 a.m. to meet with both you and Darcy. If both of your court schedules change, I have Friday, 2/19 available, after 11 a.m.. Please let me know what time would work best. Thanks, Stella (Mary).

-----Original Message-----

From: Bolduc, Amanda
Sent: Wednesday, February 17, 2010 12:12 PM
To: Celotti, Stella
Cc: Lefebvre, Theresa; Richardson, Darcy
Subject: Emailing: feb 17 2010

Mary,

Darcy and I would like to meet with you as soon as possible regarding this and other issues. Due to court schedules, I believe the first day we both have available might not be until Monday. However, I am available Thursday morning or Friday if you would like to talk to me. I would appreciate if you would not mention this to my supervisor as I fear repercussions. Thank you,

Handwritten notes:
Actual need for NPAS
Serial parts taken w/ NPAS instrument 2

Amanda

For the last five years, it has been my pleasure to work for the Department of Health Toxicology program. I have seen many advances in the breath alcohol program and have been honored to have had a lead role in implementing the new instruments and technology. Working with the law enforcement and judicial communities has been a very rewarding endeavor.

However, there is one looming aspect to my position that has become intolerable. There is a serious lack of leadership that as of late has become so blatant, it threatens the integrity of the program as a whole. ① lack of leadership in program

Bob
Vague generalities
lack priority

The alcohol program has four members. Our technician is responsible for the maintenance of the instruments and generating appropriate documentation to demonstrate the reliability of the instruments. Our two chemists testify in court to the accuracy and reliability of the instruments, and our program chief who is responsible for over seeing the program as a whole. The ability of each member to appropriately, effectively and efficiently complete their duties relies largely on the quality and reliability of the work completed by other members of the team.

For the last two years, the ability of the team to function as a group has faltered. The quality of work performed by the technician has been lacking. The record keeping and documentation required of this program has not been met or maintained by the technician. These records are crucial for the chemists to give the effective and accurate testimony. There have even been documented cases of inappropriate and unethical behavior being performed by the technician on instruments in service in police agencies.

② quality of work of technician
④ documentation required not been met or maintained

These problems have been documented by the chemists in the alcohol program and brought to the attention of the program chief on a frequent basis. However, most of these problems remain unresolved. Further, it has become the attitude of the program chief that when problems are brought to his attention, the person relaying the concern becomes the target of retribution. The program chief will target and excessively critique the work anyone who brings concerns to him. I feel like not only am I being purposely set up for failure, but so is the entire alcohol program. ③ supervisory retribution target + critique work

- specific examples?
- frequency date of
⑤ inappropriate + unethical behavior
↓
documented where?

Bob

I am completely at a loss as to what to do. I love my job. In this position I have the ability to directly effect the safety of our communities by working with the law enforcement professionals in the prosecution of suspected impaired drivers. However, when the integrity of the program is in jeopardy, and the program chief gives the impression that not only does he not care, but that he seems to be blatantly covering up potential problems, I find myself deeply conflicted. I no longer have faith in our technician to appropriately maintain the evidentiary instruments. I have concerns in his level of integrity and ethics. These concerns have been brought to the attention of the program chief on numerous occasions, and still the problem persists. And now, I feel I can no longer bring concerns to my supervisor because not only does he not respond to my concerns, I feel actively targeted by him in retribution for my complaints.

④ integrity of program
- supervisor blatantly covering up problems and technician integrity + ethics

If confronted with direct questions regarding the work performed by the technician or the supervision of the program chief, it is my duty and legal obligation to answer honestly. I cannot testify to the purported work performed by our technician because I know he fails to document his actions, both intentionally and unintentionally and the quality of his work is lacking. Our technician repeatedly falters in his work duties and behaves unethically, management knows this, and the situation has yet to be addressed. I fear that this may have severe and long lasting negative implications on our program. It is my hope that steps can be taken to rectify the situation, improve the program, and prevent major impacts and detrimental consequences.

(S) ~~(S)~~ testimony issues

- active ^{interview} issue -

101 action

102 demonstrated by instrument -

- operator error - Bob said not to ask operator why failed 5 times

- training - Bob → no training complaints received from VTFOR Academy →

- all complaints from the field →

(S) instruments to be re-calibrated]
→ Amanda

January 28, 2010

Dear Bob,

Over the last several years I have brought up many issues in regards to the work being performed by Steven Harnois. We have had numerous meetings as a group and privately, we have held new trainings, we have added new policies and for some time in 2008 Amanda Bolduc was assigned to review his paperwork for completeness prior to it being distributed for discovery and filing. For that time the paperwork was kept up to date. As he bristled under her review, the reviewing stopped and the paperwork has again fallen to the point where it can not be relied upon as an accurate indication of the status or history of the instruments in the field or in-house. *examples needed*

We have discussed the importance of keeping the paperwork complete and up-to-date in numerous meetings over the years and nothing we have done has remedied the problem. TSI's are not being filled out. When they are filled out, they are often incomplete. Paperwork has been lost including calibration and certifications of the instrumentation as well as Routine Performance Check's from the DataMaster Supervisors. This is despite adding new folders (which are not used) and adding timeframes to paperwork completion and filing. Emails have gone out repeatedly as a reminder when we find the lacking paperwork while putting together discovery information. The problem remains. *examples*

