

STATE OF VERMONT

SUPERIOR COURT
Franklin Unit

CRIMINAL DIVISION

State of Vermont

v.

ENTERED

AUG 11 2011

Vermont Superior Court
Franklin Unit

Dustin Burns	Docket No. 378-4-11 Frer
Kathleen Carpenter	Docket No. 377-4-11 Frer
Douglas Farnsworth	Docket No. 619-5-10 Frer
Terri Foote	Docket No. 417-4-11 Frer
	27-1-11 Frcs
Douglas Gardner	Docket No. 545-5-10 Frer
Christopher Labombard	Docket No. 258-3-11 Frer
Joshua Quesnel	Docket No. 371-4-11 Frer
Scott Patterson	Docket No. 265-3-11 Frer
Carolyn Thayer	Docket No. 1270-10-10 Frer
Justin Holmes	Docket No. 440-4-11 Frer
Eric J. Smith	Docket No. 224-2-11 Frer
William P. Cobb	Docket No. 562-5-11 Frer
	44-5-11 Frcs
Jason L. Gagne	Docket No. 580-5-11 Frer

ORDER ON DEFENDANTS' MOTION FOR DISCOVERY ORDER

On May 10, 2011, Defendants filed a Motion for Discovery Order along with a proposed discovery order. Defendants requested, *inter alia*, certain personnel records of Steven Harnois—all documentation regarding (1) corrective action concerning his performance, (2) his failure to correctly document work on the Datamaster machines, and (3) his failure to provide accurate information. A hearing was held on this issue on June 15, at which the Vermont Department of Health (VDH)—Mr. Harnois's employer—objected to releasing the records. On July 25, 2011, VDH filed a request for in camera review of the personnel records, in which it reiterated its objections to releasing the records, asserting that they are confidential, that they do not fall under V.R.Cr.P. 16, and that they are not responsive to Defendants' discovery requests.

First, the records are not protected by the State of Vermont Personal Policies and Procedure Manual § 5.4. That provision provides that, "Personnel Records are confidential and shall be maintained as necessary to ensure their confidentiality." Vermont Personal Policy § 5.4, available at http://humanresources.vermont.gov/sites/dhr/files/pdf/labor_relations/DHR-Policy_Manual.pdf. However, the State has not convinced the Court that this manual has the force of law and is binding on this Court. Indeed, the manual itself states that, "[t]hese policies and procedures are intended to serve as *guidelines* to assist in the uniform and consistent

management of personnel” and that “the legal rights of employees are those which are created by the agreements, regulations, and statutes, and this manual is intended not to expand nor diminish those rights.” *Id.* at p. 2 (emphasis added). Moreover, even if § 5.4 could be construed as a statute, this would not necessarily imply an evidentiary privilege. See *In re F.E.F.*, 156 Vt. 503, 514 (1991) (“Both of the statutes relied upon by SRS make information confidential. This does not mean, however, that they establish evidentiary privileges.”). Absent argument that the policy manual has the force of law and that such law is intended to create an evidentiary privilege, the Court cannot agree that § 5.4 protects the records from discovery. See *id.* (“Because evidentiary privileges directly undercut the truth-seeking function of court proceedings, we will not construe a confidentiality statute as creating an evidentiary privilege unless the intent to do so is clear.”); see also *State v. Emerson*, 150 Vt. 128, 129 (1988) (“The burden of establishing that a privilege applies in a particular case is on the party asserting it.”).

Furthermore, while 12 V.S.A. § 1691a(a) provides that, “It is the policy of this state that an employee’s personnel records should not be discovered by a party in a civil action without first giving the employee notice and an opportunity to object to the discovery of the records,” the consolidated cases in this matter are criminal. Thus, the notice provisions of § 1691a(c) and the employee’s right to respond and object in § 1691a(f) are not applicable. Also, while 1 V.S.A. § 317(c)(7) excludes personnel documents from public inspection and copying, the Defendants are not requesting that the personnel documents be subject to public inspection and copying. Rather, they seek discovery for purposes of a criminal case. Thus, 1 V.S.A. § 317(c)(7) does not apply.

The Court has reviewed the records and agrees that most of the material contained therein is not discoverable because it is irrelevant and nonresponsive to Defendants’ discovery requests. However, there is some material relating to Mr. Harnois’s documentation of his work (Defendants requested material regarding his failure to correctly document work and his failure to provide accurate information). This material is relevant to and necessary for Defendants’ criminal cases because it reflects on the accuracy of the machines used to measure their blood-alcohol level. Thus, certain portions of the personnel records fall under the prosecution’s disclosure obligations under V.R.Cr.P. 16(a)(2)(G), which requires disclosure of “any other material or information not protected from disclosure under subdivision (d) of this rule that is necessary to the preparation of the defense.” Although the State discusses the propriety of disclosing the records under V.R.Cr.P. 17(c), it does not appear that Defendants have subpoenaed the personnel records under V.R.Cr.P. 17 or that the State filed a motion to quash, so the Court will not address this issue.

In light of the foregoing, Defendants’ Motion for Discovery Order is GRANTED IN PART and DENIED IN PART. The Court will release Mr. Harnois’s personnel records, as redacted by the Court, to Defendants.

Dated at St. Albans, Vermont this 10th day of August, 2011.



Hon. Mark Keller
Presiding Judge

PERFORMANCE EVALUATION REPORT

DOCUMENT A - Evaluation Summary

Employee: Steven Harnois Department: Health / Health Surveillance / Laboratory Position Title: Public Health Electronics Technician Evaluation Period From: May 4, 2004 – May 4, 2005 Performance Review Conference held on: 6/8/05	Type of Evaluation: <input type="checkbox"/> Original Probation <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Promotion <input type="checkbox"/> Special <input type="checkbox"/> Warning <input type="checkbox"/> Separation
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OVERALL PERFORMANCE DURING THE EVALUATION PERIOD IS RATED AS: (Check one)	
<input type="checkbox"/> OUTSTANDING	The employee's overall performance significantly and consistently surpasses all performance standards established for the position. This evaluation recognizes an employee's sustained excellence and accomplishments which are substantially above usual expectations.
<input type="checkbox"/> EXCELLENT	The employee's overall performance in all areas frequently exceeds the performance standards established for the position. This evaluation recognizes an employee's consistent effectiveness and accomplishments which are above usual expectations.
<input type="checkbox"/> SATISFACTORY	The employee's overall performance consistently meets the performance standards established for the position and regularly achieves expected results. An employee at this achievement level meets usual expectations and performs tasks in a timely and acceptable manner.
<input type="checkbox"/> UNSATISFACTORY	The employee's overall performance inconsistently meets the performance standards established for the position and indicates that significant tasks are not completed in the time or manner expected. Performance is below the minimum acceptable level for the position. Correction of performance deficiencies is necessary for continued employment.

