

Legislative History for Connecticut Act

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House 1000-1034		35
Senate 553-554, 588		3
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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
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169 **1000**

House of Representatives

Wednesday, February 18, 1987

TERRAIN VEHICLES.

SPEAKER STOLBERG:

Call Calendar 47, House Bill 5289, anyone care enough about that one to bring it out?

We'll try again. Will the Clerk please call Calendar 47.

CLERK:

Calendar 47, House Bill 5289, AN ACT PROTECTING MUNICIPAL EMPLOYEES WHO DISCLOSE EMPLOYER MISMANAGEMENT.

SPEAKER STOLBERG:

Rep. Adamo.

REP. ADAMO: (116th)

Mr. Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

SPEAKER STOLBERG:

Will you remark?

REP. ADAMO: (116th)

Yes, Mr. Speaker, just briefly. This bill will afford to municipal employees the same protections that federal and state employees have with relation to their reporting inefficiency, mismanagement, and problems within their own positions and jobs.

I urge passage of the bill. It passed unanimously

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in Committee with no negative votes or any negative information at the public hearing.

SPEAKER STOLBERG:

Will you remark further on the bill? Will you remark? Rep. Belden.

REP. BELDEN: (113th)

Thank you, Mr. Speaker, Mr. Speaker, if I might propose a couple of questions to the Chairman of the Labor Committee, through you, sir.

SPEAKER STOLBERG:

Please frame your first question, sir.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. Rep. Adamo, could you possibly explain to me why we're adding this particular change in the law to this title of the statutes, rather than Title 7 that deals with municipal employees?

SPEAKER STOLBERG:

Rep. Adamo, do you care to respond?

REP. ADAMO: (116th)

Yes, Mr. Speaker. Through you, sir, no, I cannot. In conversation with our legislative commissioner, I was convinced that this was the avenue to pursue, sir.

REP. BELDEN: (113th)

Mr. Speaker, through you, if I might, another question.

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SPEAKER STOLBERG:

Rep. Belden.

REP. BELDEN: (113th)

The section of the statute that deals with state employees allows only their reporting of information dealing with the issues covered on line 34, 35, 36, only allows that information to be presented to the inspector general.

Could you possibly tell me why or where, what the protection will be and who the individual will report to under the new language in the file before us.

REP. ADAMO: (116th)

Through you, Mr. Speaker.

SPEAKER STOLBERG:

Please proceed.

REP. ADAMO: (116th)

Thank you, Mr. Speaker. I believe that the persons would report to an appropriate agency related to the matter at hand. For example, the thing that precipitated this very bill was a case in the City of West Haven, where three police officers saw fit to bring to the attention of the Governor's office and to the chief attorney general's office, an issue regarding a matter

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that was deemed to have been an accidental death, but in fact could have been a homicide. That resulted in a three and a half month suspension for those three police officers.

The result of that suspension was a hearing before the Board of Police Commissioners, the police chief, that resulted in their reinstatement before the case was even put on in their behalf. And the irony of the entire matter is that as the headline in the New Haven Register said just recently, they're now reinvestigating the case and treating it like a possible homicide.

These people should have not been suspended for reporting what they thought was mismanagement in the mishandling of the case, but they were in fact suspended for three and a half months and for that particular purpose, this bill is before us.

REP. BELDEN: (113th)

Mr. Speaker, if I might, it would appear that there was a recourse for those individuals prior to the change in the law that's proposed today. You've indicated that the hearing was held, etc. Under the proposed language before us, it places the onus of proof on the municipality wherein an individual makes a complaint for evidently, I

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don't know quite how you'd define these, mismanagement abuse of authority, I don't know quite how you define those in the law except to say, is in fact somebody violating the law or not violating the law. And if I might, Mr. Speaker, through you, a question to the proponent.

SPEAKER STOLBERG:

Please frame your question.

REP. BELDEN: (113th)

Does not lines 21 through 31 of the file copy currently allow that protection to state employees, employees in business as well as municipal employees in any case where there is a possibility that the law has been broken. The whistle-blowing law statute on the books allows that protection. We're now going to insert some new language here that deals strictly only with municipal employees and allows them to question whether or not a municipality as the employer unethical practices, mismanagement, or abuse of authority. I believe all those three items are in the eye of the beholder, and in the attitude that the individual feels has been taken.

Prior language in the current statute says that if somebody has broken the law and somebody blows the whistle

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they're absolutely protected. There's always going to be a grey area. I would ask, Mr. Speaker, through you, if the distinguished Chairman of Labor Committee agrees with me that there's always going to be a grey area no matter what we change in the law.

SPEAKER STOLBERG:

Does the distinguished Chairman of the Labor Committee agree with him that this will always be a grey area.

