

# Connecticut's Whistleblower Law

**Staff Briefing  
Legislative Program Review & Investigations  
October 1, 2009**

# **Study Focus**

**Process and structure  
currently in place to handle  
whistleblower complaints within  
state government**

# **“Whistleblower”**

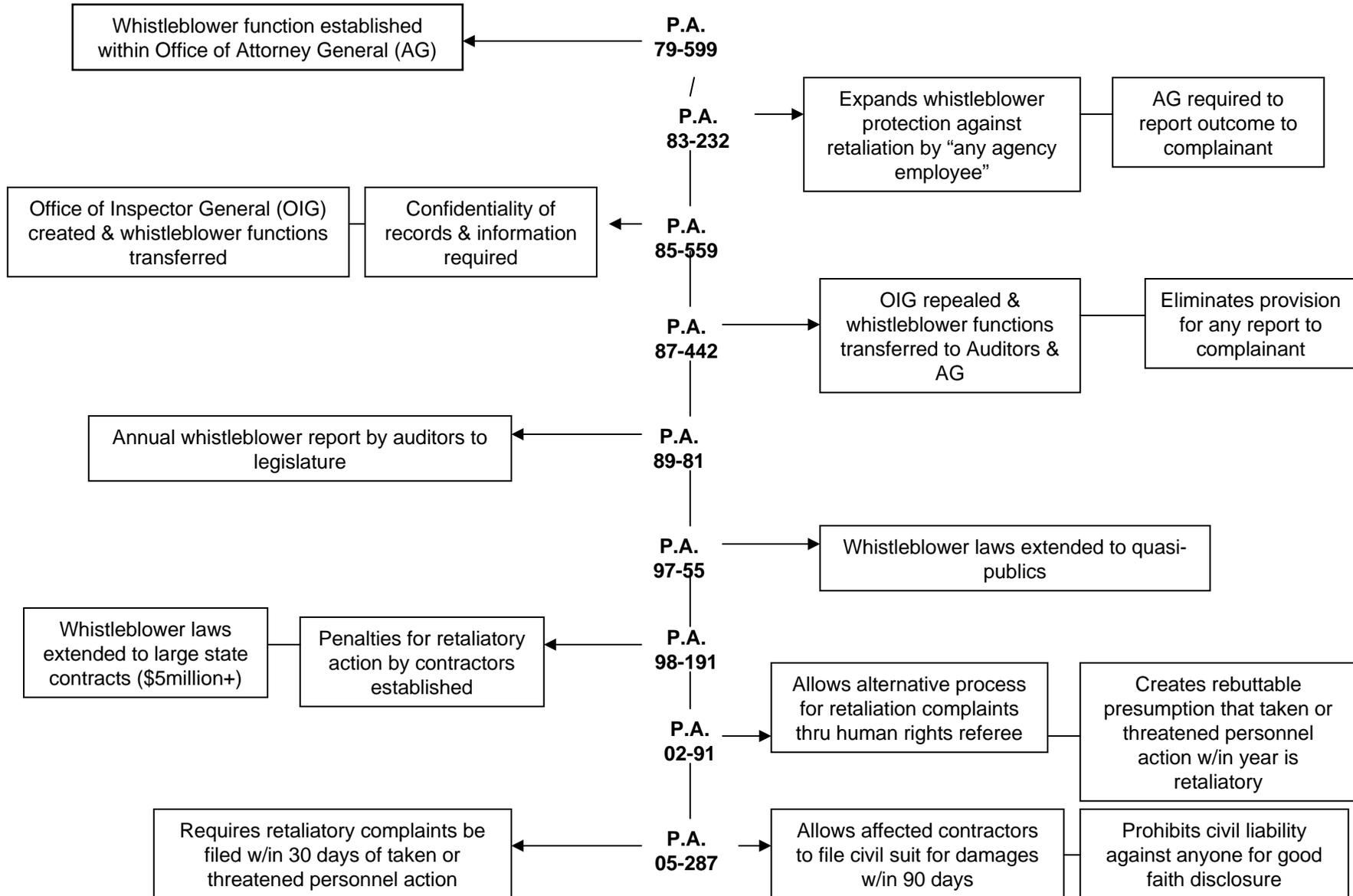
- **Refers to someone who calls attention to wrongdoing that is occurring within an organization**
- **Law’s intent:**
  - **create secure climate to report problems**
  - **promote government efficiency and public trust**