Name of Supervisor: Robert Draubaugh Title: Laboratory Program Chief / Toxicology	Signature: <i>[Signature]</i> Date: 5/31/05
Name of Reviewer: Mary Celutti Title: Lab Director	Signature: <i>[Signature]</i> Date: 6-1-05
Appointing Authority: Sharon Moffatt Title: Deputy Commissioner	Signature: <i>[Signature]</i> Date: 6/8/05
Employee: Steve Harnois Title: Public Health Electronics Technician	Signature: <i>[Signature]</i> Date: 6/8/05

To the Employee: Signature only indicates receipt of the evaluation.

SUMMARY OF MAJOR JOB DUTIES WITH PERFORMANCE EXPECTATIONS

(Even though they need not be listed below, employees are also expected to adhere to general performance expectations applicable to all employees, such as, but not limited to: reporting for work on time, following work rules & procedures; maintaining effective working relationships with public and co-workers, etc. These general performance expectations can be used in determining the employee's final rating.)

Major Job Duties/Performance Expectations:

DataMaster Technical Support: Perform routine maintenance and repair on DataMaster instrumentation used for evidentiary breath alcohol testing, resolving instrument availability issues within one month of notification; complete and maintain necessary instrument-related documents, particularly those related to certification, installation, repair and maintenance, creating and filing them in a timely manner; maintain adequate and appropriate inventory of program supplies, instrument parts and tools needed for repair and maintenance; travel to all DataMaster sites to effect necessary repairs or perform annual preventive maintenance procedures in a timely manner- within two weeks of notification of service needs and Preventive Maintenance visits performed as scheduled quarterly; perform instrument installations as necessary. Develop revised instrument certification and test procedures as assigned. Maintain safe, neat and effective workspace for repair and maintenance of equipment and for development and maintenance of program documentation.

DataMaster Technical Consultation: Provide timely and useful response to inquiries from DataMaster operators and instrument Supervisors regarding instrument operation, maintenance and repair issues; maintain an effective "hotline" for inquiries as noted above; provide training to new and established DataMaster Supervisors, at least two times per year for each category; establish and maintain an effective communication protocol and rapport with DataMaster Supervisors; provide training to other laboratory personnel in instrument certification, installation and maintenance/repair as needed.

Administrative Support: Maintain up-to-date information detailing DataMaster site assignments and operational status of all DataMaster instruments in the program; annually review current laboratory DataMaster Program record formats, procedures and forms as assigned and provide recommendations for revision as appropriate; coordinate the annual Routine Performance Check kit preparation and distribution- assuring shipping of kits to DataMaster sites by the scheduled date; advise program and laboratory management regarding technical issues, concerns or issues from instrument users in the field; advise program management regarding capabilities and needs to effect remote access to DataMaster instrument data; work with program support staff to maintain an accurate, current database of DataMaster site and operation information; provide technical support and expertise for the maintenance and repair of laboratory equipment in other programs; actively participate on the Laboratory Safety Committee.

Professional Development: Participate in training courses, seminars and conferences as assigned or as determined appropriate for gaining further skills and knowledge which will support the program to which you are assigned; review appropriate technical literature to maintain and improve technical knowledge and skills needed for support of the program- providing summary of that review at periodic staff meetings or in written reports as assigned; establish and maintain respectful and effective working relationships with staff colleagues.

Laboratory Communications: incorporate good interpersonal communication skills and practices into daily work interactions, meeting the published laboratory communication expectations. Establish and maintain good written communication skills including those used for daily memos, e-mail, and written communications with our program 'customers'.

DOCUMENT B - Performance Comments

Employee: Steven Harnois
Evaluation Period From: 5/4/04 – 5/4/05
Department: Health

SUPERVISOR COMMENTS

DataMaster Technical Support:

[REDACTED]

Timely and thorough completion of associated documents has not been consistent and will have to be improved over the coming year.

[REDACTED]

DataMaster Technical Consultation:

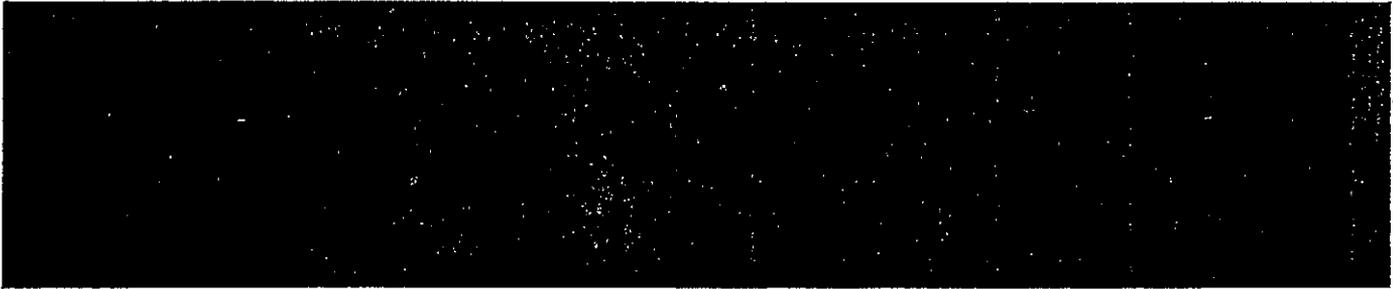
Administrative Support:

Personal Development:

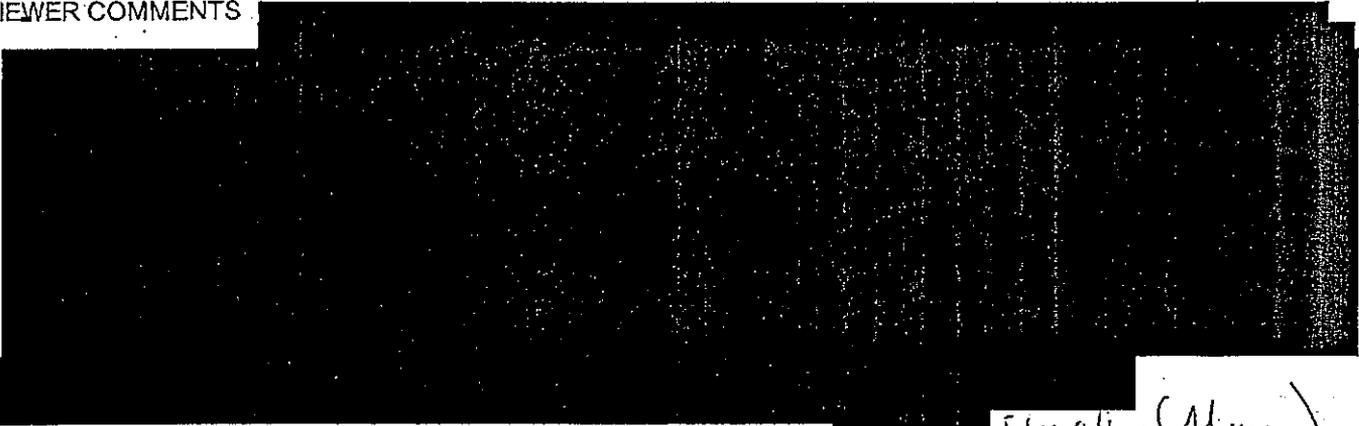
Laboratory Communication :

PERFORMANCE EXPECTATIONS FOR NEXT EVALUATION PERIOD

(Identify any changes or additions to employee's job duties or performance expectations for the next rating period.)



REVIEWER COMMENTS



APPOINTING AUTHORITY COMMENTS

*Steel (Mang)
w/lt*

EMPLOYEE COMMENTS

PERFORMANCE EVALUATION REPORT

DOCUMENT A - Evaluation Summary

Employee: Steven Harnois Department: Health / Health Surveillance / Laboratory Position Title: Public Health Electronics Technician Evaluation Period From: May 4, 2007-- May 4, 2008 Performance Review Conference held on:	Type of Evaluation: <input type="checkbox"/> Original Probation <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Promotion <input type="checkbox"/> Special <input type="checkbox"/> Warning <input type="checkbox"/> Separation
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OVERALL PERFORMANCE DURING THE EVALUATION PERIOD IS RATED AS: (Check one)	
<input checked="" type="checkbox"/>	The employee's overall performance significantly and consistently surpasses all performance standards established for the position. This evaluation recognizes an employee's sustained excellence and accomplishments which are substantially above usual expectations.
OUTSTANDING	
<input checked="" type="checkbox"/>	The employee's overall performance in all areas frequently exceeds the performance standards established for the position. This evaluation recognizes an employee's consistent effectiveness and accomplishments which are above usual expectations.
EXCELLENT	
<input checked="" type="checkbox"/>	The employee's overall performance consistently meets the performance standards established for the position and regularly achieves expected results. An employee at this achievement level meets usual expectations and performs tasks in a timely and acceptable manner.
SATISFACTORY	
<input checked="" type="checkbox"/>	The employee's overall performance inconsistently meets the performance standards established for the position and indicates that significant tasks are not completed in the time or manner expected. Performance is below the minimum acceptable level for the position. Correction of performance deficiencies is necessary for continued employment.
UNSATISFACTORY	

Name of Supervisor: Robert Drawbaugh Title: Laboratory Program Chief/Toxicology	Signature: <i>[Signature]</i> Date: May 8, 2008
Name of Reviewer: Mary Celotti Title: Lab Director	Signature: <i>[Signature]</i> Date: 5/12/08
Appointing Authority: Chris Finley Title: Deputy Commissioner	Signature: <i>[Signature]</i> Date: 5-12-08
Employee: Steve Harnois Title: Public Health Electronics Technician	Signature: <i>[Signature]</i> Date: 5/27/08

To the Employee: Signature only indicates receipt of the evaluation.

SUMMARY OF MAJOR JOB DUTIES WITH PERFORMANCE EXPECTATIONS

(Even though they need not be listed below, employees are also expected to adhere to general performance expectations applicable to all employees, such as, but not limited to: reporting for work on time, following work rules & procedures, maintaining effective working relationships with public and co-workers, etc. These general performance expectations can be used in determining the employee's final rating.)

Major Job Duties/Performance Expectations:

DataMaster Technical Support: Perform routine maintenance and repair on DataMaster instrumentation used for evidentiary breath alcohol testing, resolving instrument availability issues within one month of notification; complete and maintain necessary instrument-related documents, particularly those related to certification, installation, repair and maintenance, creating and filing them in a timely manner; maintain adequate and appropriate inventory of program supplies, instrument parts and tools needed for repair and maintenance; travel to all DataMaster sites to effect necessary repairs or perform annual preventive maintenance procedures in a timely manner- within two weeks of notification of service needs and PMs performed as scheduled quarterly; perform instrument installations as necessary. Develop revised instrument certification and test procedures as assigned. Maintain safe, neat and effective workspace for repair and maintenance of equipment and for development and maintenance of program documentation.

DataMaster Technical Consultation: Provide timely and useful response to inquiries from DataMaster operators and instrument Supervisors regarding instrument operation, maintenance and repair issues; maintain an effective "hotline" for inquiries as noted above; provide training to new and established DataMaster Supervisors, at least two times per year for each category; establish and maintain an effective communication protocol and rapport with DataMaster Supervisors; provide training to other laboratory personnel in instrument certification, installation and maintenance/repair as needed.

Administrative Support: Maintain up-to-date information detailing DataMaster site assignments and operational status of all DataMaster instruments in the program; annually review current laboratory DataMaster Program record formats, procedures and forms as assigned and provide recommendations for revision as appropriate; coordinate the annual Routine Performance Check kit preparation and distribution- assuring shipping of kits to DataMaster sites by the scheduled date; advise program and laboratory management regarding technical issues, concerns or issues from instrument users in the field; advise program management regarding capabilities and needs to effect remote access to DataMaster instrument data; work with program support staff to maintain an accurate, current database of DataMaster site and operation information; provide technical support and expertise for the maintenance and repair of laboratory equipment in other programs; actively participate on the Laboratory Safety Committee.