REP. ADAMO: (116th)

I would have to agree, certainly.

SPEAKER STOLBERG:

The distinguished Chairman agrees.

REP. BELDEN: (113th)

Through you, Mr. Speaker, another question.

SPEAKER STOLBERG:

Please proceed.

REP. BELDEN: (113th)

Does the Labor Committee Chairman feel that because of the changes that are proposed here, that there will be more legal action taken on the part of the towns in order to defend themselves in proposed issues of mismanagement, unethical practice, or abuse of authority?

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REP. ADAMO: (116th)

Through you, Mr. Speaker, no, I would not.

REP. BELDEN: (113th)

I believe, Mr. Speaker, that's where the crux of the issue comes. The gentleman did indicate and in the case he cited in West Haven, there was a panel put in place. There were hearings. There were all kinds of things that happened to resolve the claim of those three officers and I do indicate, Mr. Speaker, that I believe what this law has changed as indicated here, that the municipalities will have more of these issues raised and will have to pay more legal fees, etc. to defend a municipality, who is in this case, an employer, and if nothing else, Mr. Speaker, I really feel that this bill will have a fiscal impact on most of our municipalities, and under Section 2-32(b) (a) 3-e, 4d, 9c, 32bb, I would suggest, and I would make the motion Mr. Speaker, that this bill be referred to the Committee on Appropriations,

SPEAKER STOLBERG:

That sounded like a motion that this bill be referred to the Committee on Appropriations.

REP. BELDEN: (113th)

That's correct.

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SPEAKER STOLBERG:

Will you remark on the Motion to Refer.

REP. BELDEN: (113th)

Mr. Speaker, I believe there will be considerable additional municipal costs mandated if we pass this legislation in that it will put the onus on the employer specifically, the municipal entity under the new language in the file copy to defend itself at any point in time when any employee cares to present evidence concerning unethical practices, mismanagement, or abuse of authority, three categories that are very, very tenuous to define in the first place.

REP. FRANKEL: (121st)

Mr. Speaker,

SPEAKER STOLBERG:

Rep. Frankel.

REP. FRANKEL: (121st)

Mr. Speaker, the gentleman's motion to refer is based upon a change in our law which took place effective January 1, 1985 and which we saw fit to fold in our rules when we adopted them this past January, and the question of reference turns on whether or not this is or is not a state mandate.

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In particular, sub d says, any bill reported by a Joint Standing Committee, etc. etc. shall be referred provided there is a state mandate to local government, What indeed is a state mandate then becomes the question, and I refer the Body to 232-b-2 which defines state mandate. And it says, it means any state initiated constitutional statutory executive action and here's the operative language, that requires a local government to establish, expand or modify its activity in such a way as to necessitate additional expenditures from local revenues.

The crux becomes whether in fact there is money attached to the requirement, and as I look at the fiscal note, and I can't second guess OFA, but it says potential minimal cost. And on that basis, I don't think you can construe that as a fiscal impact at the municipal level and therefore, I don't think 2-32, 2-32b, the sub d and the definition mesh and I don't think the motion is appropriate at this time to send it to Appropriations for those reasons, and therefore I oppose the Motion.

SPEAKER STOLBERG:

Rep. Belden.

REP. BELDEN: (113th)

Thank you, Mr. Speaker. I believe Rep. Frankel

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has hit the nail right squarely on the head. The only thing is he did not quote to the entire body what section 232-b, sub 2 says in total. State mandate means any state initiated constitutional statutory or executive action that requires a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenue.

The fiscal note before us says, violations could increase costs to municipalities. Ladies and gentlemen, we are very naive to think that there will be no violations claimed, and then every time there is a violation claimed in any of our 169 towns, the corporation counsel or outside counsel will have to be hired by that community to protect the employer's interest, right or wrong or otherwise.

I think we need to set the stage right now that first of all, the statute overrides our rules, and its interpretation. The statute as far as I'm concerned prevails. You can't change rules to change statutes.

We're not going to lose a whole lot if this thing goes on its way over to Appropriations. Appropriations is meeting, I think on Friday of this week, some time next week. The world is not going to clash around us.

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It is not three days before the end of the Session. There may be some individuals out there who have perhaps in their minds valid concerns dealing with unethical practices, mismanagement, or abuse of authority, but I believe if this bill goes off to Appropriations, we have a chance to look at what the impact might be. Perhaps you might want to send a few dollars down to those towns and say, any time you have to defend yourself in this mode, we'll give you \$300, just send us the bill.

Then we'll have covered what I believe statutorily we tried to do a couple of years ago, to say that we're not going to mandate things for towns. And those of us that have been here for a while will remember, and I was going to bring them in today. When I came up here, statutes were 10 volumes. Would you believe in a very short 12 years, statutes are now 16 volumes.