# Anecdotaly

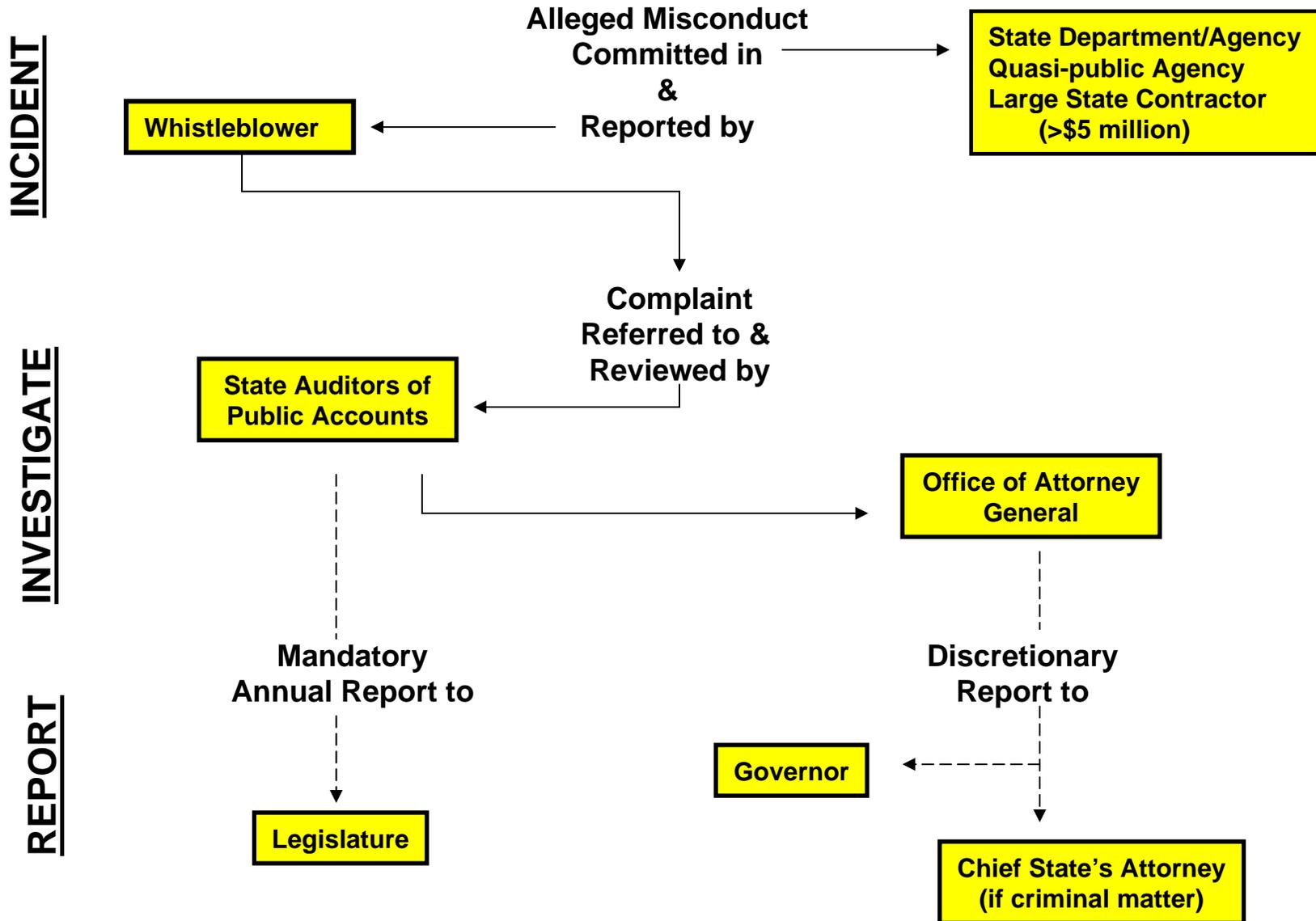
- **Different societal views:**
  - ‘Heroes’
  - ‘Not Team Player’
  - ‘Attention Seekers’
- **Organizations find many ways of dealing with disfavored employees.**
- **Some whistleblowers have less than honorable motives.**

# Whistleblower Law & Process

# LEGISLATIVE HISTORY OF WHISTLEBLOWER LAW



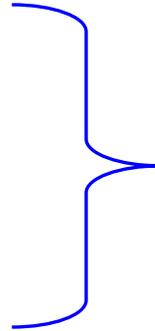
# PARTIES INVOLVED IN WHISTLEBLOWER MATTERS PURSUANT TO C.G.S. §4-61DD(a)



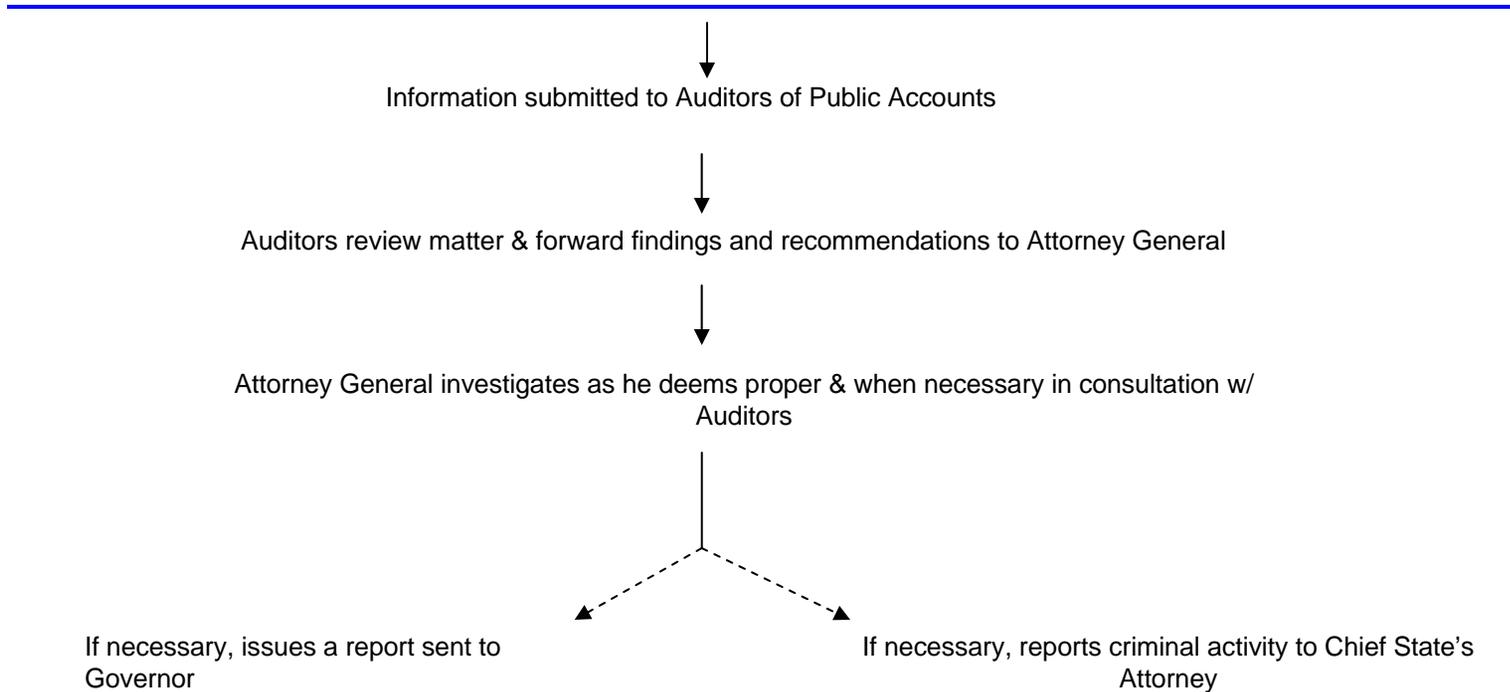
# Statutory Process

# STATUTORY PROCESS FOR WHISTLEBLOWER COMPLAINTS

Individual alleges misconduct in state government regarding:

