



General Assembly

**Substitute Bill No. 5487**

February Session, 2002

**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 Section 4-61dd of the general statutes is repealed and the  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, as amended, or any  
8 person having knowledge of any matter involving corruption,  
9 violation of state or federal laws or regulations, gross waste of funds,  
10 abuse of authority or danger to the public safety occurring in any large  
11 state contract, may transmit all facts and information in his possession  
12 concerning such matter to the Auditors of Public Accounts. The  
13 Auditors of Public Accounts shall review such matter and report their  
14 findings and any recommendations to the Attorney General. Upon  
15 receiving such a report, the Attorney General shall make such  
16 investigation as he deems proper. At the request of the Attorney  
17 General or on their own initiative, the auditors shall assist in the  
18 investigation. The Attorney General shall have power to summon  
19 witnesses, require the production of any necessary books, papers or  
20 other documents and administer oaths to witnesses, where necessary,

21 for the purpose of investigation. Upon the conclusion of his  
22 investigation, the Attorney General shall where necessary, report his  
23 findings to the Governor, or in matters involving criminal activity, to  
24 the Chief State's Attorney. The Auditors of Public Accounts and the  
25 Attorney General shall not, after receipt of any information from a  
26 person under the provisions of this section, disclose the identity of  
27 such person without his consent unless the Auditors of Public  
28 Accounts or the Attorney General determine that such disclosure is  
29 unavoidable during the course of the investigation.

30 (b) (1) 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 subsection (a) of this section. [A state or quasi-public  
38 agency employee alleging that such action has been threatened or  
39 taken]

40 (2) If a state or quasi-public agency employee or an employee of a  
41 large state contractor alleges that a personnel action has been  
42 threatened or taken in retaliation for such employee's disclosure of  
43 information to the Auditors of Public Accounts or the Attorney  
44 General under the provisions of subsection (a) of this section, the  
45 employee may notify the Attorney General, who shall investigate  
46 pursuant to subsection (a) of this section. If the Attorney General is  
47 unable to resolve the personnel action to the satisfaction of the  
48 employee, the Attorney General, the employee or the employee's  
49 attorney may file a complaint concerning such personnel action with  
50 the Chief Human Rights Referee designated under section 46a-57, as  
51 amended. The Chief Human Rights Referee shall assign the complaint  
52 to a human rights referee appointed under said section 46a-57, who  
53 shall conduct a hearing and issue a decision concerning whether the  
54 officer or employee taking or threatening to take the personnel action

55 violated any provision of this section. If the human rights referee finds  
56 such a violation, the referee may award the aggrieved employee all  
57 appropriate relief, including, but not limited to, maintenance of the  
58 employee's current position, rehiring or reinstatement of the employee  
59 to the employee's former position, back pay and reestablishment of  
60 any employee benefits to which the employee would otherwise have  
61 been eligible if such violation had not occurred, reasonable attorneys'  
62 fees, and any other damages. For the purposes of this subsection, such  
63 human rights referee shall act as an independent hearing officer. The  
64 decision of a human rights referee under this subsection may be  
65 appealed by any person who was a party at such hearing, in  
66 accordance with the provisions of section 4-183.

67 (3) The Chief Human Rights Referee shall adopt regulations, in  
68 accordance with the provisions of chapter 54, establishing the  
69 procedure for filing complaints and noticing and conducting hearings  
70 under subdivision (2) of this subsection.

71 (4) As an alternative to the provisions of subdivisions (2) and (3) of  
72 this subsection (A) a state or quasi-public agency employee who  
73 alleges that a personnel action has been threatened or taken may file an  
74 appeal within thirty days of knowledge of the specific incident giving  
75 rise to such claim with the Employees' Review Board under section 5-  
76 202, or, in the case of a state or quasi-public agency employee covered  
77 by a collective bargaining contract, in accordance with the procedure  
78 provided by such contract, [ An] or (B) an employee of a large state  
79 contractor alleging that such action has been threatened or taken may,  
80 after exhausting all available administrative remedies, bring a civil  
81 action in accordance with the provisions of subsection (c) of section 31-  
82 51m.

83 (5) In any proceeding under subdivision (2), (3) or (4) of this  
84 subsection concerning a personnel action taken or threatened against  
85 any state or quasi-public agency employee or any employee of a large  
86 state contractor, which personnel action occurs within two years after  
87 the employee first transmits facts and information concerning a matter

88 under subsection (a) of this section to the Auditors of Public Accounts  
89 or the Attorney General, there shall be a rebuttable presumption that  
90 the personnel action is in retaliation for the action taken by the  
91 employee under subsection (a) of this section.

92 (c) Any employee of a state or quasi-public agency or large state  
93 contractor, who is found to have knowingly and maliciously made  
94 false charges under subsection (a) of this section shall be subject to  
95 disciplinary action by his appointing authority up to and including  
96 dismissal. In the case of a state or quasi-public agency employee, such  
97 action shall be subject to appeal to the Employees' Review Board in  
98 accordance with section 5-202, or in the case of state or quasi-public  
99 agency employees included in collective bargaining contracts, the  
100 procedure provided by such contracts.

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

107 (e) Each contract between a state or quasi-public agency and a large  
108 state contractor shall provide that, if an officer, employee or  
109 appointing authority of a large state contractor takes or threatens to  
110 take any personnel action against any employee of the contractor in  
111 retaliation for such employee's disclosure of information to the  
112 Auditors of Public Accounts or the Attorney General under the  
113 provisions of subsection (a) of this section, the contractor shall be liable  
114 for a civil penalty of not more than five thousand dollars for each  
115 offense, up to a maximum of twenty per cent of the value of the  
116 contract. Each violation shall be a separate and distinct offense and in  
117 the case of a continuing violation each calendar day's continuance of  
118 the violation shall be deemed to be a separate and distinct offense. The  
119 executive head of the state or quasi-public agency may request the  
120 Attorney General to bring a civil action in the superior court for the

121 judicial district of Hartford to seek imposition and recovery of such  
122 civil penalty.

123 (f) Each large state contractor shall post a notice of the provisions of  
124 this section relating to large state contractors in a conspicuous place  
125 which is readily available for viewing by the employees of the  
126 contractor.

127 (g) As used in this section:

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

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

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

**GAE**      *Joint Favorable Subst.*

**LAB**      *Joint Favorable*