

Connecticut Whistleblower Laws

By: Terry Adams, Principal Analyst
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Issue

Summarize Connecticut's whistleblower laws. This report updates information in OLR Report [2009-R-0366](#).

Summary

Connecticut has two primary whistleblower laws. With respect to state government generally, the law allows anyone to report misconduct in a state or quasi-public agency, probate court, large state contract, or certain state economic development assistance agreements to the auditors of public accounts for investigation. It also prohibits retaliation against whistleblowers. Whistleblowers who believe they have been retaliated against may, among other actions, file a complaint with the chief human rights referee ([CGS § 4-61dd](#)).

A second whistleblower law prohibits retaliation against private or public sector employees who report illegal conduct, or suspected illegal conduct, to the proper authorities. It similarly prohibits retaliating against those who participate in investigations of the conduct. Employees alleging retaliation may bring a civil action after exhausting available administrative remedies ([CGS § 31-51m](#)).

Several additional laws extend the rights granted by either or both of the above laws to specific contexts (e.g., police and correction officers who report misconduct). We list these laws below.

Lastly, several other laws, separate from the two primary whistleblower laws, prohibit retaliation against whistleblowers in specific contexts. For example, one law covers state and municipal employees who file complaints alleging a violation of the Connecticut Occupational Safety and

Health Act (CONN-OSHA), or who participate in proceedings concerning the violation ([CGS § 31-379](#)). Another prohibits nursing home facilities and residential care home facilities from retaliating against those who file certain complaints against the facility ([CGS § 19a-532](#)). We list examples of these laws below.

Whistleblowing in State Government Generally

Generally, the law allows anyone who knows of corruption, unethical practices, violations of state laws or regulations, mismanagement, gross waste of funds, abuse of authority, or danger to public safety occurring in any state or quasi-public agency, probate court, or large state contract to report it to the auditors of public accounts ([CGS § 4-61dd](#)). To inform their employees about the law, these employers must post a notice of the whistleblower provisions in a conspicuous place ([CGS § 4-61dd\(i\)](#)).

A large state contract is one valued at \$5 million or more (1) between a private entity and a state or quasi-public agency or (2) for certain economic development assistance from the state (i.e., state assistance awarded under Title 32 of the General Statutes) ([CGS § 4-61dd\(k\)](#)).

The auditors provide more information about whistleblower complaints on their [website](#).

Complaints

State law requires the auditors of public accounts to conduct an initial review of each whistleblower complaint they receive and report their findings and recommendations to the attorney general, who must investigate as he deems proper from the information he receives or derives from these reports. At the request of the attorney general or on their own initiative, the auditors assist in the investigation ([CGS § 4-61dd\(a\)](#)).

After the investigation, the attorney general must, when necessary, report his findings to the governor. If the matter involves criminal activity, the attorney general must report it to the chief state's attorney. Neither the auditors nor the attorney general may reveal the name of a person who discloses information during an investigation unless the person consents or when disclosure is unavoidable ([CGS § 4-61dd\(d\)](#)).

Rejected Complaints. During the initial review process, the auditors may reject a complaint under any of the following circumstances:

1. a complainant has other available remedies that he or she could reasonably be expected to pursue;

2. another agency is better suited to investigate or enforce the complaint;
3. the complaint is trivial, frivolous, vexatious, or made in bad faith;
4. other complaints have greater priority in terms of serving the public good;
5. the complaint is not timely or has been delayed too long; or
6. the complaint could be more appropriately handled in an ongoing or scheduled regular audit.

If the auditors reject a complaint, they must submit a report to the attorney general setting out the basis for doing so. If they determine that another state agency is better suited to investigate the complaint, they must refer it there. That agency must provide a status report on the referred complaint to the auditors upon their request ([CGS § 4-61dd\(b\)](#)).

Retaliation and Damages

The law prohibits retaliation against whistleblowers. Generally, officers, employees, or appointing authorities with state or quasi-public agencies or large state contractors may not take or threaten to take any personnel action against an employee in retaliation for the employee's (1) testimony to, or assistance with, a whistleblower investigation or (2) whistleblower disclosure ([CGS § 4-61dd\(e\)\(1\)](#)).

The prohibition against retaliation also applies to specified disclosures required by law, including those made (1) under a mandated reporter law (e.g., reports to the Department of Children and Families (DCF) of child abuse or neglect ([CGS § 17a-101](#))) or (2) by a DCF employee to the DCF commissioner concerning knowledge of unauthorized disclosures of child welfare case records ([CGS § 17a-28\(b\)](#)).