Professional Development: Participate in training courses, seminars and conferences as assigned or as determined appropriate for gaining further skills and knowledge which will support the program to which you are assigned; review appropriate technical literature to maintain and improve technical knowledge and skills needed for support of the program- providing summary of that review at periodic staff meetings or in written reports as assigned.

Laboratory Communications: incorporate good interpersonal communication skills and practices into daily work interactions, meeting the published laboratory communication expectations. Establish and maintain good written communication skills including those used for daily memos, e-mail, and written communications with our program 'customers'.

Employee: Steven Harnois
Evaluation Period From: 5/4/07 - 5/4/08
Department: Health

SUPERVISOR COMMENTS

DataMaster Technical Support:

Improvement is needed in providing timely and thorough instrument records and documentation.

DataMaster Technical Consultation:

Administrative Support:

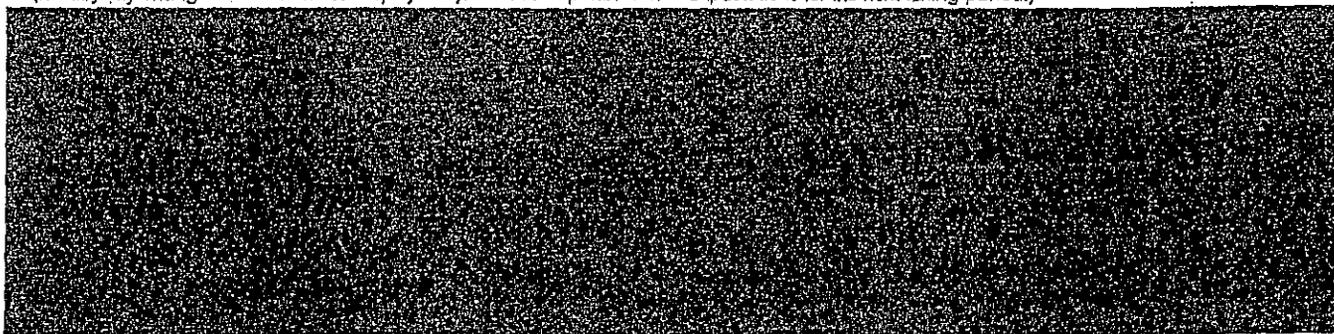
The annual Routine Performance Check project was coordinated and accomplished, although not quite on schedule.

Personal Development:

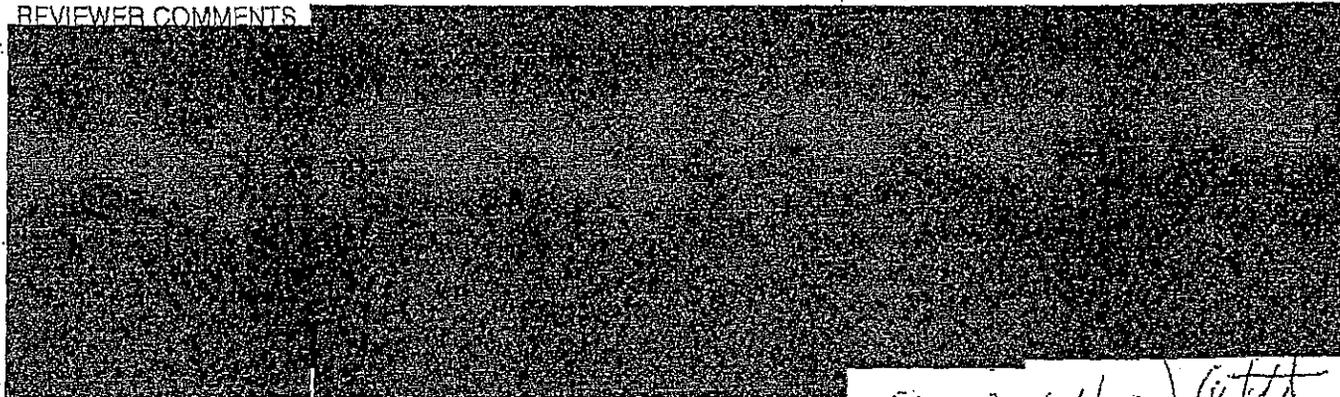
One area of improvement for Steve is in the organization and neatness of the DataMaster shop - his primary working space. It has often been cluttered and difficult to work in for others using the common space. There has been recent improvement in this area and I encourage him to maintain the progress made and to work to further improvement.

PERFORMANCE EXPECTATIONS FOR NEXT EVALUATION PERIOD

(Identify any changes or additions to employee's job duties or performance expectations for the next rating period.)



REVIEWER COMMENTS



Stech (Mary) [Signature]

APPOINTING AUTHORITY COMMENTS

EMPLOYEE COMMENTS

[Handwritten mark]

PERFORMANCE EVALUATION REPORT

DOCUMENT A - Evaluation Summary

Employee: Steven Harnois	Type of Evaluation: <input type="checkbox"/> Original Probation <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Promotion <input type="checkbox"/> Special <input type="checkbox"/> Warning <input type="checkbox"/> Separation
Department: Health / Health Surveillance / Laboratory	
Position Title: Public Health Electronics Technician	
Evaluation Period From: May 4, 2006 – May 4, 2007	
Performance Review Conference held on:	

OVERALL PERFORMANCE DURING THE EVALUATION PERIOD IS RATED AS: (Check one)	
<input type="checkbox"/> OUTSTANDING	The employee's overall performance significantly and consistently surpasses all performance standards established for the position. This evaluation recognizes an employee's sustained excellence and accomplishments which are substantially above usual expectations.
<input type="checkbox"/> EXCELLENT	The employee's overall performance in all areas frequently exceeds the performance standards established for the position. This evaluation recognizes an employee's consistent effectiveness and accomplishments which are above usual expectations.
<input type="checkbox"/> SATISFACTORY	The employee's overall performance consistently meets the performance standards established for the position and regularly achieves expected results. An employee at this achievement level meets usual expectations and performs tasks in a timely and acceptable manner.
<input type="checkbox"/> UNSATISFACTORY	The employee's overall performance inconsistently meets the performance standards established for the position and indicates that significant tasks are not completed in the time or manner expected. Performance is below the minimum acceptable level for the position. Correction of performance deficiencies is necessary for continued employment.

