



STATE OF CONNECTICUT
PUBLIC UTILITIES REGULATORY AUTHORITY

June 23, 2016

In reply, please refer to:

Docket No. 13-08-38

The Honorable Clark J. Chapin, Co-Chairperson
The Honorable Brian Becker, Co-Chairperson
Honorable Members of the Legislative Regulations Review Committee
Capitol Building, Room 11
Hartford, CT 06106

Re: Docket No. 13-08-38 – PURA Revisions to its Whistleblower Regulations

Dear Senator Chapin, Representative Becker, and Members of the Committee:

Pursuant to Connecticut General Statutes §4-170(e), the Public Utilities Regulatory Authority (PURA or Authority) hereby resubmits the above-referenced proposed regulations for your review and approval. The proposed regulations pertain to whistleblower protections provided in Regulations of Connecticut State Agencies §16-8a-1 to §16-8a-6. The proposed amendments reflect the statutory changes made in Connecticut General Statutes §16-8a and also incorporate changes reflecting the Legislative Commissioners' Office report. A summary of the revisions to the proposed regulations is attached. The Authority did not receive public comments and no public hearing was held regarding the proposed amendments.

We request that the Committee approve the proposed regulations. If you have any questions, please contact Miriam Theroux at 860-827-2606 or Chen Lu at 860-827-2695. Thank you for your consideration.

Respectfully Submitted,

PUBLIC UTILITIES REGULATORY AUTHORITY

A handwritten signature in black ink, appearing to read "Jeffrey R. Gaudiosi".

Jeffrey R. Gaudiosi, Esq.
Executive Secretary



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SUMMARY OF REVISIONS TO THE PROPOSED REGULATIONS

The Public Utilities Regulatory Authority revised the proposed regulations concerning protection of whistleblowers as follows:

Substantive Corrections:

1. In section 16-8a-1(l), the definition of "back pay" has been amended to mean "payment of lost wages, benefits and other forms of compensation from any date, as determined by the Authority based on the relevant facts in each case, or from when the adverse employment action occurred until reinstatement or other remedy is made." The rationale for the back pay is to provide an additional remedy were the regulation previously only permitted reinstatement. Reinstatement is not necessarily a viable alternative for various reasons. The proposed regulation also gives the Authority the discretion to determine an appropriate starting point for the award of back pay, depending on the circumstances involved.
2. In section 16-8a-3(d), the term "should" has been changed to "may." The rationale here is to assist the complainant in filing a written complaint that is complete, chronological and compliant with the statutes and regulation. If the complaint is not properly filed the actual adjudication of the complaint may be delayed.
3. Section 16-8a-6 was amended to allow the Authority the discretion to order back pay and award attorney's fees pursuant to section 16-8a(d).

Technical Corrections:

1. Throughout the proposed regulation, references to uppercase "Section" were changed to lower case "section."
2. Throughout the proposed regulation, the phrase "of the General Statutes of Connecticut" was changed to "the Connecticut General Statutes."
3. In section 16-8a-1, the introductory language was amended to state: "For the purposes of Section 16-8a-1 to 16-8a-6, inclusive, of the Regulations of Connecticut State Agencies:"
4. In subsection 16-8a-2(f), "(30)" is bracketed for consistency.

5. In subsection 16-8a-3(a), references to "this regulation" was changed to "this section."
6. In section 16-8a-3, references to "16-8a(c)" where changed to "16-8a(b)" for accuracy.
7. In subsection 16-8a-3(d), the term "will" was changed to "shall" in accordance with the LRRC's directive regarding mandates.
8. In subsection 16-8a-3(g), the fourth line now states "that: (1) the employee reported"
9. In section 16-8a-4 and 16-8a-5, the term "Sections" was changed to "[Section] sections"