We can put a law on the books for everything. I really believe that this particular language is duplicative of what is right before it, but in any case, the matter ought to go over to the money committee as is required under our statutes.

REP. FRANKEL: (121st)

Mr. Speaker.

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SPEAKER STOLBERG:

Will you remark further on the motion to refer to the Committee on Appropriations. Rep. Frankel.

REP. FRANKEL: (121st)

Very briefly, Mr. Speaker. First, I want to repeat something I said that the gentleman apparently misunderstood. I said that it is in our rules now, we adopted within our rules, the language that is contained in the statute, so I don't think there is any inconsistency, and I don't think I left out anything in what I said, I believe I read that statute in its entirety.

I think, however, the gentleman in reading the municipal impact statement to the Chamber, perhaps could have finished the sentence. He was correct in saying violations increase costs to municipalities. It goes on to say, however, based on the present law few cases are anticipated.

If every time OFA says minimal, potential minimal, we're going to send a bill off to Appropriations, we're going to send off every bill to Appropriations. It's been the tradition of this Chamber that when we have a minimal impact we don't treat it as if in fact is a substantial or significant impact. We have an OFA

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statement that here says, minimal, few cases are anticipated. I think the reference is inappropriate in this case and I continue to oppose it.

SPEAKER STOLBERG:

Motion is to refer. Will you remark further? If not, all those in favor of referring to the Committee on Appropriations indicate by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER STOLBERG:

All those to the contrary, nay.

REPRESENTATIVES:

No.

SPEAKER STOLBERG:

Nays clearly have it. The Motion to Refer fails.

Will you remark further on the bill?

REP. FRANKEL: (121st)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Frankel.

REP. FRANKEL: (121st)

Briefly, Mr. Speaker, I'd like to call to the attention of the last speaker, the language contained in our

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current whistle-blower statute. There seems to be concern about the new language. Indeed, I had some of those concerns myself when I first read it because it said things like, a person acting on behalf reports verbally or in writing to a public body concerning the unethical practices of mismanagement or abuse of authority by such employer and I wondered if indeed that language perhaps could be tightened up whether in fact we have ever used such language before. Maybe we were treading on dangerous ground.

I call your attention to 461-dd. This is the law that's been on our books for some time. It goes back to 1979. It was amended in 1983 and 1985. Subsection a says in part, abuse of authority or danger to the public safety. It repeats exactly the same language, unethical practices, violation of state laws or regulations, mismanagement gross waste.

In fact, what the Labor Committee has done in this particular case has tracked the exact same language that exists in our current whistle-blower statute, and I think that's exactly the appropriate thing to do.

We have a track record. We have existing law, and they're simply now folding that law to another

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segment of government. So I don't think there's anything inappropriate about the language they've chosen. I don't mean to suggest that we couldn't improve on it, but I don't think it is to be suggested that the language before us is somehow going to create some sort of monster. It's been on the books for a while otherwise and hasn't done so.

So if there's any concern about the language, I don't mean to suggest that it couldn't be improved on, indeed perhaps the current statute could as well. This is existing language. It has not turned out to be the kind of animal that is going to turn our local government upside down and cause a tremendous disaster in terms of finances and abuse of authority.

SPEAKER STOLBERG:

Rep. Raia.

REP. RAIA: (23rd)

Mr. Speaker, I rise in support of this bill. As to what happened in West Haven, also happened in the City of New Britain. We've had a police officer who wanted to bring forward a corruption that happened in New Britain and what he did to the proper authority, the Civil Service Commission, he was threatened to be fired on the spot.

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This bill is going to protect the municipal employees who can see a lot of the mismanagement that goes on within the cities and to be threatened to be fired or disciplined because he wants to bring something forward, I strongly believe that this bill should be passed and I support it.

SPEAKER STOLBERG:

Will you remark further? Rep. Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Mr. Speaker. Several questions. Through you, Mr. Speaker, to the Chairman of the Committee.

SPEAKER STOLBERG:

Please frame your first question, sir.

REP. KRAWIECKI: (78th)

Rep. Adamo, I happen to support the change. I happen to think it's useful, but I think it opens up an issue that's bothered me for some time and I probably will offer an amendment in a moment and I'd like to ask you if you could give me a definition of unethical practices.

SPEAKER STOLBERG:

Rep. Adamo, do you care to respond?

REP. ADAMO: (116th)

Yes, Mr. Speaker, I'll try. The use of one's

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authority for self gain, for example, I think would be an excellent example.

REP. KRAWIECKI: (78th)

Through you, Mr. Speaker, is there a definition in the statutes, perhaps?

REP. ADAMO: (116th)

Through you, Mr. Speaker, I'm sorry, I'm unaware of one.

