



STATE OF CONNECTICUT
OFFICE OF GOVERNMENTAL ACCOUNTABILITY
OFFICE OF THE EXECUTIVE ADMINISTRATOR

January 2, 2012

Senator Toni N. Harp, Co-Chair, Appropriations Committee
Representative Toni E. Walker, Co-Chair, Appropriations Committee
Senator Gayle S. Slossberg, Co-Chair, Government Administration and Elections Committee
Representative Russell A. Morin, Co-Chair, Government Administration and Elections Committee
Senator Eric D. Coleman, Co-Chair, Judiciary Committee
Representative Gerald M. Fox, Co-Chair, Judiciary Committee
Senator Terry Gerratana, Co-Chair, Select Committee on Children
Representative Diana S. Urban, Co-Chair, Select Committee on Children
Senator Joan V. Hartley, Co-Chair, Public Safety and Security Committee
Representative Stephen D. Dargan, Co-Chair, Public Safety and Security Committee
Senator Anthony J. Musto, Co-Chair, Human Services Committee
Representative Peter A. Tercyak, Co-Chair, Human Services Committee

Re: **Attached Report Submitted Pursuant to Public Act 11-48**

This report is submitted in accordance with Section 60(b) of Public Act 11-48 which requires the acting Executive Administrator (EA) of the Office of Governmental Accountability (OGA), in conjunction with the representatives of each of the nine divisions of OGA (Office of State Ethics, Freedom of Information Commission, State Elections Enforcement Commission, Judicial Review Council, Judicial Selection Commission, Board of Firearms Permit Examiners, State Contracting Standards Board, Child Advocate and Victim Advocate) to submit a report to the General Assembly regarding:

“the status of the merger... and ... any recommendations for further legislative action concerning such merger, including, but not limited to, recommendations to further consolidate and merge functions performed by the offices, commissions, boards and council within the Office of Governmental Accountability such as those concerning best use of staff, elimination of redundancies and cross-training of staff for the purpose of using staff to perform functions across such offices, commissions, boards and council. “

The EA drafted a report and circulated it to the nine divisions in December, 2011. To preserve the individual voices of each of these nine divisions, the EA suggested that the OGA report, along with the comments of each of the nine divisions, be submitted as part of a compiled report. This compiled report follows.

Sincerely,

David L. Guay
Acting Executive Administrator



STATE OF CONNECTICUT
OFFICE OF GOVERNMENTAL ACCOUNTABILITY
GOVERNMENTAL ACCOUNTABILITY COMMISSION

January 2, 2012

Senator Toni N. Harp, Co-Chair, Appropriations Committee

Representative Toni E. Walker, Co-Chair, Appropriations Committee

Senator Gayle S. Slossberg, Co-Chair, Government Administration and Elections Committee

Representative Russell A. Morin, Co-Chair, Government Administration and Elections Committee

Senator Eric D. Coleman, Co-Chair, Judiciary Committee

Representative Gerald M. Fox, Co-Chair, Judiciary Committee

Senator Terry Gerratana, Co-Chair, Select Committee on Children

Representative Diana S. Urban, Co-Chair, Select Committee on Children

Senator Joan V. Hartley, Co-Chair, Public Safety and Security Committee

Representative Stephen D. Dargan, Co-Chair, Public Safety and Security Committee

Senator Anthony J. Musto, Co-Chair, Human Services Committee

Representative Peter A. Tercyak, Co-Chair, Human Services Committee

Re: **Attached Reports Submitted Pursuant to Public Act 11-48**

The Governmental Accountability Commission (“GAC”), established by Public Act 11-48, presents the attached report as contemplated by section 60(b) of that Act. Section 60(b) calls for the acting Executive Administrator (“EA”) of the Office of Governmental Accountability (“OGA”), in conjunction with the representatives of each of the nine divisions, to submit a report to the legislature regarding: (1) the status of the consolidation contemplated by the Act, and (2) any recommendations for further legislation for the 2012 session. The GAC represents the voice of the nine consolidated divisions, but does not necessarily reflect the voice of the acting EA.

The nine divisions and the acting EA have different vantage points with respect to the status of the merger, and on whether any legislation is recommended at this time. For this reason, the report is divided into ten sections, some of which do not necessarily agree with the acting EA’s report. Because administrative staff members have been removed from three of the nine constituent divisions and, as of December

15, 2011, physically relocated to the new OGA, these divisions, in particular, have not had a full opportunity to assess the impact that the consolidation is likely to have on their divisions. By contrast, even at this early date, the smallest of the nine divisions (most of which previously had little or no administrative staff, and which divisions did not have employees relocated to OGA) have recognized certain benefits from the administrative support that the OGA has been able to provide to them.