In any of the above cases, a negative personnel action that occurs within two years after the initial disclosure is presumed to be retaliatory. The presumption is rebuttable (i.e., an assumption that stands as fact unless contested and disproved) ([CGS § 4-61dd\(e\)\(4\)](#)).

Employees who believe they have been retaliated against have 90 days from when they learn of the alleged retaliation to file a complaint with the chief human rights referee at the Commission on Human Rights and Opportunities (CHRO). Upon finding that an action or threatened action was retaliatory, the human rights referee may award the aggrieved employee (1) reinstatement to the former position, (2) back pay, (3) benefits at the level to which he or she would have been eligible but for the violation, or (4) reasonable attorney's fees and any other damages. Any party may appeal the referee's decision to Superior Court ([CGS § 4-61dd\(e\)\(2\)](#)). (CHRO provides more information about the complaint process on its [website](#).)

As an alternative to filing a complaint with the chief human rights referee, and within the same time period, state or quasi-public agency employees may appeal to the Employees' Review Board; employees who are covered by a collective bargaining agreement may appeal in accordance with the agreement ([CGS § 4-61dd\(e\)\(3\)](#)). Employees of large state contractors or state shellfish grounds lessees may bring a civil action in Superior Court after exhausting all administrative remedies (see below).

Retaliation and State Contracts. The law requires that contracts between a state or quasi-public agency and a large state contractor provide for the contractor's civil liability up to \$5,000 per offense, up to a maximum of 20% of the contract value, for personnel actions that the contractor's officer, employee, or appointing authority takes or threatens to take against an employee in retaliation for a whistleblower disclosure. Each violation is a separate and distinct offense, and each calendar day of a continuing violation is a separate and distinct offense ([CGS § 4-61dd\(h\)](#)).

The law also allows an affected agency, contractor, or subcontractor to bring a civil action if an officer, employee, or appointing authority with a state or quasi-public agency or large state contractor takes or threatens to take action impeding, canceling, or failing to renew a contract between a state agency and a large state contractor, or between a large state contractor and its subcontractor, in retaliation for a whistleblower disclosure. The civil action may recover damages, attorney's fees, and costs. The agency, contractor, or subcontractor must bring the action in Hartford Superior Court within 90 days of learning of the action, threat, or failure to renew ([CGS 4-61dd\(e\)\(5\)](#)).

State Shellfish Lessees. The law prohibits officers or employees of state shellfish grounds lessees from retaliating against another lessee employee. The prohibitions and available remedies are generally parallel to those described above for state employees generally.

Specifically, officers and employees of a shellfish grounds lessee may not take any personnel action against another employee in retaliation for his or her (1) testimony to, or assistance with, a whistleblower investigation or (2) whistleblower disclosure. The law establishes a rebuttable presumption that any negative personnel action taken or threatened within two years after the initial disclosure is retaliatory. Employees who believe they have been retaliated against may either file a complaint with the chief human rights referee at CHRO or bring a civil action in Superior Court ([CGS § 4-61dd\(l\)](#)).

False Charges

Employees who make good-faith disclosures of information to the auditors of public accounts or attorney general are not liable for any civil damages resulting from the disclosure. However, employees who knowingly and maliciously make false charges are subject to disciplinary action by their appointing authority, including dismissal. Generally, state and quasi-public agency employees may appeal any such disciplinary actions to the Employees' Review Board. Those who are covered by a collective bargaining agreement may appeal in accordance with the agreement ([CGS § 4-61dd \(f\) & \(j\)](#)).

General Whistleblower Provisions

State law prohibits public and private employers from discharging, disciplining, or otherwise penalizing an employee for taking any of the following actions:

1. reporting a violation or suspected violation of a federal or state law or regulation, or a municipal ordinance or regulation, to a public body, or having someone report such a violation on his or her behalf;
2. participating, at the request of the public body, in one of its investigations, hearings, or inquiries, or in a court action; or
3. reporting suspected child abuse or neglect, or testifying in a child abuse or neglect proceeding ([CGS § 31-51m](#)).

The law additionally prohibits municipal employers from discharging, disciplining, or penalizing an employee because he or she reported the employer's unethical practices, mismanagement, or abuse of authority to a public body.