REP. KRAWIECKI: (78th)

Through you, Mr. Speaker, perhaps the Chairman could provide me with a definition of mismanagement.

SPEAKER STOLBERG:

Rep. Adamo.

REP. ADAMO: (116th)

Through you, Mr. Speaker, I think it's pretty much self-explanatory. Improper management of the department. Improper management of a division. Improper management of some form of government.

REP. KRAWIECKI: (78th)

Through you, Mr. Speaker, I assume again, there is no statutory definition.

REP. ADAMO: (116th)

Again, Mr. Speaker, I'm unaware of one if it exists.

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REP. KRAWIECKI: (78th)

And through you, Mr. Speaker, and with due indulgence of this Body, a definition for abuse of authority.

SPEAKER STOLBERG:

Rep. Adamo.

REP. ADAMO: (116th)

Through you, Mr. Speaker, I'd rather not even render a guess.

SPEAKER STOLBERG:

Rep. Krawiecki.

REP. KRAWIECKI: (78th)

Thank you, Mr. Speaker. I tend to agree with the Representative. I don't think there's a definition and I suspect that's why when we implemented the state employee whistle-blower section we put into place the employee review board so that if someone had to complain under one of these types of sections, the employee had a place to go and complain.

Through you, Mr. Speaker, I have another question to the proponent.

SPEAKER STOLBERG:

Please frame your question.

REP. KRAWIECKI: (78th)

Let me give you an example. I understand the West

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Haven example and I think that's a wonderful example. Let me describe a city council made up of members of all of one party, a mayor, made up of the same party. I happen to believe that there's mismanagement in the municipality, perhaps abuse of authority by providing contracts to an exclusive contract provider or something like that.

There is no ethics board or anything to that effect in the municipality. Where do I go to complain?

SPEAKER STOLBERG:

Rep. Adamo.

REP. ADAMO: (116th)

Through you, Mr. Speaker. I believe is your only alternative at this point. But are you saying, through you, Mr. Speaker, there's no provision in your charter to take any charges against those elected officials?

REP. KRAWIECKI: (78th)

Through you, Mr. Speaker.

SPEAKER STOLBERG:

Rep. Krawiecki, you have the floor.

REP. KRAWIECKI: (78th)

Thank you, Mr. Speaker, I assume that was a rehtorical question. Bristol happens to have a very fine ethics commission in place. I know there are

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communities around the state that do not have ethics commissions in place and again, with the indulgence of the Body, I have found through the problems that we had over the last year or so, that many communities including one of the communities in which I happen to represent, don't have ethics commissions or anything remotely even designed as such and what I'd like to do at this point is call and amendment, Mr. Speaker. It's LCO 4824 and I think it lends itself to support the bill. And I'd ask the Clerk to please call the amendment and I'll summarize.

SPEAKER STOLBERG:

The Clerk has an amendment, 4824, which will be designated House Amendment Schedule "A".

CLERK:

LCO 4824 designated House "A" offered by Rep. Krawiecki.

SPEAKER STOLBERG:

Rep. Krawiecki desires leave to summarize. Is there objection? Seeing none, please proceed.

REP. KRAWIECEKI: (78th)

Members of the House, what this amendment will do is require each municipality not later than January 1, 1988 to put into place an ethics commission in their given

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community. It calls for the establishment of the commission and that commission will make up the ethical standards for that given community. I think that's appropriate in light of the parallel statute that we have for state employees. It calls for a designation of membership on that commission.

I have to admit it's probably not a perfectly drafted amendment, but I certainly think it gets the point across that we have to put into place some kind of a standard.

I move adoption of the amendment, Mr. Speaker.

SPEAKER STOLBERG:

Will you remark on House "A"? Will you remark?

REP. KRAWIECKI: (78th)

Mr. Speaker, I think if we're going to adopt the proposal, the underlying proposal as it's before us, I would suggest that an employee has got to know where they're going to go to file a complaint. I think they have to have some sort of standard. I think to the lawyers in the audience, you want to certainly allow people to have some kind of a hearing process. You want to go through for lack of a better word, the uniform administrative procedures act type of mechanism. I just think you can't adopt a statute and say, all right, we've taken care

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of the problem. If you've got a complaint, if there's a mismanagement or an unethical or an abusive type of behavior and I happen to think it's such, I'm just going to go and complaint to somebody and maybe something will happen, or maybe I'm going to try myself by the press, I don't think that's the way our governmental process operates. I certainly think a person is presumed innocent until proven guilty, and I just don't think we've got the mechanism built into our statutes at this point.

I'm not trying to railroad the bill. I happen to support the bill. I just think there is no existing mechanism that I've been able to find and I would hope that this Body will adopt the amendment.

SPEAKER STOLBERG:

Will you remark further on House "A"? Rep. Adamo.