Beyond the lack of paperwork and organization Steven Harnois has a lack of understanding in regards to how the instruments, both BAC and DMT, operate. Mr. Harnois has been trained by the manufacturer on both instruments as well as taking an additional course by the manufacturer at their facility. I had told you previously where Mr. Harnois advised me that the ethanol molecules change their absorbance based on how old the calibration is. This statement reflects a complete lack of understanding in the basic principle of the operation of the instruments. In a meeting a month ago we had to explain how calibration worked again to Mr. Harnois. He has been in this position for 7 years and should be extremely familiar with this concept but he is not. *evidence? from field or complaints from law enforcement*

This is a very concerning problem considering that part of his job is to troubleshoot and repair the instruments. That is simply not possible without understanding how the instrument works. At one point during one of our discussions between the two of us you had suggested that perhaps we needed someone else to troubleshoot and simply advise Mr. Harnois as to the action to take. In the year that has passed since then though we have not implemented that. His standard response to an instrument that is not working properly over the years has been to blame the simulator solution and run it repeatedly until it passes or to simply keep replacing parts until the instrument works again. This is inefficient at best and ineffective at worse. Further concerning is that in order to get instruments to pass he has changed methodology such as adding acetone to an interference solution, raising the temperature of a simulator when it is not out of range, or neglecting to perform suck back tests on instruments with broken one way valves. Myself and Amanda Bolduc have raised these issues repeatedly but nothing has changed nor does Mr. Harnois seem to understand that changing methodology is inappropriate just to get an instrument to pass. He has taken the laboratory ethics training that we have been required to attend in the past. *ethical issues - changing methods to get an instrument*

I understand that personnel issues are private and I am not asking to know what has been said to Mr. Harnois but I feel the need to put this all in one place. This situation can not remain if we want a program that is solid and focused on quality. At this point I have very little faith in the work and documentation of Mr. Harnois's that I am asked to defend in court. Being surprised by paperwork on the stand or having to learn the history of an instrument from an attorney is inappropriate and quite honestly, embarrassing. It undermines our credibility and the credibility of the program.

On-site maintenance log

doc. in instrument pulled from field - was at law enforcement info to them? how does this happen when we provide the

to pass - SOP?

In order for Mr. Harnois to be successful in this program there needs to be someone else in that laboratory who interacts with the police agencies, who troubleshoots the instruments and decides the correct course of action as well as reviewing all paperwork generated for completeness and accuracy. Mr. Harnois is simply in over his head and cannot successfully work independently in that position. Perhaps with additional oversight and guidance he can be more effective in what he does.

I do not enjoy writing this but at this point I am at a loss of what to do.

~Darcy Richardson

"cheating warrants"

1 ✓ Warranty parts + demo model ✓

2 ✓ Review of Lewis work
↳ e-mails from Day & Amundson regarding
loading of paperwork in Discovery process

3 ✓ Loading routine to interrogate SIMN

4 ✓ Raising temp of simulator when out of range -

5 ✓ Neglecting to perform sock-bod test on
instruments with known ^{or} way values

6 ✓ Montpelier DMT (incubator in simulator)

- ethical

- quality

- (personnel) performance issues

- need objective data; will gather data via meetings
etc. with Ed's assistance

Celotti, Stella

From: Celotti, Stella
Sent: Wednesday, February 17, 2010 12:25 PM
To: Bolduc, Amanda
Cc: Lefebvre, Theresa; Richardson, Darcy
Subject: RE: Emailing: feb 17 2010

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Amanda

The message is ready to be sent with the following file or link attachments:

feb 17 2010

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Celotti, Stella

Subject: Meet with Stella
Location: Stella's Office
Start: Fri 2/19/2010 2:30 PM
End: Fri 2/19/2010 3:30 PM
Recurrence: (none)
Meeting Status: Meeting organizer
Required Attendees: Richardson, Darcy; Bolduc, Amanda

Celotti, Stella

From: Celotti, Stella
Sent: Monday, February 22, 2010 2:09 PM
To: Rushford, Gail
Subject: RE: 2:30 meeting

Hi, Gail, could you call when you get a chance? (863-7570). I wanted to follow-up about my "plan of action" from Friday's meeting, thanks, Stella.

-----Original Message-----

From: Rushford, Gail [mailto:Gail.Rushford@ahs.state.vt.us]
Sent: Friday, February 19, 2010 11:05 AM
To: Celotti, Stella
Cc: Sponem, Barbara
Subject: 2:30 meeting

Barbara will join you at 2:30 for the meeting to get more info on the employee complaints you have received this week.

Gail Rushford
AHS HR Manager
103 South Main Street
Waterbury, VT 05671-0202
#802.241.2788
http://intra.ahs.state.vt.us/centralsupport/ahs_hr



Please consider the environment before printing this e-mail

Celotti, Stella

From: Celotti, Stella
Sent: Wednesday, February 24, 2010 9:53 AM
To: Bolduc, Amanda; Richardson, Darcy
Subject: Follow-up to Friday's Meeting - Can you stop by this morning?

Mary Celotti
Laboratory Director
Vermont Department of Health Laboratory
195 Colchester Avenue
Burlington, Vermont 05401
Office:802-863-7570
Fax:802-863-7632
scelott@vdh.state.vt.us

Celotti, Stella

Subject: Meeting Follow-up
Location: Stella's Office

Start: Wed 3/3/2010 3:00 PM
End: Wed 3/3/2010 3:30 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Required Attendees: Richardson, Darcy; Bolduc, Amanda

Celotti, Stella

Subject: Meeting Follow-up
Location: Stella's Office

Start: Thu 3/4/2010 11:00 AM
End: Thu 3/4/2010 11:30 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Required Attendees: Richardson, Darcy; Bolduc, Amanda