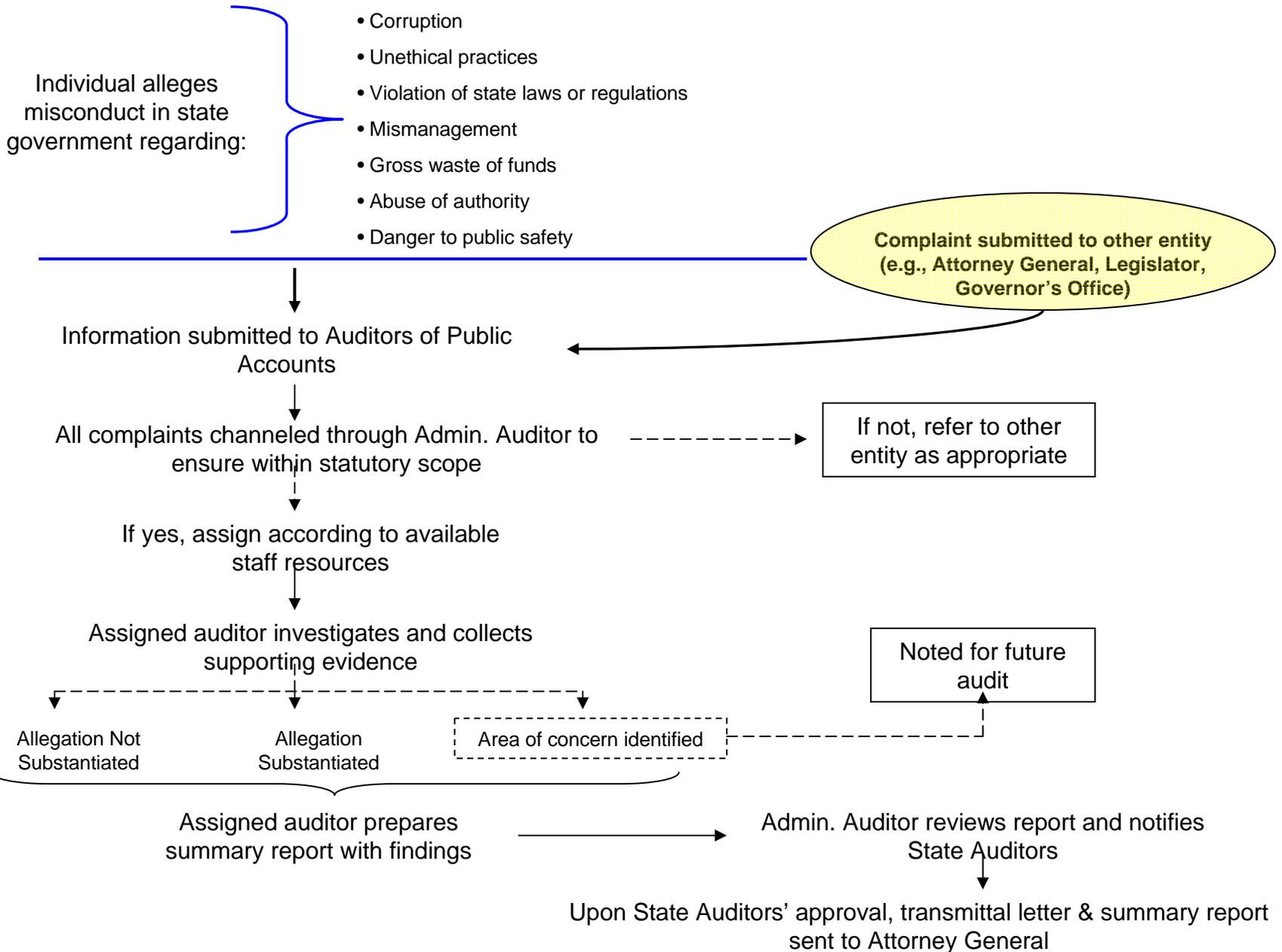


- Corruption
- Unethical practices
- Violation of state laws or regulations
- Mismanagement
- Gross waste of funds
- Abuse of authority
- Danger to public safety



