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**TESTIMONY OF
ATTORNEY GENERAL RICHARD BLUMENTHAL
BEFORE THE GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE
FEBRUARY 25, 2008**

I appreciate the opportunity to support Senate Bill 335, An Act Concerning the Protection of Whistleblowers.

This proposal (1) authorizes the Attorney General to join a retaliation proceeding before a hearing officer, seeking restitution and other injunctive relief for a whistleblower who has been determined to be a victim of retaliation; (2) extends the time period for the rebuttable presumption that adverse personnel action is retaliation to three years from the date the whistleblower filed a complaint pursuant to the whistleblower statute. The presumption is rebuttable by facts that the adverse personnel action is justified; (3) authorizes the hearing officer to grant temporary relief to prevent a retaliatory action during the pendency of the hearing and to grant motions to amend the complaint if additional incidents of retaliation occur during the hearing; (4) requires the hearing officer to send any finding of retaliation to the supervisor of the person found to have committed retaliation as well as the Governor, head of the agency, and the Commissioner of Administrative Services. Such individuals shall take appropriate personnel action; and (5) requires that the hearing officer's decision and any subsequent personnel action against the person who engaged in retaliation be a public record and be posted on the Department of Administrative Services' website.

Whistleblowers at risk of retaliation should have the attorney general as a proactive advocate -- fighting for immediate protective orders that stop vindictive corrupt officials from silencing or intimidating them. Recent reports of retaliation in the state police and Department of Correction show the urgency of stronger protection because whistleblowers are now vulnerable to revenge from officials whose wrongdoing they reveal. Whistleblowers who speak the truth -- and expose misconduct by powerful superiors -- may be exposed to detrimental reassignment, disguised demotions or even discharge.

Time after time, courageous whistleblowers have aided my office to start and sustain significant investigations into public corruption -- at great risk to themselves. They are messengers with bad news and evidence of wrongdoing who should be shielded from adverse action, not abandoned. Current protections are clearly inadequate, ridden with opportunities for revenge, subtle or direct. If corrupt officials can muzzle or intimidate whistleblowers, they can impede or cripple investigations. Whistleblowers are often the key link or lead that sparks effective investigation and prosecution. Anyone determined to fight public corruption should

support stronger protection for citizens who step forward to expose wrongdoing. We have a moral obligation to do so.

Senate Bill 335 allows the Attorney General to enter a retaliation hearing on the side of the whistleblower. The bill also empowers a hearing officer to issue temporary relief such as reinstate employees to their old job during the pendency of the retaliation hearing process.

Further, the presumption of retaliation needs to be expanded from one to three years from the date of submission of the whistleblower information. Often, whistleblower investigations take longer than one year and the retaliation may occur after that time period. Broadening the presumption to three years will ensure greater protection of whistleblowers while allowing for timely, adverse employment decisions, when well-founded.

Finally, any finding of retaliation should be publicized on the Department of Administrative Services' website and notice provided to supervisors and the Governor. Those individuals who engage in retaliation should be subject to personnel review by their supervisors so a clear message can be sent that such retaliation will not be tolerated.

I urge the committee's favorable consideration of Senate Bill 335.