REP. ADAMO: (116th)

Thank you, Mr. Speaker. I rise to oppose the amendment for a number of reasons. Although I might agree with the concept of having ethics commissions in each town and city, I would bring to the attention of the proponent, 7-148h that provides for the establishment of ethics commissions by towns and cities and doesn't mandate it.

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My other very serious concern is that there are certain standards set out in this amendment that might not be in effect in towns and cities where there are in fact, ethics commissions in place. Would we be changing those standards, for example, would we be forcing our cities and towns a change in the existence of their particular ethics commissions as they now sit? I have tremendous difficulty with this because I think it's an intrusion on the city's rights to establish their own commissions and I oppose the amendment for that reason.

SPEAKER STOLBERG:

Will you remark further on the amendment? Rep. Belden.

REP. BELDEN: (113th)

Mr. Speaker, my community has had an ethics commission for many years and I would stand here to support the amendment, and I would refer back to Rep. Frankel's comment a short while ago when we were discussing the other matters and he referred to Section 461-dd of the statutes and said look at these words are all in the statute. In that section of the statute, it also has a very, very structured procedure for who you report the potential information to, and how they investigate it, etc.

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I don't think that in many of our local towns that that structure is going to be there if in fact there is no body in place locally where you can make your information known to. And I certainly support ethics commissions either at the state level or at the local level, and I would think that in this day and age that a community that doesn't have one, maybe it's time for the overall god for all of the employees of the community that there ought to be one.

DEPUTY SPEAKER LAVINE:

Will you remark further? Rep. Raia.

REP. RAIK: (23rd)

Mr. Speaker, I rise to ask the maker of the amendment, through you, Mr. Speaker, when he says here, which consists of not less than five members whose term of office should be limited to a period of not more than four years, is this an elected position or appointed by the city? Through you, Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Rep. Krawiecki, do you wish to respond?

REP. KRAWIECKI: (78th)

Mr. Speaker, I assume a municipality, by way of their local ordinances and the like could have it as

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perhaps an elected or an appointed position.

REP. RAIA: (23rd)

Well, if we, sir --

DEPUTY SPEAKER LAVINE:

Through the Chair.

REP. RAIA: (23rd)

Mr. Speaker, through you.

DEPUTY SPEAKER LAVINE:

Yes.

REP. RAIA: (23rd)

If we go back to the system of having municipalities pick the five persons and there's corruption, or mismanagement within the system, it's going to go right straight back to the people who appointed them, and it's not going to be dealt with properly. Go any way, if this bill should pass, or this amendment should pass, I can only see them being elected not by appointment.

DEPUTY SPEAKER LAVINE:

Rep. Krawiecki. Is there a question in that that you'd like to explore?

REP. KRAWIECKI: (78th)

Well, I don't think he asked me a question, Mr. Speaker.

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DEPUTY SPEAKER LAVINE:

Were you posing that as a question, Rep. Raia?

REP. RAIA: (23rd)

Okay, through you, Mr. Speaker, I would strongly suggest that if this amendment was to be passed, I would like the maker to change this to elected, instead of appointed by the municipalities.

REP. ADAMO: (116th)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Rep. Adamo.

REP. ADAMO: (116th)

Thank you, Mr. Speaker. Once again, just briefly, to oppose the amendment. It would seem to me that an amendment that establishes a mandate to the cities and towns to in fact form ethics commissions, and sets the standards for that particular type of commission, should have been given a public hearing before the Government Administrations and Elections Committee and therefore, not having that hearing, I would oppose the amendment.

DEPUTY SPEAKER LAVINE:

Will you comment further?

REP. KRAWIECKI: (78th)

Mr. Speaker.

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DEPUTY SPEAKER LAVINE:

Rep. Krawiecki.

REP. KRAWIECKI: (78th)

Mr. Speaker and members of the House, I would point out to the Body that the amendment coming back again from the Office of Fiscal Analysis indicates that municipal impact can be absorbed. It is very similar to the fiscal note that you have on the underlying bill, so I don't think there's any fiscal impact that we should be concerned about.

To the Representative who commented this better be elected, I would point out to you that I think the people in the City of Bristol would be terribly insulted to have you make that comment, since our board is an appointed board, and I think it performs quite well, and I think it performed in a very reasonable, irrational fashion, in a bipartisan fashion, and I would point out to the Representative in my community, it happened to be made up of a majority of members of the party that I am not a member of.

And I compliment the individuals who have been appointed. I would suggest that in the drafting of this amendment, the point was to make it as flexible to each

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community to structure it for each community to make it reasonable for that community. Very simple. I was trying to put into place some mechanism so that there was a number of people who would get appointed. I was merely trying to put into place a time frame which this commission should be put into place because the underlying bill says that I can bring a complaint. I'm not quite sure where I can bring that complaint right now, but I can bring a complaint if I suspect unethical activity of the use of authority or mismanagement, whatever the heck those things are.