The members of the GAC take this opportunity to inform the General Assembly of two points of firm consensus among the GAC members. First, at this time, there is consensus among the GAC members that, although there may be the desire and need to recommend further legislation at a future time, the General Assembly should refrain from further legislation at the present time insofar as it relates to further consolidation. Time is needed to fully assess the true impact that the consolidation will have on all of the constituent divisions. Even a cursory review of the reports from the individual OGA divisions will inform on the present state of flux that each agency is facing. Any legislation that is enacted this session runs the risk of causing harm to the consolidation process that is now ongoing.

Second, the members of the GAC continue to unanimously support the language of, and the principles behind, section 58(d) of P.A. 11-48, which states clearly that each of the divisions maintains its own independent decision-making authority. This language reemphasizes the “independent decision-making authority” of each of the divisions. Each of the OGA divisions feels strongly that any reduction of their respective decision-making authorities will cause proportionate erosion in each division’s ability to attain its mission. Indeed, irrespective of whether the legislature ultimately decides (despite the above recommendation) to enact further legislation with respect to consolidation, the General Assembly should maintain the independent decision-making authority of the divisions of the OGA consistent with the language provided in §58(d) of P.A. 11-48.

Sincerely,



Carol Carson, Chairperson

Governmental Accountability Commission

January 2, 2012

Senator Toni N. Harp, Co-Chair, Appropriations Committee

Representative Toni E. Walker, Co-Chair, Appropriations Committee

Senator Gayle S. Slossberg, Co-Chair, Government Administration and Elections Committee

Representative Russell A. Morin, Co-Chair, Government Administration and Elections Committee

Senator Eric D. Coleman, Co-Chair, Judiciary Committee

Representative Gerald M. Fox, Co-Chair, Judiciary Committee

Senator Terry Gerratana, Co-Chair, Select Committee on Children

Representative Diana S. Urban, Co-Chair, Select Committee on Children

Senator Joan V. Hartley, Co-Chair, Public Safety and Security Committee

Representative Stephen D. Dargan, Co-Chair, Public Safety and Security Committee

Senator Anthony J. Musto, Co-Chair, Human Services Committee

Representative Peter A. Tercyak, Co-Chair, Human Services Committee

Subject: Report Submitted from the Office of Governmental Accountability to the General Assembly In Compliance with Public Act 11-48, "An Act Implementing the Provisions of the Budget Concerning General Government"

Index

Introduction	2
Report Submitted by the Executive Administrator from the Office of Governmental Accountability to the General Assembly	3
Report Submitted by the Office of State Ethics	11
Report Submitted by the State Elections Enforcement Commission	18
Report Submitted by the Freedom of Information Commission	26
Report Submitted by the Judicial Selection Commission	32
Report Submitted by the Board of Firearms Permit Examiners	33
Report Submitted by the Office of the Child Advocate	35
Report Submitted by the Office of the Victim Advocate	38
Report Submitted by the State Contracting Standards Board	41
Appendix A-Public Act No. 11-48	42
Appendix B-Draft Minutes of Special Meeting Governmental Accountability Commission, November 1, 2011	45
Appendix C-Budgetary Impact of Public Act No. 11-48	46

Attached please find the report required by this legislation. On December 13, 2011, the Acting Executive Administrator of the Office of Governmental Accountability (OGA) shared a draft of the required report with the executive directors of:

- 1) Office of State Ethics,
- 2) State Elections Enforcement Commission,
- 3) Freedom of Information Commission,
- 4) Judicial Review Council,
- 5) Judicial Selection Commission,
- 6) Board of Firearms Permit Examiners,
- 7) Office of the Child Advocate,
- 8) Office of the Victim Advocate and
- 9) State Contracting Standards Board.

The executive directors of Office of State Ethics, Freedom of Information Commission, Judicial Selection Commission, Board of Firearms Permit Examiners, Office of the Child Advocate and the Office of the Victim Advocate have articulated their own visions for this report. Additionally, Stephen Cashman, the Chair of the State Elections Enforcement Commission, provided a written report for the State Elections Enforcement Commission.

Rather than dilute their content, each is shown below.

Editing has been done for clarity and technical corrections.

**Report Submitted by the Executive Administrator from the Office of
Governmental Accountability to the General Assembly In Compliance with Public
Act 11-48, "An Act Implementing the Provisions of the Budget Concerning
General Government"**

Public Act 11-48, *An Act Implementing the Provisions of the Budget Concerning General Government*, created the Office of Governmental Accountability (OGA). Originally proposed in Governor Malloy's February 2011 budget submission, and modified through the legislative process, OGA's administrative umbrella includes the following agencies:

- Office of State Ethics,
- State Elections Enforcement Commission,
- Freedom of Information Commission,
- Judicial Review Council,
- Judicial Selection Commission,
- Board of Firearms Permit Examiners,
- Office of the Child Advocate,
- Office of the Victim Advocate, and
- State Contracting Standards Board.