An employee who is discharged, disciplined, or penalized in violation of this law may, after exhausting all administrative remedies, bring a civil action within 90 days after the violation or final administrative decision in the Superior Court for the judicial district where the violation occurred or where the employer has its principal office. The court may (1) order the employer to reinstate the employee, pay back wages, or reestablish benefits and (2) award the prevailing party costs and reasonable attorney's fees.

None of the above provisions apply to an employee who knowingly makes a false report. Additionally, employers may discipline employees who knowingly make a false report.

Other Whistleblower Laws

Laws Extending the Primary Whistleblower Laws

Several additional laws extend the rights granted by either or both of the primary whistleblower laws to specific contexts, as shown in Table 1.

Table 1: Laws Extending the Primary Whistleblower Laws

<i>Statute</i>	<i>Covered Actions</i>	<i>Whistleblower Law Cited</i>
CGS § 7-282e	Police officers who report, or intervene and attempt to stop, unreasonable, excessive, or illegal use of force	CGS §§ 4-61dd & 31-51m
CGS § 17a-412	Reports of abuse, neglect, exploitation, or abandonment of long-term care facility residents	CGS § 31-51m
CGS 17b-451	Reports of abuse, neglect, exploitation, or abandonment of elderly persons	CGS § 31-51m
CGS § 18-81nn	Correction officers who report, or intervene and attempt to stop, unreasonable, excessive, or illegal use of force	CGS § 4-61dd

Context-Specific Whistleblower Laws

Several other laws, separate from the two primary whistleblower laws, prohibit retaliation against whistleblowers in specific contexts. Table 2 lists examples of these laws. (The list is not necessarily exhaustive.)

Table 2: Examples of Laws Prohibiting Retaliation Against Whistleblowers

<i>Statute</i>	<i>Requirement/Prohibition</i>
CGS § 4-37j	Requires that foundations supporting state agencies have a policy prohibiting retaliatory personnel actions in response to whistleblowing
CGS § 4-284	Allows employees, contractors, and agents to bring a civil action if they are retaliated against for making certain disclosures under the False Claims Act
CGS § 7-148d	Allows municipal fair rent commissions to order a landlord to cease and desist retaliatory conduct against a tenant who complains to the commission
CGS § 16-8a , as amended by PA 22-20 , § 3	Prohibits utilities, holding companies, nuclear power plant operators, and persons involved in transporting gas from retaliating against employees for making certain whistleblower disclosures
CGS § 17a-101e	Prohibits employers from discriminating or retaliating against an employee for reporting or testifying about child abuse or neglect
CGS § 17a-415	Prohibits long-term care facilities or other entities from retaliating against a resident, employee, or other person who cooperates or files a complaint with, or provides assistance to, the Office of the Long-Term Care Ombudsman
CGS § 17a-488	Prohibits retaliation against mandated reporters who report abuse in a behavioral health facility

Table 2 (continued)

<i>Statute</i>	<i>Requirement/Prohibition</i>
CGS § 19a-127n	Prohibits hospitals and outpatient surgical facilities from retaliating against employees, health care providers, and prospective employees for taking actions with respect to reporting adverse events
CGS § 19a-498a	Prohibits health care facilities from retaliating against employees who submit a complaint or initiate or cooperate in an investigation or proceeding regarding the facility's care, conditions, or services
CGS § 19a-532	Prohibits nursing home facilities and residential care homes from retaliating against someone who files a complaint or initiates, causes to be initiated, or testifies in certain proceedings; statute prohibits retaliating against residents, relatives, and conservators, among others
CGS § 31-40x	Prohibits employers from retaliating against employees who file a complaint with a public or private entity about violations of state law on employer access to personal online accounts
CGS § 31-379	Prohibits retaliating against state and municipal employees who file complaints alleging a violation of the Connecticut Occupational Safety and Health Act (CONN-OSHA) or who participate in proceedings concerning the violation
CGS § 33-1336	Prohibits corporations from retaliating against employees for whistleblower disclosures
CGS § 46a-13e	Prohibits state and municipal agencies from retaliating against an employee who makes a complaint to, or cooperates with, the Office of the Victim Advocate
CGS § 46a-13n , as amended by PA 22-135 , § 3	Prohibits state and municipal agencies, and any agency or entity providing publicly funded services, from retaliating against an employee who makes a complaint to, or cooperates with, the Office of the Child Advocate
PA 22-18 , § 2	Prohibits state and municipal agencies from retaliating against an employee who makes a complaint to, or cooperates with, the Office of Correction Ombuds

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