

Senate, April 6, 1998. The Committee on Government Administration and Elections reported through SEN. LEBEAU, 3rd DIST., Chairman of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING PUBLIC EMPLOYEE GRIEVANCE HEARINGS.

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

1 Subdivision (2) of section 1-18a of the
2 general statutes, as amended by section 1 of
3 public act 97-47, is repealed and the following is
4 substituted in lieu thereof:

5 (2) "Meeting" means any hearing or other
6 proceeding of a public agency, any convening or
7 assembly of a quorum of a multimember public
8 agency, and any communication by or to a quorum of
9 a multimember public agency, whether in person or
10 by means of electronic equipment, to discuss or
11 act upon a matter over which the public agency has
12 supervision, control, jurisdiction or advisory
13 power. "Meeting" shall not include: Any meeting of
14 a personnel search committee for executive level
15 employment candidates; any chance meeting, or a
16 social meeting neither planned nor intended for
17 the purpose of discussing matters relating to
18 official business; strategy or negotiations with
19 respect to collective bargaining; ANY MEETING OR
20 HEARING CONCERNING A GRIEVANCE OR DISPUTE BETWEEN
21 A PUBLIC EMPLOYER AND THE EXCLUSIVE BARGAINING
22 REPRESENTATIVE OF ITS PUBLIC EMPLOYEES DURING THE

23 TERM OF ANY COLLECTIVE BARGAINING AGREEMENT; a
24 caucus of members of a single political party
25 notwithstanding that such members also constitute
26 a quorum of a public agency; an administrative or
27 staff meeting of a single-member public agency;
28 and communication limited to notice of meetings of
29 any public agency or the agendas thereof. A quorum
30 of the members of a public agency who are present
31 at any event which has been noticed and conducted
32 as a meeting of another public agency under the
33 provisions of the Freedom of Information Act shall
34 not be deemed to be holding a meeting of the
35 public agency of which they are members as a
36 result of their presence at such event.

37 LAB COMMITTEE VOTE: YEA 13 NAY 1 JF C/R GAE
38 GAE COMMITTEE VOTE: YEA 13 NAY 4 JF

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SB 275

STATE IMPACT Minimal Savings, see explanation below

MUNICIPAL IMPACT None

STATE AGENCY(S) Freedom of Information

EXPLANATION OF ESTIMATES:

Exempting all meeting and hearings concerning grievances or disputes from the open meeting requirements is expected to result in a minimal workload decrease and savings to the Freedom of Information Commission. The minimal workload decrease and savings takes into consideration the increase in the total number of cases which the Commission receives annually from the public seeking access to records and information. In FY 96-97 the Commission handled about 450 contested cases compared to 300 in FY 95-96.

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OLR BILL ANALYSIS

SB 275

AN ACT CONCERNING PUBLIC EMPLOYEE GRIEVANCE HEARINGS

SUMMARY: This bill exempts all meetings and hearings concerning grievances or disputes between public employers and public employee bargaining agents from the Freedom of Information Act's open-meeting requirements, effectively reversing the part of a state Supreme Court ruling which held that hearings for presenting evidence on the facts giving rise to a

grievance must be public.

EFFECTIVE DATE: October 1, 1998

BACKGROUND

Related Statute and Court Case

The Freedom of Information Act exempts "strategy or negotiations with respect to collective bargaining" from the list of meetings that must be public. A 1997 state Supreme Court ruling held that meetings and hearings for presenting evidence on facts giving rise to a grievance do not come under that "collective bargaining" exception and must be open to the public, but hearings and meetings to negotiate grievance remedies or settlements are covered by the exception and may be closed to the public (Waterbury Teachers Assn. v. Freedom of Information Commission, 240 Conn. 835).

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Change of Reference
Yea 13 Nay 1

Government Administration and Elections Committee

Joint Favorable Report
Yea 13 Nay 4