



# House of Representatives

General Assembly

**File No. 61**

February Session, 2004

Substitute House Bill No. 5392

*House of Representatives, March 15, 2004*

The Committee on Labor and Public Employees reported through REP. RYAN, K. of the 139th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING ENFORCEMENT OF THE PERSONNEL FILES ACT.**

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

1 Section 1. (NEW) (*Effective October 1, 2004*) In connection with any  
2 investigation by the Labor Department regarding any provision of  
3 chapter 563a of the general statutes, the Labor Commissioner or the  
4 Labor Commissioner's duly authorized agent may summon by  
5 subpoena employers, employees or any other persons whose  
6 testimony may be pertinent to the matter under investigation, together  
7 with any records or other documents relevant to such investigation. In  
8 case of contumacy or refusal to obey a subpoena issued pursuant to  
9 this section, the Superior Court, upon application of the Labor  
10 Commissioner, shall have jurisdiction to make such order as may be  
11 appropriate to aid in the enforcement of this section.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>

**LAB**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Labor Dept.	GF - Cost	Potential Minimal	Potential Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill empowers the Labor Commissioner to secure by subpoena the information necessary to ensure compliance with the state's Personnel Files Act. The Department of Labor could incur a minimal cost associated with the delivery of subpoenas by state marshals. In accordance with CGS section 52-261, state marshals receive a fee of not more than \$30 for each process served in addition to mileage reimbursement.

**OLR Bill Analysis**

sHB 5392

***AN ACT CONCERNING ENFORCEMENT OF THE PERSONNEL FILES ACT*****SUMMARY:**

This bill authorizes the labor commissioner to subpoena people and records he deems necessary to investigate complaints related to employee personnel and medical records kept by private sector employers under the Personnel Files Act. In cases of refusal to obey such subpoenas, the bill empowers the Superior Court to issue an order, upon the commissioner's request, enforcing the subpoena. Under current law, there is no enforcement mechanism for the commissioner in private sector personnel records matters under the act.

EFFECTIVE DATE: October 1, 2004

**BACKGROUND*****Personnel Files Act***

This state law imposes certain requirements on employers who keep employee personnel and medical records. The employers must allow employees access to personnel files, and in the case of medical files, allow access by a physician chosen or approved by the employee. Employers must maintain both types of files for a certain period following the end of the worker's employment with that company, and must abide by other statutory requirements. The act defines an employer as an individual, corporation, partnership, or unincorporated association.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 14    Nay 0