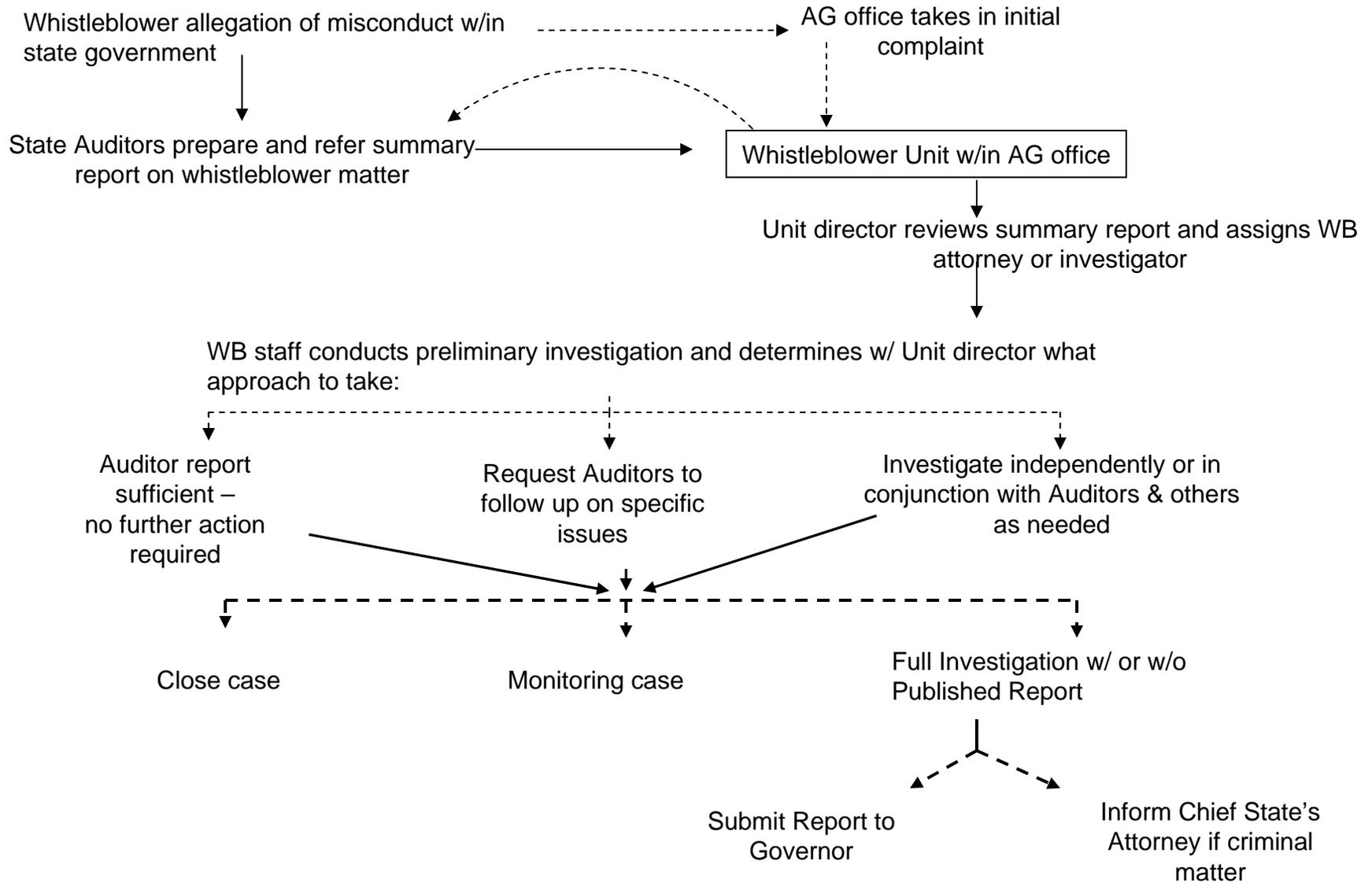
# State Auditors' Process

# WHISTLEBLOWER PROCESS WITHIN AUDITORS OF PUBLIC ACCOUNTS



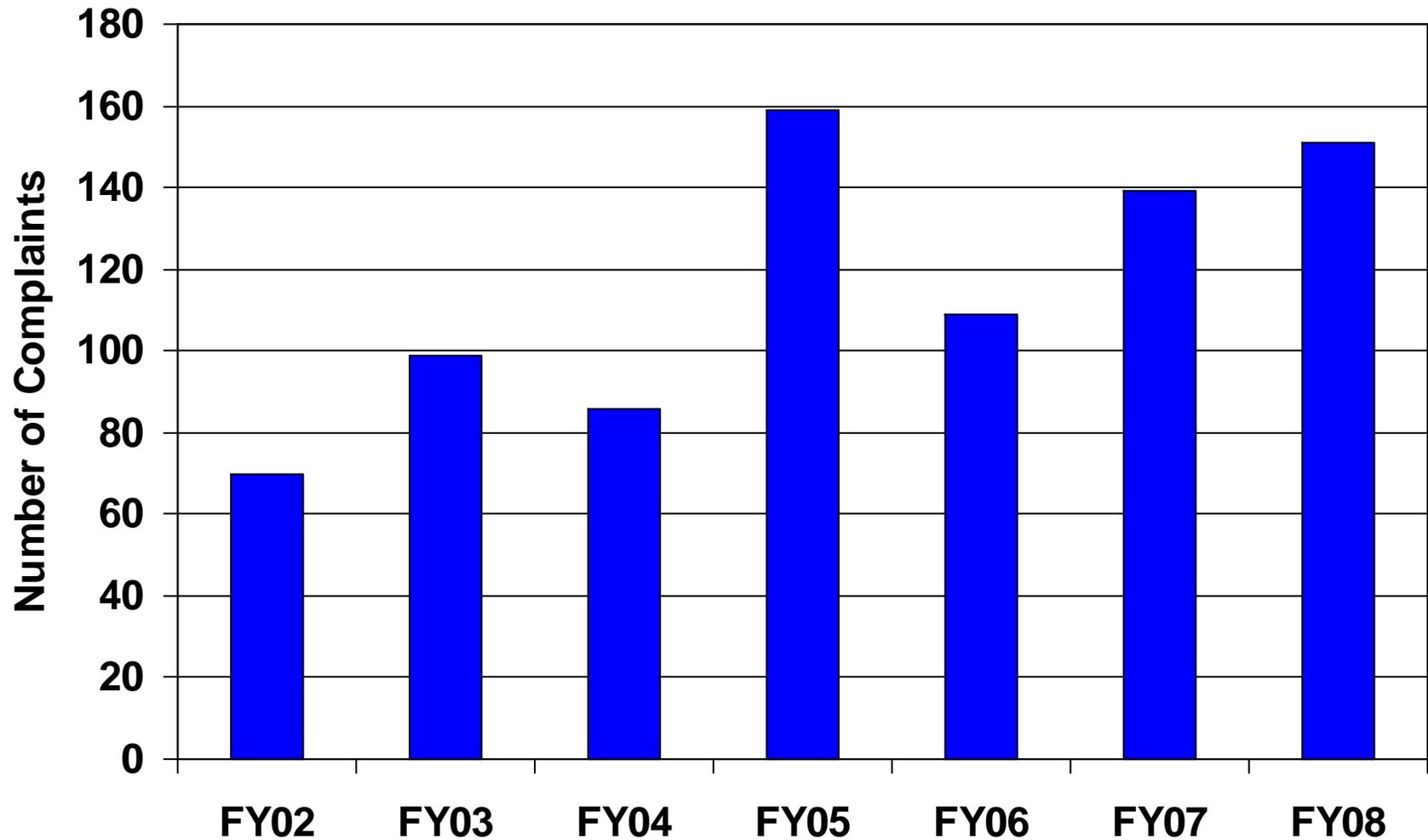
# Attorney General's Process

# WHISTLEBLOWER PROCESS WITHIN OFFICE OF THE ATTORNEY GENERAL



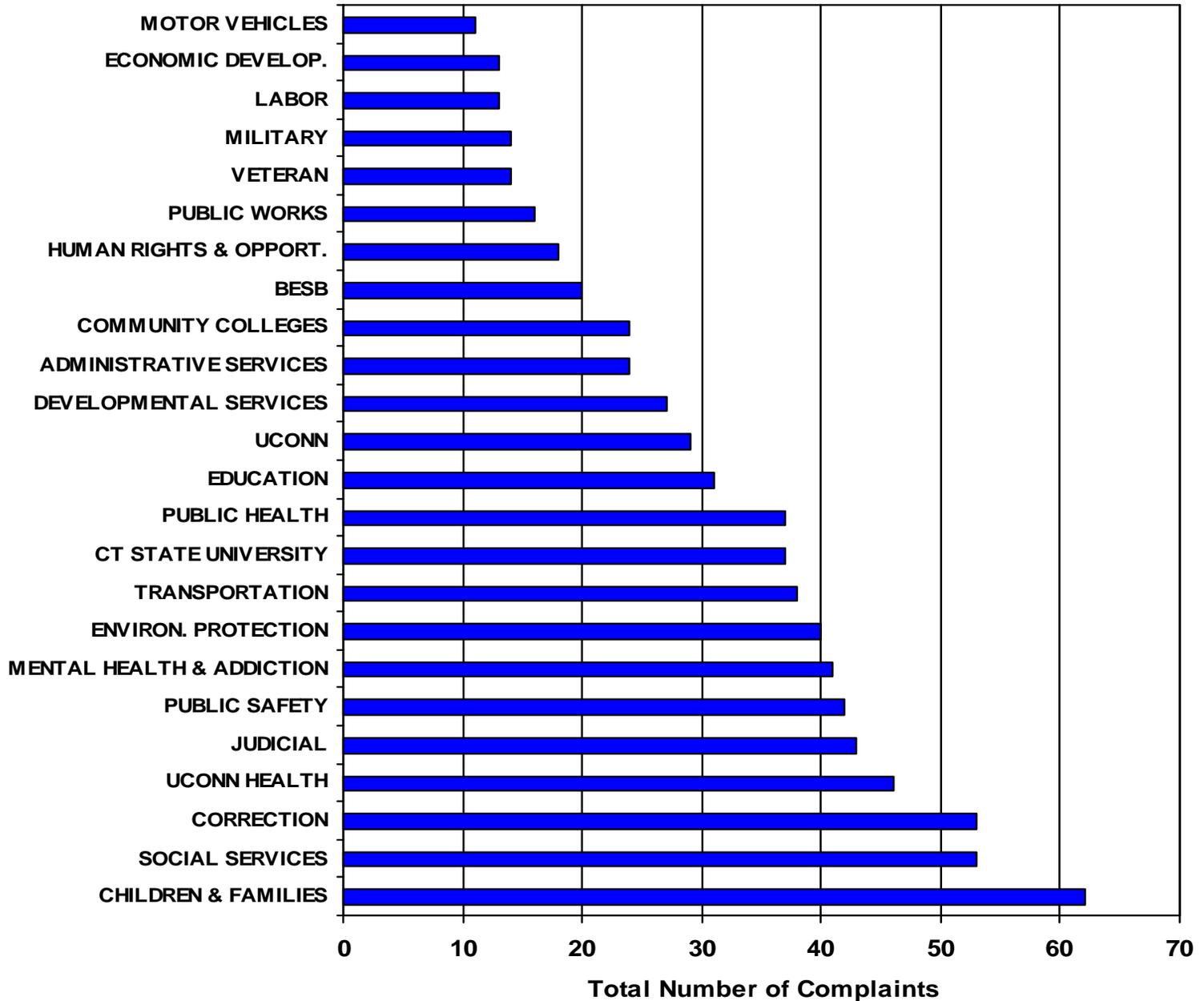
# General Trends & Statistics

## Whistleblower Complaints (FYs 2002-2008)



Source: Auditors of Public Accounts Annual Reports

## State Agencies with 10 or More Whistleblower Complaints (FY02-June 2009)



## Most Whistleblower Complaints (July 1, 2001- June 2, 2009) by Size of Agency

Agency	Permanent Full-Time Employees*	Total Complaints	Rate per 100 Employees**
<b>Less than 500 Employees</b>			
<b>Administrative Services</b>	<b>348</b>	<b>24</b>	<b>6.8</b>
<b>BESB</b>	<b>120</b>	<b>20</b>	<b>16.6</b>
<b>Human Rights &amp; Opport.</b>	<b>92</b>	<b>18</b>	<b>***</b>
<b>500 to 2,000 Employees</b>			
<b>Public Safety</b>	<b>1,790</b>	<b>42</b>	<b>2.3</b>
<b>Environ. Protection</b>	<b>1,008</b>	<b>41</b>	<b>4.0</b>
<b>Public Health</b>	<b>806</b>	<b>37</b>	<b>4.5</b>
<b>More than 2,000 Employees</b>			
<b>Children &amp; Families</b>	<b>3,436</b>	<b>62</b>	<b>1.8</b>
<b>Social Services</b>	<b>2,042</b>	<b>53</b>	<b>2.5</b>
<b>Correction</b>	<b>6,581</b>	<b>53</b>	<b>0.8</b>

\*As reported in State Personnel Status Report (May 30, 2009)

