



General Assembly

February Session, 2002

**Raised Bill No. 5487**

LCO No. 1428

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

**AN ACT CONCERNING STATE EMPLOYEE AND CONTRACTOR WHISTLEBLOWING COMPLAINTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4-61dd of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Any person having knowledge of any matter involving  
4 corruption, unethical practices, violation of state laws or regulations,  
5 mismanagement, gross waste of funds, abuse of authority or danger to  
6 the public safety occurring in any state department or agency or any  
7 quasi-public agency, as defined in section 1-120, or any person having  
8 knowledge of any matter involving corruption, violation of state or  
9 federal laws or regulations, gross waste of funds, abuse of authority or  
10 danger to the public safety occurring in any large state contract, may  
11 transmit all facts and information in his possession concerning such  
12 matter to the Auditors of Public Accounts. The Auditors of Public  
13 Accounts shall review such matter and report their findings and any  
14 recommendations to the Attorney General. Upon receiving such a  
15 report, the Attorney General shall make such investigation as he

16 deems proper. At the request of the Attorney General or on their own  
17 initiative, the auditors shall assist in the investigation. The Attorney  
18 General shall have power to summon witnesses, require the  
19 production of any necessary books, papers or other documents and  
20 administer oaths to witnesses, where necessary, for the purpose of  
21 investigation. Upon the conclusion of his investigation, the Attorney  
22 General shall where necessary, report his findings to the Governor, or  
23 in matters involving criminal activity, to the Chief State's Attorney.  
24 The Auditors of Public Accounts and the Attorney General shall not,  
25 after receipt of any information from a person under the provisions of  
26 this section, disclose the identity of such person without his consent  
27 unless the Auditors of Public Accounts or the Attorney General  
28 determine that such disclosure is unavoidable during the course of the  
29 investigation.

30 (b) No state officer or employee, as defined in section 4-141, no  
31 quasi-public agency officer or employee, no officer or employee of a  
32 large state contractor and no appointing authority shall take or  
33 threaten to take any personnel action against any state or quasi-public  
34 agency employee or any employee of a large state contractor in  
35 retaliation for such employee's disclosure of information to the  
36 Auditors of Public Accounts or the Attorney General under the  
37 provisions of this section. [A state or quasi-public agency employee  
38 alleging that such action has been threatened or taken may file an  
39 appeal within thirty days of knowledge of the specific incident giving  
40 rise to such claim with the Employees' Review Board under section 5-  
41 202, or, in the case of a state or quasi-public agency employee covered  
42 by a collective bargaining contract, in accordance with the procedure  
43 provided by such contract. An employee of a large state contractor  
44 alleging that such action has been threatened or taken may, after  
45 exhausting all available administrative remedies, bring a civil action in  
46 accordance with the provisions of subsection (c) of section 31-51m.] In  
47 any personnel action taken or threatened against any state or quasi-  
48 public agency employee or any employee of a large state contractor  
49 within two years after the employee first transmits facts and

50 information concerning a matter under subsection (a) of this section to  
51 the Auditors of Public Accounts, (1) there shall be a rebuttable  
52 presumption that such personnel action is in retaliation for the action  
53 taken by the employee under subsection (a) of this section, and (2) a  
54 human rights referee appointed pursuant to section 46a-57, as  
55 amended, shall conduct a hearing and issue a decision concerning  
56 whether the officer or employee taking or threatening to take the  
57 personnel action violated any provision of this section. For the  
58 purposes of this section, such human rights referee shall act as an  
59 independent hearing officer. The decision of a human rights referee  
60 under this section may be appealed by any person who was a party at  
61 such hearing, in accordance with the provisions of section 4-183.

62 (c) Any employee of a state or quasi-public agency or large state  
63 contractor, who is found to have knowingly and maliciously made  
64 false charges under subsection (a) of this section shall be subject to  
65 disciplinary action by his appointing authority up to and including  
66 dismissal. In the case of a state or quasi-public agency employee, such  
67 action shall be subject to appeal to the Employees' Review Board in  
68 accordance with section 5-202, or in the case of state or quasi-public  
69 agency employees included in collective bargaining contracts, the  
70 procedure provided by such contracts.

71 (d) On or before September first, annually, the Auditors of Public  
72 Accounts shall submit to the clerk of each house of the General  
73 Assembly a report indicating the number of matters for which facts  
74 and information were transmitted to the auditors pursuant to this  
75 section during the preceding state fiscal year and the disposition of  
76 each such matter.

77 (e) Each contract between a state or quasi-public agency and a large  
78 state contractor shall provide that, if an officer, employee or  
79 appointing authority of a large state contractor takes or threatens to  
80 take any personnel action against any employee of the contractor in  
81 retaliation for such employee's disclosure of information to the

82 Auditors of Public Accounts or the Attorney General under the  
83 provisions of this section, the contractor shall be liable for a civil  
84 penalty of not more than five thousand dollars for each offense, up to a  
85 maximum of twenty per cent of the value of the contract. Each  
86 violation shall be a separate and distinct offense and in the case of a  
87 continuing violation each calendar day's continuance of the violation  
88 shall be deemed to be a separate and distinct offense. The executive  
89 head of the state or quasi-public agency may request the Attorney  
90 General to bring a civil action in the superior court for the judicial  
91 district of Hartford to seek imposition and recovery of such civil  
92 penalty.

93 (f) Each large state contractor shall post a notice of the provisions of  
94 this section relating to large state contractors in a conspicuous place  
95 which is readily available for viewing by the employees of the  
96 contractor.

97 (g) As used in this section:

98 (1) "Large state contract" means a contract between an entity and a  
99 state or quasi-public agency, having a value of five million dollars or  
100 more, except for a contract for the construction, alteration or repair of  
101 any public building or public work; and

102 (2) "Large state contractor" means an entity that has entered into a  
103 large state contract with a state or quasi-public agency.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

**Statement of Purpose:**

To protect state employees and employees of state contractors who make whistleblower complaints.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