And I think, if I'm going to file a complaint against a municipal employer, I ought to have some standards by which I can file that complaint, so we're not out on witch hunts, or so that some crazy person isn't running down to the press every time they want to complain about an individual maybe in the tax office that didn't help out quickly enough. Maybe they were abusing their authority by not coming to the desk quickly enough, at tax season. I just think you have some standards and you have to have some place to go with your complaint. I think it's a reasonable request, certainly if Rep. Adamo would like to have this proposal examined in more detail, we'll have ample opportunity. I think we can

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probably go back again and look at it, but what happens to my complaint that I bring now. Where does it go? That's my only question.

I support the bill. I'm not in opposition to the bill in the last. I don't know where you go and I don't know by what standards I file a complaint. And I can understand certain communities don't want to have ethics commissions. I can understand that. There's probably good reasons for it. It's local autonomy, but as long as we're going to pass this proposal, the underlying proposal, there ought to be some standards, I think.

REP. WOLLENBERG: (21st)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Rep. William Wollenberg.

REP. WOLLENBERG: (21st)

Thank you, Mr. Speaker. Mr. Speaker, I've been sitting here now for 45 minutes listening to the reasons why we don't need this bill and there won't be much money attached to it. We won't use it very much, so it leads me to believe that it's not too important, but it's mandating something on the towns.

Now I hear that you want an amendment that's going to mandate more to the towns. I don't know where this

ends, but I hope it ends pretty soon. You know, we've heard we don't need the bill because it won't be used and then people pop up and say it can be used in my town and it can be used in my town. I don't really know what we're talking about here, only I do know one thing, we keep mandating to the towns and we all look into the mirror and say, we abhor mandating to the towns.

Well, I think we can get along without the bill, let alone get along without the amendment. Let's move on here and vote it up or down and go on to some more important things. I'm going around the state with Rep. Brooks and others. We don't have enough houses in this state to put our people to bed tonight. Let's get on with some of that stuff and get off of this. It's not important. Let's vote it up or down. It doesn't make any difference to our constituents, I'm sure.

DEPUTY SPEAKER LAVINE:

Will you remark further? If not, I will try your minds on the amendment.

All in favor will signify by aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER LAVINE:

Those who are opposed, nay.

pt

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REPRESENTATIVES:

No.

DEPUTY SPEAKER LAVINE:

The nays have it. The amendment is defeated.

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House Amendment Schedule "A"

After line 65, insert the following:

"(e) NOT LATER THAN JANUARY 1, 1988, EACH MUNICIPALITY SHALL, BY ORDINANCE OR BY CHARTER, AUTHORIZE AND ESTABLISH A MUNICIPAL ETHICS COMMISSION, WHICH SHALL CONSIST OF NOT LESS THAN FIVE MEMBERS WHOSE TERMS OF OFFICE SHALL BE LIMITED TO PERIODS OF NOT MORE THAN FOUR YEARS. EACH SUCH MUNICIPAL ETHICS COMMISSION SHALL RECOMMEND AN ETHICS CODE FOR SUCH MUNICIPALITY TO THE LEGISLATIVE BODY OF SUCH MUNICIPALITY NOT LATER THAN ONE YEAR AFTER THE DATE SUCH COMMISSION IS AUTHORIZED AND ESTABLISHED. SUCH CODE SHALL SPECIFICALLY DEFINE UNETHICAL PRACTICES, MISMANAGEMENT AND ABUSE OF AUTHORITY FOR THE PURPOSES OF THIS SECTION, AND SHALL BE EMPOWERED TO HEAR AND DECIDE COMPLAINTS ARISING UNDER THE PROVISIONS OF THE MUNICIPAL CODE OF ETHICS."

\*\*\*\*\*

DEPUTY SPEAKER LAVINE:

Will you remark on the bill?

REP. JAEKLE: (122nd)

Mr. Speaker.

DEPUTY SPEAKER LAVINE:

Rep. Jaekle.

REP. JAEKLE: (122nd)

Mr. Speaker, notwithstanding some good advice that

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we get on with more important business, I do have a question because I think there may have been a bad impression made, or wrong impression made, and my question is, through you, to the proponent of the bill, please.

DEPUTY SPEAKER LAVINE:

Will you pose your question?

REP. JAEKLE: (122nd)

Thank you, Mr. Speaker, Through you, to the proponent. If a municipal employee does indeed run to the press alleging some unethical conduct of his municipal employer, does the bill before us provide the protections that you've indicated. Through you, Mr. Speaker?

