



Senate

General Assembly

File No. 313

February Session, 2004

Substitute Senate Bill No. 330

Senate, March 30, 2004

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING INVESTIGATIONS BY STATE AGENCIES.

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

1 Section 1. (NEW) (*Effective October 1, 2004*) No state agency shall
2 require or permit a state employee to participate in or conduct an
3 investigation by the agency if the state employee has an interest in
4 direct conflict with the investigation. For purposes of this section, an
5 "interest in direct conflict with the investigation" encompasses any
6 situation in which: (1) The investigating employee's conduct is the
7 subject of the investigation; (2) the investigating employee was the
8 supervisor of, or directly worked with, the employees that are the
9 subject of the investigation; (3) the investigating employee would
10 derive direct monetary gain or suffer a direct monetary loss as a result
11 of the investigation; or (4) the investigating employee's parent, spouse,
12 child or other family member is the subject of the investigation.

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 \$
All	All Appropriated Funds - None	None	None

Municipal Impact: None

Explanation

This bill, which prohibits any state agency from requiring an employee to participate in an investigation by the agency if the employee has an interest in direct conflict with the investigation, has no fiscal impact on the state.

OLR Bill Analysis

sSB 330

AN ACT CONCERNING INVESTIGATIONS BY STATE AGENCIES**SUMMARY:**

This bill prohibits any state agency from permitting or requiring an employee to conduct, or participate in, an agency investigation if the employee has an interest in direct conflict with the investigation.

It defines "interest in direct conflict with the investigation" as any situation in which (1) the investigating employee's conduct is the subject of the investigation; (2) the investigating employee was the supervisor of, or directly worked with, the employees that are the subject of the investigation; (3) the investigating employee would derive direct monetary gain or suffer a direct monetary loss as a result of the investigation; or (4) the investigating employee's parent, spouse, child, or other family member is the subject of the investigation.

Under the State Ethics Code, a state employee is prohibited from (among other things) having a financial interest in or engaging in any business, transaction, or professional activity in substantial conflict with his duties. The code does not specifically address state agency investigations and conflicts that are not focused around financial gain.

EFFECTIVE DATE: October 1, 2004

BACKGROUND***State Ethics Code (CGS §§ 1-79 to 1-90)***

The State Ethics Code is designed to prevent a public official or state employee from using his public position or authority for personal financial gain. It seeks to achieve this by restricting the cost of gifts such individuals can receive, regulating their acceptance of outside employment and state contracts, and requiring them to file financial statements. The provisions prohibit officials and employees from engaging in behavior that poses a substantial conflict with their duties.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 7 Nay 5