\*\* For the eight year period

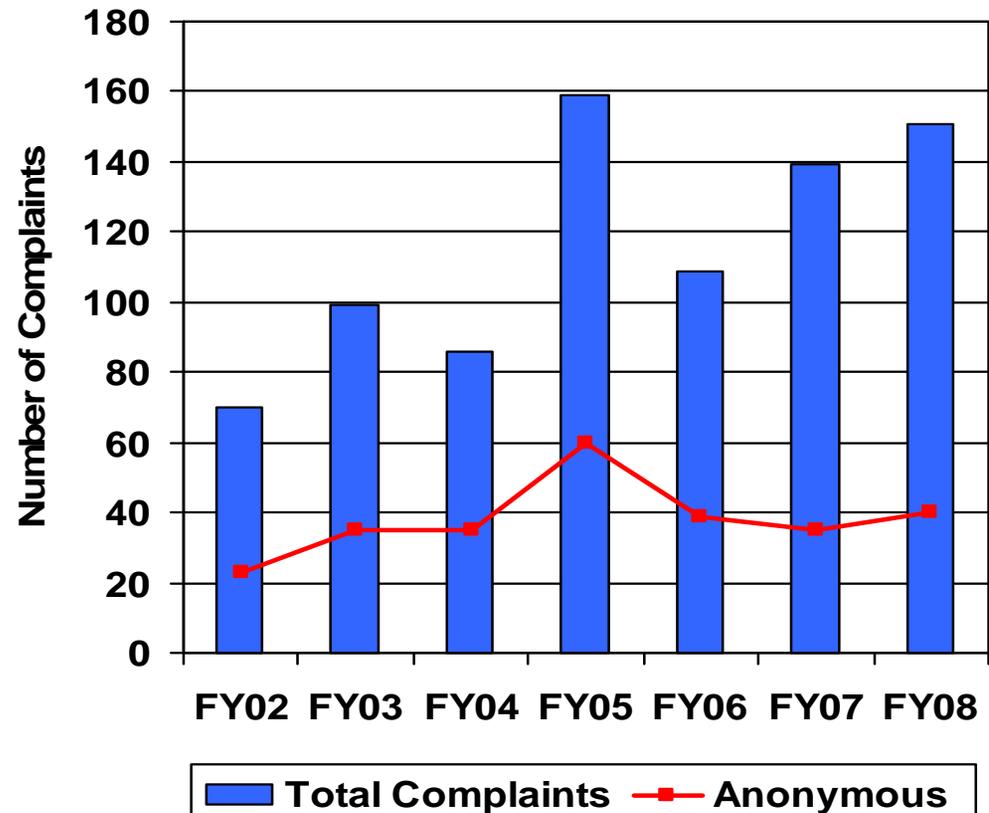
\*\*\* Less than 100 employees

Source: LPR&IC Analysis of Auditors' database

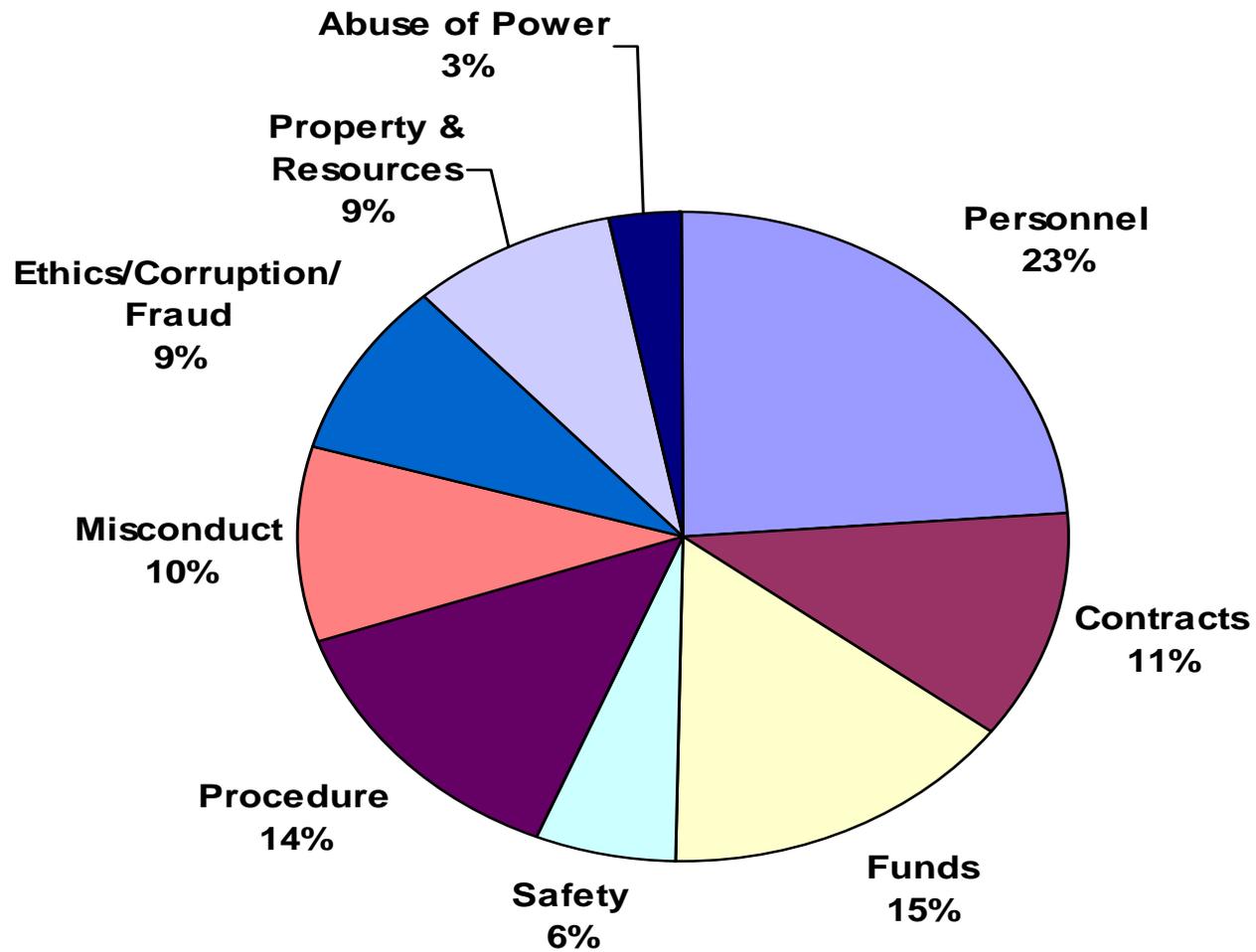
# Anonymous Complaints

- Rate of anonymous complaints has somewhat decreased
- Four agencies with more than 50% of anonymous complaints:
  - Military
  - Public Works
  - Veteran
  - Labor

