



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 Section 4-61dd of the general statutes is repealed and the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*

JUD *Joint Favorable*