



# House of Representatives

General Assembly

**File No. 99**

February Session, 2012

House Bill No. 5239

*House of Representatives, March 26, 2012*

The Committee on Labor and Public Employees reported through REP. ZALASKI of the 81st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING THE DISCLOSURE OF PERFORMANCE EVALUATIONS OF THE MEMBERS OF THE STATE BOARD OF LABOR RELATIONS AND THE STATE BOARD OF MEDIATION AND ARBITRATION.***

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

1 Section 1. (NEW) (*Effective October 1, 2012*) Notwithstanding the  
2 provisions of chapter 55 of the general statutes and subsection (b) of  
3 section 1-210 of the general statutes, any performance evaluation of  
4 any member of the State Board of Labor Relations or the State Board of  
5 Mediation and Arbitration shall be made available to the member,  
6 Labor Commissioner, Governor and any individual responsible for  
7 evaluating the performance of such member. Any information  
8 disclosed shall be used only for the purpose of improving the service  
9 provided by said boards, evaluation of the member's performance, and  
10 for consideration of reappointment of the member by the Governor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section

**LAB**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which allows the Labor Commissioner, the Governor, and other individuals to review performance evaluations of members of the Board of Mediation and Arbitration, has no fiscal impact on the state.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****HB 5239*****AN ACT CONCERNING THE DISCLOSURE OF PERFORMANCE EVALUATIONS OF THE MEMBERS OF THE STATE BOARD OF LABOR RELATIONS AND THE STATE BOARD OF MEDIATION AND ARBITRATION.*****SUMMARY:**

This bill requires performance evaluations of any member of the State Board of Labor Relations or the State Board of Mediation and Arbitration to be made available to the member, labor commissioner, governor, and anyone responsible for evaluating the member's performance. The information disclosed must be used only for the purpose of improving the service provided by the boards, evaluation of the member's performance, and for the governor to consider regarding the member's reappointment.

Under current law, personnel files, including evaluations, are exempt from disclosure under the state Freedom of Information Act (FOIA). The bill supersedes the provisions of the state personal data law (CGS Chapter 55) and the exceptions to the FOIA (CGS § 1-210 (b)). Presumably, under current law the member and anyone responsible for evaluating the member's performance would have access to the member's evaluation.

The governor appoints the members of the two boards (three for labor relations and six for mediation and arbitration, plus alternates when necessary). The labor relations members are paid by the day and the mediation and arbitration members are paid by the individual case.

EFFECTIVE DATE: October 1, 2012.

**BACKGROUND*****Personal Data Act***

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The act regulates the maintenance and dissemination of personal data by any state board, commission, department, or officer other than the legislature, courts, governor, lieutenant governor, attorney general, or town or regional boards of education.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea 11    Nay 0    (03/15/2012)