Anonymous Whistleblower Complaints (FYs 02-08)



## Whistleblower Complaints Allegations (2002 - June 2009) N=622



## State Auditors' Whistleblower Process Time from Intake to Complete.

<b>Process Time</b>	<b>Number of Cases with Completion Dates</b>	<b>Average Time</b>	<b>Median Time</b>
<b>One Year or less</b>	<b>293</b>	<b>5.7 months</b>	<b>5.5 months</b>
<b>More than One Year</b>	<b>176</b>	<b>1.7 years</b>	<b>1.5 years</b>
<b>Total</b>	<b>469</b>	<b>11.3 months</b>	<b>9.5 months</b>
<b>Pending Cases</b>	<b>197</b>		

Source: LPR&IC Analysis of Auditors' database

# Whistleblower Retaliation Complaints

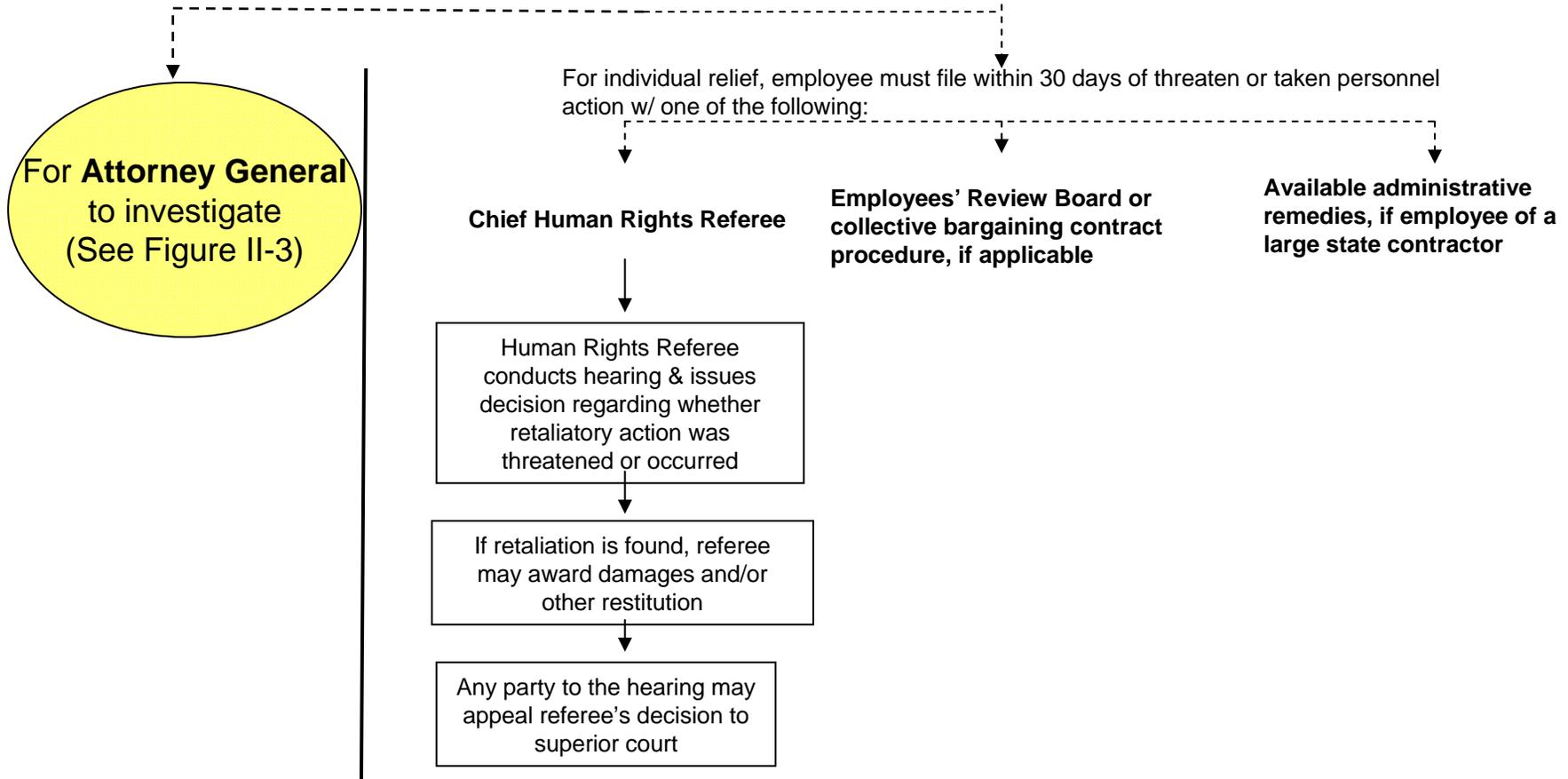
# PROCEEDINGS REGARDING RETALIATORY PERSONNEL ACTIONS

Employee makes whistleblower complaint to:

- Auditors/Attorney General
- Agency where employee works
- Mandated reporter
- Contracting state agency for large state contract