Name of Supervisor: Robert Drawbaugh	Signature: <i>R. Drawbaugh</i>
Title: Laboratory Program Chief/Toxicology	Date: 5/30/07
Name of Reviewer: Mary Celott	Signature: <i>Mary Celott</i>
Title: Lab Director	Date: 5/30/07
Appointing Authority: Chris Finley	Signature: <i>Christine Finley Celott</i>
Title: Deputy Commissioner	Date: 6/14/07
Employee: Steve Harnois	Signature: <i>Steve Harnois</i>
Title: Public Health Electronics Tech	Date: 6/14/07

To the Employee: Signature only indicates receipt of the evaluation.

SUMMARY OF MAJOR JOB DUTIES WITH PERFORMANCE EXPECTATIONS

(Even though they need not be listed below, employees are also expected to adhere to general performance expectations applicable to all employees, such as, but not limited to: reporting for work on time, following work rules & procedures, maintaining effective working relationships with public and co-workers, etc. These general performance expectations can be used in determining the employee's final rating.)

Major Job Duties/Performance Expectations:

DataMaster Technical Support: Perform routine maintenance and repair on DataMaster instrumentation used for evidentiary breath alcohol testing, resolving instrument availability issues within one month of notification; complete and maintain necessary instrument-related documents, particularly those related to certification, installation, repair and maintenance, creating and filing them in a timely manner; maintain adequate and appropriate inventory of program supplies, instrument parts and tools needed for repair and maintenance; travel to all DataMaster sites to effect necessary repairs or perform annual preventive maintenance procedures in a timely manner- within two weeks of notification of service needs and PMs performed as scheduled quarterly; perform instrument installations as necessary. Develop revised instrument certification and test procedures as assigned. Maintain safe, neat and effective workspace for repair and maintenance of equipment and for development and maintenance of program documentation.

DataMaster Technical Consultation: Provide timely and useful response to inquiries from DataMaster operators and instrument Supervisors regarding instrument operation, maintenance and repair issues; maintain an effective "hotline" for inquiries as noted above; provide training to new and established DataMaster Supervisors, at least two times per year for each category; establish and maintain an effective communication protocol and rapport with DataMaster Supervisors; provide training to other laboratory personnel in instrument certification, installation and maintenance/repair as needed.

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Professional Development: Participate in training courses, seminars and conferences as assigned or as determined appropriate for gaining further skills and knowledge which will support the program to which you are assigned; review appropriate technical literature to maintain and improve technical knowledge and skills needed for support of the program- providing summary of that review at periodic staff meetings or in written reports as assigned; establish and maintain respectful and effective working relationships with staff colleagues.

Laboratory Communications: incorporate good interpersonal communication skills and practices into daily work interactions, meeting the published laboratory communication expectations. Establish and maintain good written communication skills including those used for daily memos, e-mail, and written communications with our program 'customers'.

DOCUMENT B - Performance Comments

Employee: Steven Harnois
Evaluation Period From: 5/4/06 - 5/4/07
Department: Health

SUPERVISOR COMMENTS

DataMaster Technical Support:

[REDACTED]

[REDACTED] Timely and thorough completion of instrument records and documentation has been, for the most part, accomplished. This is an area for continued improvement for both Steve and the Program. [REDACTED]

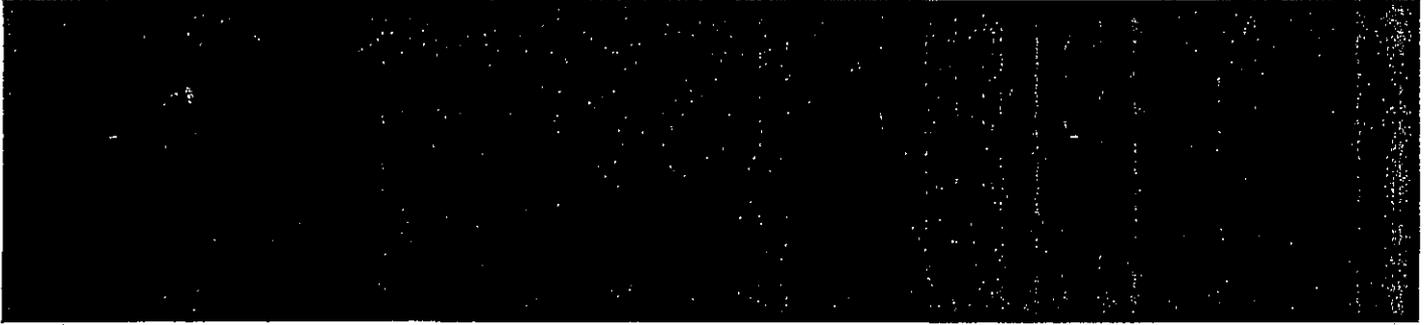
DataMaster Technical Consultation:

Administrative Support:

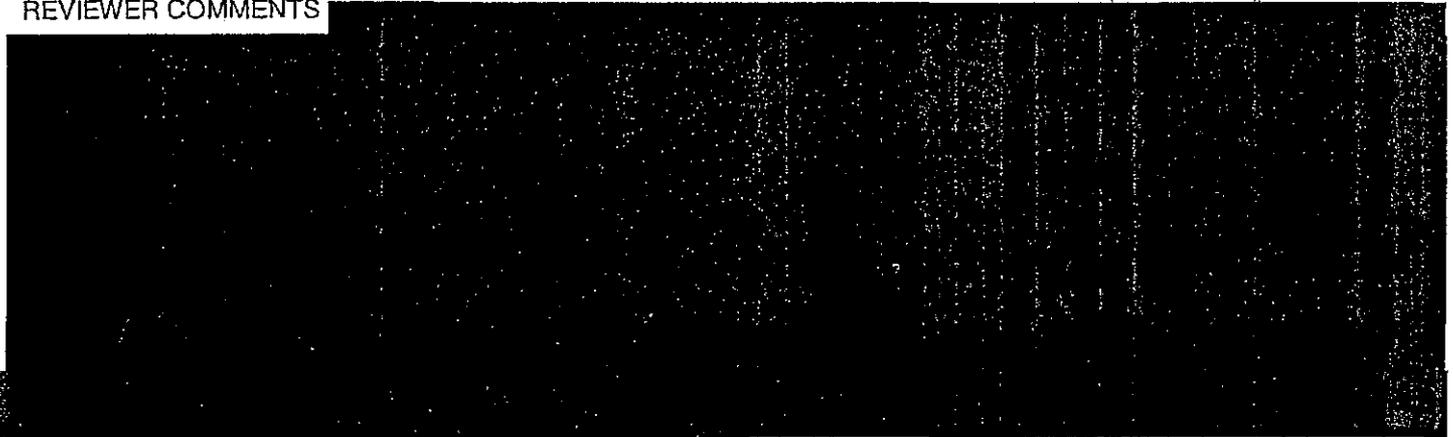
Personal Development:

PERFORMANCE EXPECTATIONS FOR NEXT EVALUATION PERIOD

(Identify any changes or additions to employee's job duties or performance expectations for the next rating period.)



REVIEWER COMMENTS



APPOINTING AUTHORITY COMMENTS

*Feel (May)
left.*

EMPLOYEE COMMENTS

Save Form

PERFORMANCE EVALUATION REPORT

DOCUMENT A - Evaluation Summary

Employee: <u>Steven Hamols</u>	Type of Evaluation: <input type="checkbox"/> Original Probation <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Promotion <input type="checkbox"/> Special <input type="checkbox"/> Warning <input type="checkbox"/> Separation
Department: <u>Health/health Surveillance/Laboratory</u>	
Position Title: <u>Public Health Electronics Technician</u>	
Evaluation Period From: <u>May 4, 2010 to May 4, 2011</u>	
Performance Review Conference held on: _____	

OVERALL PERFORMANCE DURING THE EVALUATION PERIOD IS RATED AS:	
(Check one)	
<input checked="" type="checkbox"/> OUTSTANDING	The employee's overall performance significantly and consistently surpasses all performance standards established for the position. This evaluation recognizes an employee's sustained excellence and accomplishments which are substantially above usual expectations.
<input type="checkbox"/> EXCELLENT	The employee's overall performance in all areas frequently exceeds the performance standards established for the position. This evaluation recognizes an employee's consistent effectiveness and accomplishments which are above usual expectations.
<input type="checkbox"/> SATISFACTORY	The employee's overall performance consistently meets the performance standards established for the position and regularly achieves expected results. An employee at this achievement level meets usual expectations and performs tasks in a timely and acceptable manner.
<input type="checkbox"/> UNSATISFACTORY	The employee's overall performance inconsistently meets the performance standards established for the position and indicates that significant tasks are not completed in the time or manner expected. Performance is below the minimum acceptable level for the position. Correction of performance deficiencies is necessary for continued employment.

Name of Supervisor: <u>Kirk L. Kimball</u>	Signature: <u>[Signature]</u>
Title: <u>Program Chief Organic Chemistry</u>	Date: <u>6-13-11</u>
Name of Reviewer: <u>Mary Celotti</u>	Signature: <u>[Signature]</u>
Title: <u>Lab Director</u>	Date: <u>6/14/11</u>
Appointing Authority: <u>Harry Chem, M.D.</u>	Signature: <u>[Signature]</u>
Title: <u>Commissioner</u>	Date: <u>JUN 15 2011</u>
Employee: <u>Steve Hamols, PHT Electronics</u>	Signature: <u>[Signature]</u>
Title: _____	Date: <u>6/21/11</u>

To the Employee: Signature only indicates receipt of the evaluation.

SUMMARY OF MAJOR JOB DUTIES WITH PERFORMANCE EXPECTATIONS

(Even though they need not be listed below, employees are also expected to adhere to general performance expectations applicable to all employees, such as but not limited to: reporting for work on time, following work rules & procedures, maintaining effective working relationships with public and co-workers, etc. These general performance expectations can be used in determining the employee's final rating.)

Major Job Duties/Performance Expectations:

DataMaster Technical Support:

Perform routine maintenance and repair on DataMaster DMT instruments used for evidentiary breath alcohol testing; resolving instrument issues within one month of being notified of a problem, complete and maintain all paper and electronic data and communications in an orderly and timely manner. Also responsible for maintaining adequate and appropriate inventories of supplies for the program. Travel to all DataMaster sites for annual preventive maintenance as scheduled, perform installations as necessary and when an instrument needs repair. Develop and revise procedures related to the DataMaster instruments as directed in conjunction with program chemists. Coordinate the routine performance testing with DataMaster supervisors helping them to get these done in a timely manner and filing ~~the reports in the appropriate folders, both electronic and paper. Maintain a clean, safe and effective workspace for~~ performing your duties. Contribute to the testing and implementation of the new DataMaster DMT instruments as well as the officer training required to allow them to be used effectively. Training of DataMaster Supervisors for each instrument deployed and assuring that properly operating instruments are available at the VT Police Academy for officer training.

DataMaster Technical Consultation:

Provide timely and useful response to inquires from DataMaster operators, supervisors and other lab personnel regarding instrument operation and maintenance. Maintain an effective line of communication for these inquires; provide training to other laboratory personnel in instrument certification, installation and maintenance/repair as needed. Maintain good communication with the instrument manufacturer regarding technical issues with regard to instrument performance, repair and maintenance.

Administrative Support:

Maintain up-to-date information detailing DataMaster DMT site assignments and operational status of all DataMaster DMT instruments in the program; annually review current laboratory DataMaster DMT program record formats, procedures and forms as assigned and provide recommendations for revision as appropriate; coordinate the annual Routine Performance Check kit preparation and distribution assuring shipping of kits to DataMaster DMT sites by the scheduled date. Keep laboratory management and program staff up-to-date concerning technical issues, concerns or issues from instrument users in the field; work with program staff to maintain an accurate, current database of DataMaster DMT site and operation information. Maintain documentation of all technical service inquiries in both electronic and paper folders, informing program staff of the current status of any work in progress. Provide technical support and expertise for the maintenance and repair of laboratory equipment in other programs; actively participate on the Laboratory Safety Committee.

