



General Assembly

Substitute Bill No. 1192

January Session, 2005

* SB01192PD 050905 *

**AN ACT CONCERNING PUBLIC AGENCY TERMINATION,
SEPARATION AND SUSPENSION AGREEMENTS.**

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

1 Section 1. Section 1-214 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3
4 (a) (1) Any contract of employment or for personal services to which
5 the state or a political subdivision of the state is a party shall be
6 deemed to be a public record for the purposes of section 1-210.

7 (2) No public agency shall enter into a termination, separation or
8 suspension of employment agreement or termination or suspension of
9 a personal service agreement that contains a provision for the
10 confidentiality of such agreement or the cause or causes for the
11 termination, separation or suspension including, but not limited to,
12 alleged or substantiated sexual abuse, sexual harassment, sexual
13 exploitation or sexual assault. Any such confidentiality provision
14 entered into on or after the effective date of this section shall be null
15 and void.

16 (b) Whenever a public agency receives a request to inspect or copy
17 records contained in any of its employees' personnel or medical files
18 and similar files and the agency reasonably believes that the disclosure
19 of such records would legally constitute an invasion of privacy, the

20 agency shall immediately notify in writing (1) each employee
21 concerned, provided such notice shall not be required to be in writing
22 where impractical due to the large number of employees concerned,
23 and (2) the collective bargaining representative, if any, of each
24 employee concerned. Nothing herein shall require an agency to
25 withhold from disclosure the contents of personnel or medical files
26 and similar files when it does not reasonably believe that such
27 disclosure would legally constitute an invasion of personal privacy.

28 (c) A public agency which has provided notice under subsection (b)
29 of this section shall disclose the records requested unless it receives a
30 written objection from the employee concerned or the employee's
31 collective bargaining representative, if any, within seven business days
32 from the receipt by the employee or such collective bargaining
33 representative of the notice or, if there is no evidence of receipt of
34 written notice, not later than nine business days from the date the
35 notice is actually mailed, sent, posted or otherwise given. Each
36 objection filed under this subsection shall be on a form prescribed by
37 the public agency, which shall consist of a statement to be signed by
38 the employee or the employee's collective bargaining representative,
39 under the penalties of false statement, that to the best of his
40 knowledge, information and belief there is good ground to support it
41 and that the objection is not interposed for delay. Upon the filing of an
42 objection as provided in this subsection, the agency shall not disclose
43 the requested records unless ordered to do so by the Freedom of
44 Information Commission pursuant to section 1-206. Failure to comply
45 with a request to inspect or copy records under this section shall
46 constitute a denial for the purposes of section 1-206. Notwithstanding
47 any provision of this subsection or subsection (b) of section 1-206 to the
48 contrary, if an employee's collective bargaining representative files a
49 written objection under this subsection, the employee may
50 subsequently approve the disclosure of the records requested by
51 submitting a written notice to the public agency.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	1-214
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PD *Joint Favorable Subst.*