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Testimony on Proposed Bill 6176

AN ACT CONCERNING INCREASING PENALTIES FOR REPEAT VIOLATORS OF THE PERSONNEL FILES ACT

2/15/11

Mr. Chairman and members of the committee my name is Paul Lute. I am a resident from the town of Waterford. I am here today to speak on proposed Bill 6176, **AN ACT CONCERNING INCREASING PENALTIES FOR REPEAT VIOLATORS OF THE PERSONNEL FILES ACT.** While I am passionate about my support for BILL 6176, I would like to recommend enhancements. I am recommending that you make the civil penalties for violators based on a progressive scale that would start at a minimum of a \$500.00 fine for an employer with 100 employees or less. For every additional 100 employees the penalty should increase by \$200.00, capping out at \$2,500.00 for a company with 1,100 employees or more. In addition, the original fine should be doubled for repeat offenders in Connecticut.

My justification for a progressive scale is based two reasons; the first is on the number and size of many corporations doing business in the state of Connecticut. Many of these businesses are based in Connecticut or based in another state and are conducting business in multiple states. These companies have hundreds to thousands of employees with substantial legal departments that fully understand the statutes and laws of the state they are in. If a company has made the decision conduct itself in a secretive unethical manner, paying a civil penalty of the current \$300.00, or the proposed flat penalty of \$500.00, is of no consequence to that company. The current and proposed penalties make buying time very affordable to such companies.

My second reason is fiscal responsibility, the amount of unnecessary time and resources the Connecticut Department of Labor has to spend trying to retrieve personnel records. Once a complaint has been filed, it has to be investigated and company representatives know time is on their side and do whatever it takes to prolong the issue. Some examples are company representatives becoming unavailable at the time the Connecticut Department of Labor attempts to make contact with them, pretends to be uninformed and will at times try to partner with the state or federal regulating authority to offer alternative suggestions in hopes over time to derail the original issue all together. Such companies treat the laws as if they are guidelines open for discussion, the laws are clear either you're in compliance or in violation no in between.

Let me provide you with an example the unethical behavior of avoiding a request. A formal written request for copies of personnel records as defined in Section 31-128 was refused by phone from the HR manager. The requestor, however, refused to drop the issue. I would like to directly quote the response of the Human Resources' manager from Dominion Nuclear CT at Millstone Nuclear Power Station, "We are not aware of any such laws that HR is not in compliance with, but we need to understand the purpose of the request. What purpose are you trying to accomplish by asking for them? You are welcome to come by HR and meet with me to discuss these matters." This is the type of those laws don't apply to us mentality both the requestor and the Connecticut Department of Labor have to deal with. This can go on for weeks and the case at Millstone Nuclear Power Station has on for five months now, and still has not been resolved.

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