Professional Development:

Participate in training courses, seminars and conferences as assigned or as determined appropriate for gaining further skills and knowledge which will support the program to which you are assigned; review appropriate technical literature to maintain and improve your technical knowledge and skills needed for support of the program; providing a summary of that review at periodic staff meetings or in written reports as assigned.

Laboratory Communications:

Incorporate good interpersonal communication skills and practices into daily work interactions, meeting the published laboratory communication expectations. Establish and maintain good written communication skills including those used for daily memos, e-mails and written communications with all program 'customers'.

DOCUMENT B - Performance Comments

Employee: Steven Harndis
Evaluation Period From:
Department: Health/health Surveillance/Laboratory

SUPERVISOR COMMENTS

DataMaster Technical Support:

[REDACTED]

Steve has been improving in providing timely and detailed TSI reports as well as maintain documentation during a very difficult year. He does need to improve his organization with regards to the laboratory space and his desk area.

[REDACTED]

DataMaster Technical Consultation:

[REDACTED]

Administrative Support:

[REDACTED]

Professional Development:

Steve's written Technical Service Inquiries have greatly improved in both clarity and detail providing other program participants quality data.

Laboratory Communications:

[REDACTED]

[REDACTED]

PERFORMANCE EXPECTATIONS FOR NEXT EVALUATION PERIOD

(Identify any changes or additions to employee's job duties or performance expectations for the next rating period.)

Steve, over the coming year you need to work on the organization of your work areas. Paying particular attention to keeping paperwork orderly and readily available when you are out of the office. You will also be required to act as a technical resource for myself and others in the program with regards to the re-deployment, recertification and recalibration of all the instruments in the DMT fleet. Scanning of documentation into electronic files.

REVIEWER COMMENTS

APPOINTING AUTHORITY COMMENTS

EMPLOYEE COMMENTS



Tracy Dolan
Deputy Commissioner
of Public Health

PERFORMANCE EVALUATION REPORT

DOCUMENT A - Evaluation Summary

Employee: Steven Harnois	Type of Evaluation: <input type="checkbox"/> Original Probation <input checked="" type="checkbox"/> Annual <input type="checkbox"/> Promotion <input type="checkbox"/> Special <input type="checkbox"/> Warning <input type="checkbox"/> Separation
Department: Health / Health Surveillance / Laboratory	
Position Title: Public Health Electronics Technician	
Evaluation Period From: May 4, 2008- May 4, 2009	
Performance Review Conference held on:	

OVERALL PERFORMANCE DURING THE EVALUATION PERIOD IS RATED AS: (Check one)	
<input type="checkbox"/> OUTSTANDING	The employee's overall performance significantly and consistently surpasses all performance standards established for the position. This evaluation recognizes an employee's sustained excellence and accomplishments which are substantially above usual expectations.
<input type="checkbox"/> EXCELLENT	The employee's overall performance in all areas frequently exceeds the performance standards established for the position. This evaluation recognizes an employee's consistent effectiveness and accomplishments which are above usual expectations.
<input type="checkbox"/> SATISFACTORY	The employee's overall performance consistently meets the performance standards established for the position and regularly achieves expected results. An employee at this achievement level meets usual expectations and performs tasks in a timely and acceptable manner.
<input type="checkbox"/> UNSATISFACTORY	The employee's overall performance inconsistently meets the performance standards established for the position and indicates that significant tasks are not completed in the time or manner expected. Performance is below the minimum acceptable level for the position. Correction of performance deficiencies is necessary for continued employment.

Name of Supervisor: Robert Drawbaugh	Signature: <i>R. Drawbaugh</i>
Title: Laboratory Program Chief/Toxicology	Date: 5/14/09
Name of Reviewer: Mary Lehti	Signature: <i>Mary Lehti</i>
Title: Lab Director	Date: 5/29/09
Appointing Authority: Chris Fintz	Signature: <i>Chris Fintz</i>
Title: Deputy Commissioner	Date: 5/22/09
Employee: Steve Harnois	Signature: <i>Steve Harnois</i>
Title: PH Electronics Technician	Date: 6/2/09

To the Employee: Signature only indicates receipt of the evaluation.

SUMMARY OF MAJOR JOB DUTIES WITH PERFORMANCE EXPECTATIONS

(Even though they need not be listed below, employees are also expected to adhere to general performance expectations applicable to all employees, such as, but not limited to: reporting for work on time, following work rules & procedures, maintaining effective working relationships with public and co-workers, etc. These general performance expectations can be used in determining the employee's final rating.)

Major Job Duties/Performance Expectations:

DataMaster Technical Support: Perform routine maintenance and repair on DataMaster instrumentation used for evidentiary breath alcohol testing; resolving instrument availability issues within one month of notification; complete and maintain in a timely manner necessary instrument-related documents, particularly those related to certification, installation, repair and maintenance; maintain adequate and appropriate inventory of program supplies, instrument parts and tools needed for repair and maintenance; travel to all DataMaster sites to effect necessary repairs or perform annual preventive maintenance procedures in a timely manner- within two weeks of notification of service needs and PMs performed as scheduled quarterly; perform instrument installations as necessary. Develop revised instrument certification and test procedures as assigned. Maintain safe, neat and effective workspace for repair and maintenance of equipment and for development and maintenance of program documentation. Contribute to the testing and implementation of the new DataMaster DMT instruments as well as the officer training required to allow them to be used effectively. Assure properly operating instruments are available at the VT Police Academy for officer training.

DataMaster Technical Consultation: Provide timely and useful response to inquiries from DataMaster operators and instrument Supervisors regarding instrument operation, maintenance and repair issues; maintain an effective "hotline" for inquiries as noted above; provide training to new and established DataMaster Supervisors, at least two times per year for each category; establish and maintain an effective communication protocol and rapport with DataMaster Supervisors; provide training to other laboratory personnel in instrument certification, installation and maintenance/repair as needed. Maintain good communication with the instrument manufacturer regarding technical issues regarding instrument performance, repair and maintenance.

