



General Assembly

Amendment

February Session, 2004

LCO No. 4510

HB0517904510HRO

Offered by:
REP. CHAPIN, 67th Dist.

To: Subst. House Bill No. 5179 File No. 372 Cal. No. 251

**"AN ACT CONCERNING DISCLOSURE OF INFORMATION
CONCERNING DEPARTMENT OF MENTAL HEALTH AND
ADDICTION SERVICES EMPLOYEES AND RESIDENTIAL
ADDRESSES UNDER THE FREEDOM OF INFORMATION ACT."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 46a-70 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) State officials and supervisory personnel shall recruit, appoint,
6 assign, train, evaluate and promote state personnel on the basis of
7 merit and qualifications, without regard for race, color, religious creed,
8 sex, marital status, age, national origin, ancestry, mental retardation,
9 mental disability, learning disability or physical disability, including
10 but not limited to, blindness, unless it is shown by such state officials
11 or supervisory personnel that such disability prevents performance of
12 the work involved.

13 (b) All state agencies shall promulgate written directives to carry
14 out this policy and to guarantee equal employment opportunities at all
15 levels of state government. They shall regularly review their personnel
16 practices to assure compliance.

17 (c) All state agencies shall conduct continuing orientation and
18 training programs with emphasis on human relations and
19 nondiscriminatory employment practices.

20 (d) The name and address of, and any related identifying
21 information concerning, a sexual harassment complainant in any
22 internal sexual harassment investigation conducted by an affirmative
23 action officer or other designated person on behalf of a state agency
24 shall be confidential and shall be disclosed only upon order of the
25 Superior Court, except the state agency (1) shall disclose the name of
26 the sexual harassment complainant to the accused during the state
27 agency's sexual harassment investigation, and (2) may disclose the
28 name of the sexual harassment complainant to other persons
29 participating in the state agency's sexual harassment investigation. For
30 purposes of this subsection, "state agency" has the same meaning as
31 "public agency" in section 1-200.

32 [(d)] (e) The Commissioner of Administrative Services shall insure
33 that the entire examination process, including qualifications appraisal,
34 is free from bias.

35 [(e)] (f) Appointing authorities shall exercise care to insure
36 utilization of minority group persons.

37 Sec. 502. Subsection (b) of section 1-210 of the general statutes, as
38 amended by section 17 of public act 03-200 and section 104 of public
39 act 03-6 of the June 30 special session, is amended by adding
40 subdivision (21) as follows (*Effective from passage*):

41 (NEW) (21) The name and address of, and any related identifying
42 information concerning, a sexual harassment complainant in any
43 internal sexual harassment investigation conducted by an affirmative

44 action officer or other designated person on behalf of a state agency,
45 which information shall be disclosed only upon order of the Superior
46 Court, except the public agency (A) shall disclose the name of the
47 sexual harassment complainant to the accused during the state
48 agency's sexual harassment investigation, and (B) may disclose the
49 name of the sexual harassment complainant to other persons
50 participating in the state agency's sexual harassment investigation.

51 Sec. 503. Section 1-213 of the general statutes is repealed and the
52 following is substituted in lieu thereof (*Effective from passage*):

53 (a) The Freedom of Information Act shall be:

54 (1) Construed as requiring each public agency to open its records
55 concerning the administration of such agency to public inspection; and

56 (2) Construed as requiring each public agency to disclose
57 information in its personnel files, birth records or confidential tax
58 records to the individual who is the subject of such information.

59 (b) Nothing in the Freedom of Information Act shall be deemed in
60 any manner to:

61 (1) Affect the status of judicial records as they existed prior to
62 October 1, 1975, nor to limit the rights of litigants, including parties to
63 administrative proceedings, under the laws of discovery of this state;
64 [or]

65 (2) Require disclosure of any record of a personnel search committee
66 which, because of name or other identifying information, would reveal
67 the identity of an executive level employment candidate without the
68 consent of such candidate; or

69 (3) Require any public agency to transcribe the content of any voice
70 mail message and retain such record for any period of time. As used in
71 this subdivision, "voice mail" means all information transmitted by
72 voice for the sole purpose of its electronic receipt, storage and
73 playback by a public agency. "