DEPUTY SPEAKER LAVINE:

Rep. Adamo, do you wish to respond?

REP. ADAMO: (116th)

Through you, Mr. Speaker, no, it doesn't deal with running to the press. It deals with running to another agency that would have some jurisdiction over the problem.

DEPUTY SPEAKER LAVINE:

Rep. Jaekle, you have the floor.

REP. JAEKLE: (122nd)

So, through you, if a municipal employee goes to

pt

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the press and blows a big scandal open, he could indeed receive some disciplinary action such as being discharged for three months and three and a half months without the protection of the legislation that's before us today. Is that correct?

DEPUTY SPEAKER LAVINE:

Rep. Adamo.

REP. ADAMO: (116th)

Through you, Mr. Speaker, he has the protection of the Constitution.

REP. JAEKLE: (122nd)

Thank you.

DEPUTY SPEAKER LAVINE:

Rep. Jaekle.

REP. JAEKLE: (122nd)

Thank you. I agree with the answer. In earlier debate I heard a comment if you couldn't go or if you couldn't trust anybody in your local town, go tell the press. I don't want any municipal employees that may read transcripts of this or have it reported in the paper that they think they can go to the press, blow the whistle on their municipal employer, and receive some sort of benefit under this legislation, some protection. They cannot. Complaints of unethical conduct

pt

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abuse of discretion or authority, mismanagement must be made to a body politic. I'll even point out to the members and to the public who are interested in this, the perfect place since we're now paralleling the provision of the general statutes governing state employees and their action, is just where state employees are supposed to file their complaints of unethical conduct, abuse of discretion and mismanagement, and that's to the state inspector general's office, who can investigate those complaints, take testimony and maintain the confidential identity of now municipal whistle-blowers and that would seem like the appropriate place to lodge the complaints. Thank you very much.

DEPUTY SPEAKER LAVINE:

Will you remark further? If not, we will order a roll call, and the machine will be opened.

Will staff and guests please come to the well of the House.

CLERK:

The House of Representatives is now voting by roll call. Members kindly return to the Chamber. The House of Representatives is now voting by roll call. Members please return to the Chamber.

pt

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DEPUTY SPEAKER LAVINE:

Have you cast your vote and is your vote properly recorded? Please check the board. Please check the board. If the Clerk will lock the machine and the vote be taken.

Will the Clerk please read the tally. AN ACT

CLERK:

House Bill 5289.

Total number voting 137

Necessary for passage 69

Those voting yea 121

Those voting nay 16

Those absent and not voting 12

DEPUTY SPEAKER LAVINE:

The bill is passed.

CLERK:

Page 8, continue on page 8, Calendar 48, Substitute for House Bill 5288, AN ACT CONCERNING LABOR DISPUTES IN HEALTH CARE INSTITUTIONS. Favorable Report of the Committee on Labor and Public Employees.

DEPUTY SPEAKER LAVINE:

Rep. Frankel.

REP. FRANKEL: (121st)

May this bill be referred to the Committee on Public Health.

pt

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DEPUTY SPEAKER LAVINE:

Is there objection? Hearing no objection, it is  
so ordered.

CLERK:

Page, 8, Calendar 52, House Bill 6581, AN ACT  
CONCERNING THE APPLICABILITY OF NO-FAULT MOTOR VEHICLE  
INSURANCE TO MOPEDES AND ALL-TERRAIN VEHICLES. Favorable  
Report of the Committee on Insurance and Real Estate.

REP. FRANKEL: (121st)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Frankel.

REP. FRANKEL: (121st)

I move that this bill be referred to the Committee  
on Judiciary.

SPEAKER STOLBERG:

Motion is to refer to the committee on Judiciary.  
Is there objection? Is there objection? Seeing no  
objection, it is so ordered.

REP. FRANKEL: (121st)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Frankel.

pt

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REP. FRANKEL: (121st)

Mr. Speaker, at this time, I should like to move for the Suspension of our Rules for the immediate consideration of an item which is now in our possession and has been acted upon by the Senate.

It appears in our files as File No. 54, Substitute Senate Bill No. 843, AN ACT MAKING AN APPROPRIATION FOR AID TO TOWNS FOR SNOW REMOVAL.

SPEAKER STOLBERG:

Motion is Suspension of Rules for immediate consideration of File No. 54, Substitute for Senate Bill No. 843. Is there objection for Suspension of the Rules for immediate consideration of that item.

Is there objection? Seeing no objection, the item is before us. Will the Clerk please call it.

CLERK:

Emergency Certification, Favorable Report of Joint Standing Committee on Appropriations, Substitute Senate Bill 843, AN ACT MAKING AN APPROPRIATION FOR AID TO TOWNS FOR SNOW REMOVAL.

