



State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Central Office

21 Grand Street, Hartford, CT 06106 • (860) 541-3400 • Fax (860) 246-5419

www.state.ct.us/chro

Toll Free in Connecticut (800) 477-5737

TDD (860) 541-3459

CHRO

"Equality and Justice"

**Testimony of Raymond P. Pech
Executive Director
Commission on Human Rights and Opportunities**

March 16, 2007

**Committee Bill 5298: An Act Concerning the Identity of Whistleblowers and
Extending Whistleblower Protections to Municipal Whistleblowers**

This bill proposes three amendments to Section 4-61dd of the general statutes. It would extend the coverage of the law, regarding the listed infractions, to such infractions occurring in municipalities and extend whistleblower protections to municipal employees. It would extend the time frame regarding the rebuttable presumption with respect to negative personnel actions from one to three years. Finally, it would prohibit, with or without the consent of the whistleblower, the disclosure of his or her name by the Auditors of Public Accounts or the Attorney General.

The Commission does not oppose extending coverage of the statute to municipal workers. It should be noted, however, that inasmuch as the Commission's Office of Public Hearings hears whistleblower retaliation complaints, there may be a fiscal impact on the agency. At this juncture it would be speculative to predict how much of an impact, but the potential must be noted for the record. In addition, the Commission does not oppose making the prohibition of disclosure of the name of the whistleblower absolute.

The Commission does have concerns about extending the time frame of the rebuttable presumption from one to three years. This presumption, even in its current form of one year, can serve as an inhibiting factor to a manager or supervisor who has perfectly legitimate grounds to discipline an employee in some manner, as it negatively alters the burden of proof placed on the employer in any subsequent retaliation charge that may be brought. Because a supervisor may be reserved about taking such appropriate action, overall morale at an agency suffers. Further, if the Attorney General or Auditors of Public Accounts are absolutely barred from disclosing the name of the whistleblower, the likelihood of an action being taken in retaliation therefore is minimal from the outset. To impose any rebuttable presumption appears unnecessary and unduly burdensome. Finally, the whistleblower retaliation complaints that have been filed with the Office of Public Hearings thus far, in the majority, have nothing to do with corruption, mismanagement of funds, unethical practices or a danger to the public safety, but rather have been premised on allegations of general mismanagement or violations of state laws, including the state's laws against discrimination. There are existing remedies for many of these violations, including retaliation provisions.

One consideration that the Commission would endorse is an extension of the time frame in which a whistleblower can file a complaint, from 30 days to 60 or 90 days. Thirty (30) days is not a lot of time, once faced with a negative employment decision, to consider ones options, consult with an attorney, and make a decision.

The Commission thanks the committee for the opportunity to express its views on this bill.