Administrative Support: Maintain up-to-date information detailing DataMaster site assignments and operational status of all DataMaster instruments in the program; annually review current laboratory DataMaster Program record formats, procedures and forms as assigned and provide recommendations for revision as appropriate; coordinate the annual Routine Performance Check kit preparation and distribution- ~~ensuring shipping of kits to DataMaster sites by the scheduled date; advise program and laboratory~~ management regarding technical issues, concerns or issues from instrument users in the field; advise program management regarding capabilities and needs to effect remote access to DataMaster instrument data; work with program staff to maintain an accurate, current database of DataMaster site and operation information; provide technical support and expertise for the maintenance and repair of laboratory equipment in other programs; actively participate on the Laboratory Safety Committee.

Professional Development: Participate in training courses, seminars and conferences as assigned or as determined appropriate for gaining further skills and knowledge which will support the program to which you are assigned; review appropriate technical literature to maintain and improve technical knowledge and skills needed for support of the program- providing summary of that review at periodic staff meetings or in written reports as assigned.

Laboratory Communications: Incorporate good interpersonal communication skills and practices into daily work interactions, meeting the published laboratory communication expectations. Establish and maintain good written communication skills including those used for daily memos, e-mail, and written communications with our program 'customers'.

DOCUMENT B - Performance Comments

Employee: Steven Harnois

Evaluation Period From: 5/4/08 – 5/4/09

Department: Health

SUPERVISOR COMMENTS

DataMaster Technical Support:

Improvement has been shown in providing timely and thorough instrument records and documentation as he has worked closely with another staff member to review and maintain documents as determined to be appropriate. This needs to be done effectively with greater independence.

DataMaster Technical Consultation:

Administrative Support:

The annual Routine Performance Check project was coordinated and accomplished, although not quite on schedule.

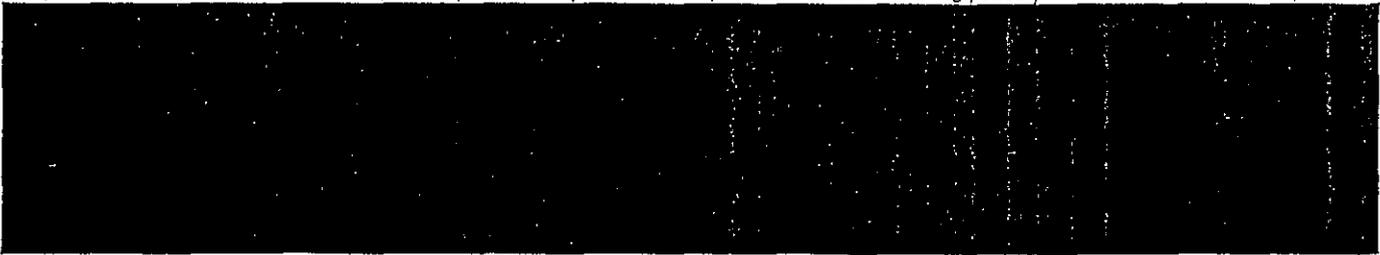
Professional Development:

Laboratory Communications Steve has had a difficult year regarding effective communications between himself and alcohol program colleagues. Formal feedback was provided regarding this issue and he has attempted to make improvements where he has the ability to do so. This has not been a one-sided issue and he has had a difficult time finding how to perform all the aspects of his job effectively in a significantly strained setting. As program stresses have diminished and the need to work closely with sometimes disrespectful and disruptive colleagues has been reduced, there has been significant improvement in the situation.

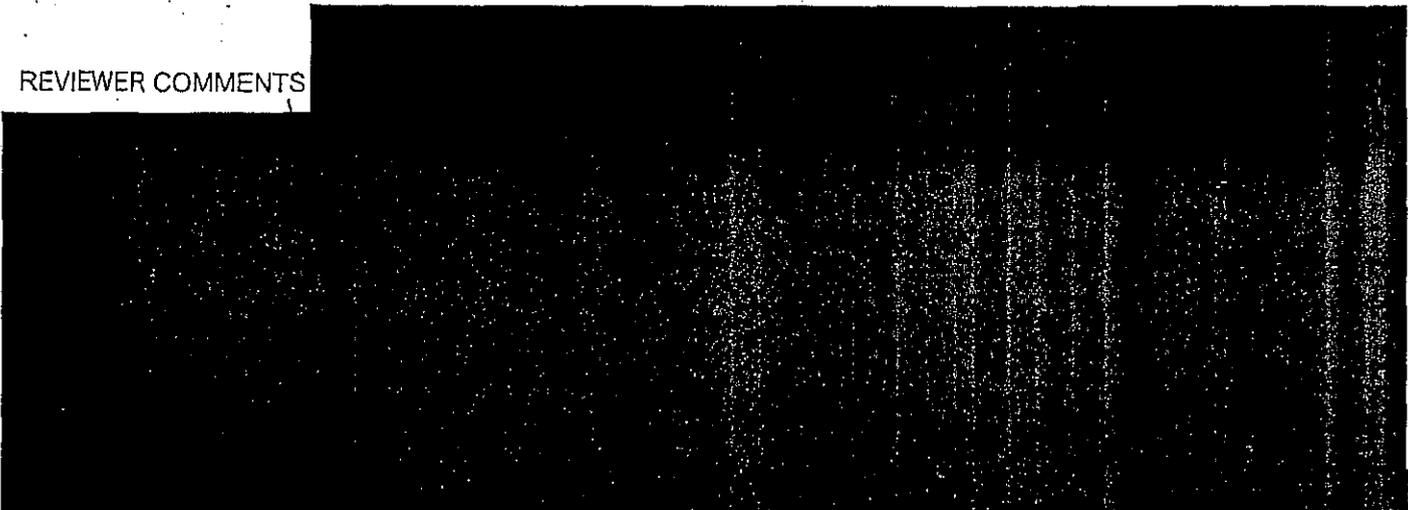
A continuing area of improvement for Steve is in the organization and neatness of the DataMaster shop – his primary working space and a space shared with other program staff. There has been recent improvement in this area, some of it due to the efforts of other staff. It is expected that he will continue to improve this space and to maintain the progress that has been made. I encourage Steve to continue to take opportunities for continued education and training as offered by the State – particularly at the training center.

PERFORMANCE EXPECTATIONS FOR NEXT EVALUATION PERIOD

(Identify any changes or additions to employee's job duties or performance expectations for the next rating period.)



REVIEWER COMMENTS



APPOINTING AUTHORITY COMMENTS



Steele (MAY)
C. P. Hill

EMPLOYEE COMMENTS