SPEAKER STOLBERG:

Will you remark? Rep. Janet Polinsky.

REP. POLINSKY: (38th)

Thank you, Mr. Speaker. I move the acceptance of

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are paid off early to loans with interest rates of fourteen percent and below. If there are no objections, I ask that it be placed on the Consent Calendar.

THE CHAIR:

Hearing no objections, so ordered.

THE CLERK:

Cal. No. 52, File No. 44, House Bill No. 5289. An Act Protecting Municipal Employees Who Disclose Employer Mismanagement. Favorable Report of the Committee on Labor and Public Employees.

THE CHAIR:

Senator Spellman.

SENATOR SPELLMAN:

Thank you Mr. President. I would move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR SPELLMAN:

Thank you Mr. President. Basically, what this bill does is extend to municipal employees the same protections which are received by State employees under Section 4-61DD of the Connecticut General Statutes. These protections are also enjoyed by Federal employees. Basically what the bill does is prohibit the municipal employer from discharging, disciplining, or otherwise penalizing an employee because that employee reports to a public body unethical practices,

mismanagement, or abuse of authority by the municipal employer.

The bill enjoyed unanimous support in the Committee. And if there are no objections, I would ask that it be placed upon the Consent Calendar.

THE CHAIR:

Further remarks? Wish to move this to Consent Calendar,  
Senator?

SENATOR SPELLMAN:

Yes, Mr. President.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Cal. No. 53, File no. 46, 74, Substitute for House Bill No. 5333. An Act Concerning the Applicability of Mandatory Binding Arbitration Provisions. As amended by House Amendment Schedule "A". Favorable Report of the Committee on Labor and Public Employees.

THE CHAIR:

Senator Spellman.

SENATOR SPELLMAN:

Mr. President, I would move acceptance of the Joint Committee's Favorable Report and adoption of the bill, as amended by House "A".

THE CHAIR:

Wish to remark?

On Senate Agenda No. 3, House Joint Resolutions No. 69 and 70.

On the Senate Calendar, page 2, Cal. No. 45. HJ67

Page 3, Cal. No. 34, 37, and 38. SB835, SB586, SB587

Page 4, Cal. Nos. 50, 52, 53 and 39. HB5556, HB5289, HB5333, SB589

Page 5, Cal. Nos. 54, 46, 47 and 48. HB5570, HJ37, HJ39, HJ41

Page 6, Cal. No. 49. HJ45

And No. 39, page 4. SB589

THE CHAIR:

Are there any omissions or corrections? The motion is to adopt the Consent Calendar. The machine is open, please record your vote. Has everyone voted? The machine is closed, Clerk please tally the vote.

Result of the vote: 36 yea, 0 nay. The Consent Calendar is adopted. Are there any Points of Personal Privilege? Any announcements? Senator O'Leary?

SENATOR O'LEARY:

Thank you, Mr. President. It's our intention to convene the Senate next week at the same time. On Tuesday as well. Caucusing the Senate Democrats at 1:00, Session at 2:00.

THE CHAIR:

Thank you.

SENATOR O'LEARY:

If there are no further announcements I would ask that we adjourn, subject to the Call of the Chair.

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MR. SHEA: (Continued)

Association here in the State of Connecticut, representing all municipal paid firefighters and in this particular forum, Mr. Chairman, I'm representing the interests also of Police Council 15 of AFSME. There are about six bills that I had intended to address and will address all those, however, I'm going to try and be as brief as I possibly can and hopefully we'll be able to have in your hands for the next time you meet, written testimony, provided you read.

With respect to 5289, which is An Act Protecting Municipal Employees Who Disclose Employer Mismanagement, this is a good bill, Mr. Chairman, and will give protection to those people who do find some corruption, mismanagement of whatever and give them the kind of protection from discipline that they've been faced with just very recently in the Town of West Haven where three police officers were disciplined and I think there's a need for this bill and it would also be consistent with the whistle blowing that's in the State Employee Act.

Committee Bill 5332 is the next one I would like to address, and again, as briefly as I can. One thing that I want to do is point to a recent Labor Board decision, the State Board of Labor Relations, in 1984 which is right on target with the reason and the necessities of Committee Bill 5332 where the municipality had done something that was contrary to the working conditions, the union wrote to the mayor. The mayor said I'll do whatever I want and implemented a promotion list that was contrary to law and the collective bargaining agreement. But in any event, the necessity of this bill comes about due to the fact that there is no impasse procedure on any issue, whether it be mandatory or permissive subjects of bargaining. There is a hole in the law now and I think that this bill would close that law.

I am in concert with Barry Williams, Secretary-Treasurer of the Labor Council who intends to submit to you legislation, proposed language, which would hopefully be considered by the Committee and put into effect and if I may take just a moment, Mr. Chairman,