Employer takes or threatens to take personnel action

Employee may file retaliation complaint

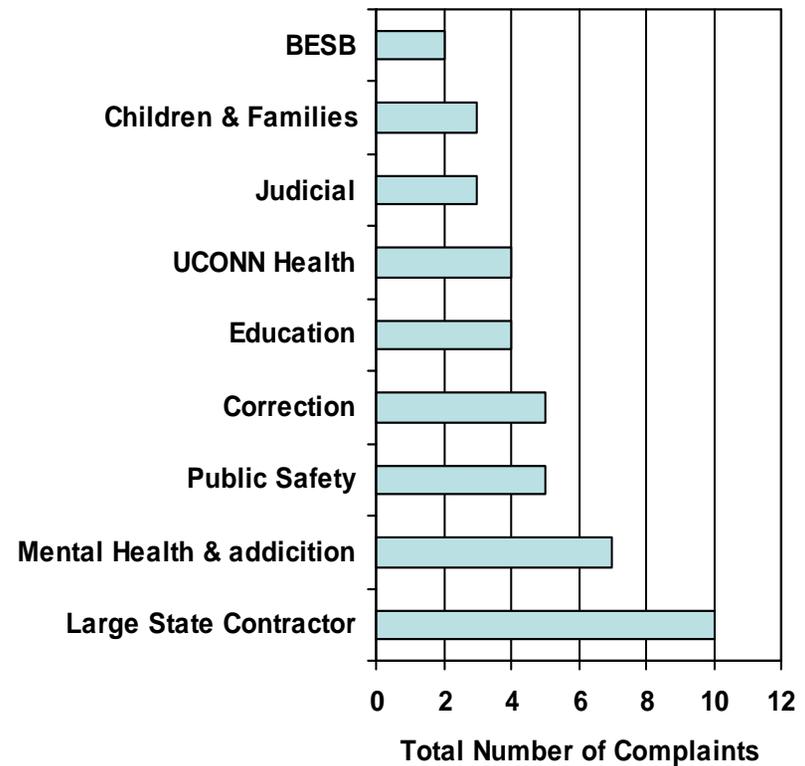


# Retaliation Complaints Filed w/ Auditors and Referred to Attorney General

**Annual Number of Retaliation Complaints  
(2002-June 2009)**

Year	Total Number of Retaliation Complaints
2002	0
2003	5
2004	0
2005	13
2006	8
2007	3
2008	8
2009	16
<b>Total</b>	<b>53</b>

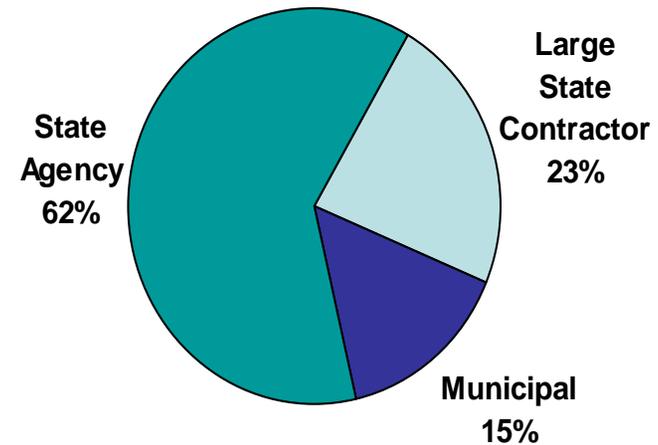
**Entities w/ Two or More Retaliation  
Complaints (2002-June 2009)**



# Retaliation Complaints Filed with Chief Human Rights Referee (2003 – August 26, 2009)

Annual Number of Retaliation Complaints & Complainants Filing w/ CHHR (2003-August 26, 2009)		
Year	Total Number	
	Complaints	Complainants
2003	5	5
2004	3	3
2005	6	6
2006	23	19
2007	16	14
2008	33	26
2009*	13	13
<b>Total</b>	<b>99</b>	<b>86</b>

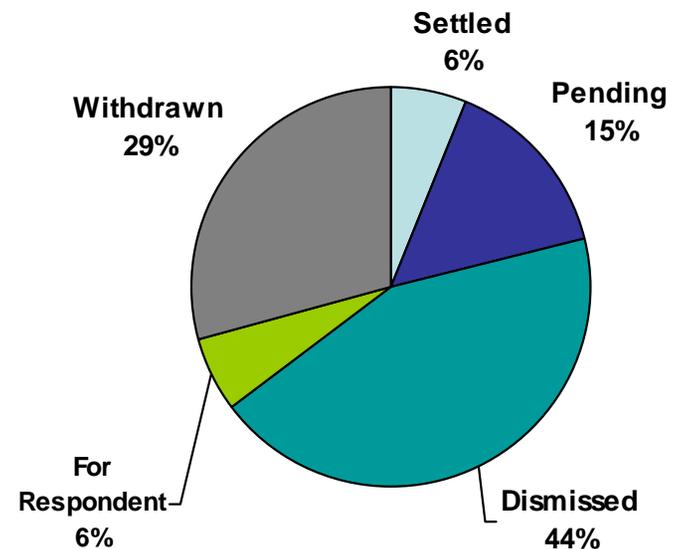
**CHRR Retaliation Complaints by Type of Respondent (2003-August 26, 2009)**



# Final Disposition of CHRR Retaliation Complaints (2003-August 26, 2009)

- Majority are dismissed or withdrawn
- No decision found for complainant but 6 settled & 15 pending
- Process times vary but most resolved within a year or less

CHRR Whistleblower Retaliation Complaints (N=99)



# Federal Government

# FEDERAL AGENCIES INVOLVED IN WHISTLEBLOWER CLAIMS

## Primary Whistleblower Responsibility

### Office of Special Counsel (OSC)

#### **Disclosure Unit (DU):**

Provides secure portal for all whistleblower claims & evaluates complaints

#### **Complaints Examining Unit (CEU):**

Handles whistleblower retaliation complaints

#### **Investigation & Prosecution Division (IPD):**

Investigates potentially valid retaliation claims identified by CEU

## Other Agency Specific Whistleblower Responsibility

#### **Federal Inspector General:**

May be requested to provide further investigation into whistleblower complaints

#### **Merit Systems Protection Board (MSPB):**

May review appeal of OSC retaliation decision

#### **Federal Attorney General:**

May be involved if criminal matter

# Distinct Features

- **Set process timeframes**
- **Automatic complainant notification**
- **Only accepts first-hand knowledge**
- **Anonymous complaints treated separately**
- **Team approach (investigator and attorney) for retaliation cases**
- **Stay of personnel action allowed until an investigation is complete**

# Areas for Further Review

## ❖ Complete Auditors & Attorney General case file review:

- ✓ Case activities
- ✓ Source of complaints (internal vs external)
- ✓ Outcomes & Agency Response
- ✓ Retaliation cases
- ✓ Factors affecting process time

## ❖ Other states

# Public Hearing

Today

Legislative Office Building

Room 2D at 3:00 p.m.