According to the non-partisan Office of Legislative Research:

*The act merges and consolidates within OGA... personnel, payroll, affirmative action, administrative and business office functions, including information technology associated with these functions. ("Business office functions" generally include budgeting, accounts payable, accounts receivable, purchasing, grant management, central accounting, delinquent accounts, or asset management.)*¹

Section 60 of Public Act 11-48 (see Appendix A), which requires this report, must include these specific deliverables:

1. Status of the merger of the nine agencies' business functions into OGA and
2. Recommendations for further legislative action concerning the merger, including:
 - a. Recommendations to further consolidate and merge functions performed by the offices, commissions, boards and council within the Office of Governmental Accountability, including discussion of the:
 - i. Best use of staff,

¹ <http://www.cga.ct.gov/2011/BA/2011SB-01009-R000436-BA.htm>

- ii. Elimination of redundancies and
- iii. Cross-training of staff for the purpose of using staff to perform functions across such offices, commissions, boards and council.

The Status of the Merger

Transforming and streamlining government is necessary given the State of Connecticut's short and long term financial conditions. Still, bringing nine separate agencies under a single administrative umbrella, all of which have different missions (see below) and are geographically spread around the capital city, provides a set of unique challenges.

<u>Agency</u>	<u>Mission</u>	<u>Address</u>
Elections Enforcement Commission	Administer the Citizens' Election Program, Connecticut's comprehensive public financing program; ensure disclosure and transparency through campaign finance disclosure, enforce state election laws, and secure compliance through cooperation by providing interpretation and education.	20 Trinity Street Hartford, CT
Office of State Ethics	Ensure honesty, integrity and accountability in state government through education, interpretation and enforcement of the State of Connecticut Codes of Ethics.	20 Trinity Street Hartford, CT
Freedom of Information Commission	Administer and enforce the provisions of the Connecticut Freedom of Information Act, ensuring citizen access to the records and meetings of public agencies in the State of Connecticut.	20 Trinity Street Hartford, CT
Judicial Review Council	Investigate and resolve complaints alleging misconduct, disability, or substance abuse of state judges, family support magistrates, and workers' compensation commissioners.	505 Hudson Street, 1 st Floor Hartford, CT
Judicial Selection Council	Seeks, evaluates, and furnishes the Governor with a list of qualified candidates for nomination as new judges.	165 Capitol Avenue Room 241 Hartford, CT
Office of the Child Advocate	Oversees the protection and care of Connecticut's most vulnerable and youngest citizens and advocates for their well being.	999 Asylum Avenue, 1 st Floor Hartford, CT
Office of the Victim Advocate	Monitor and evaluate the treatment of crime victims within Connecticut, ensuring victims' state Constitutional and statutory rights are protected, providing advocacy to address rights violations, and work to enhance the delivery of services for victims of crime, through complaint investigations, as well as legislative and policy advocacy	505 Hudson Street, 5 th Floor Hartford, CT
Board of Firearms Permit	To provide a means of appeal for citizens whose pistol permit has been denied or revoked.	505 Hudson Street, 5 th Floor Hartford, CT
State Contracting Standards Board	To ensure that state contracting and procurement processes reflect the highest standards of integrity, are clean and consistent and are conducted in the most efficient manner possible.	165 Capitol Avenue Hartford, CT

The challenges in bringing together these nine different agencies under one administrative umbrella can be best illustrated by the following from a report on the Freedom of Information website (updated August 5, 2011)²:

*The most significant challenge this session, and unfortunately, the **greatest setback for good and open government** in recent years resulted in the consolidation of the three main “watchdog agencies” (FOIC, Office of State Ethics (OSE) and the State Elections Enforcement Commission (SEEC)) with six other state agencies (Judicial Review Council (JRC), Judicial Selection Commission (JSC), Board of Firearms Permit Examiners (BFPE), Office of the Child Advocate (OCA), Office of the Victim Advocate (OVA), and State Contracting Standards Board (SCSB)) into the Office of Governmental Accountability (OGA). The structure of the new OGA, established by Public Act 11-48, differs from the structure proposed in SB 1009, but the **concerns regarding the loss of the agencies’ independence and the public’s trust as well as the inevitable conflicts remain.***

Even with this open and public concern about the creation of OGA, the good news is this; the business of the State of Connecticut continues. The nine offices continue to do their work, certainly leaner, but no less dedicated to the citizens and their needs regarding:

- Open and fair elections;
- Ethical and lawful behaviors of public officials and lobbyists;
- Transparency of government operations;
- Judicial misconduct and remedies;
- Selecting good judges;
- Oversight of state or state-funded services for children;
- Assuring crime victims' rights;
- Citizens rights to appeal denial or revocation of pistol permits; and
- Clean state contracting processes.

The public trusts that these entities will provide the best services possible to the citizens of the State of Connecticut and they do. The new Executive Administrator (EA) of OGA took office on September 23, 2011. In the fall of 2011, the EA accomplished much in a short amount of time. Assuming a cooperative stance, he assured all nine divisions that he was there to serve them in providing all of the support that many of the nine had been missing, particularly the smallest offices that had had little historical administrative support.

² http://www.state.ct.us/foi/Legislative%20Reports/2011_Legislative_Report.htm

These significant accomplishments include:

1. Developing and implementing a single OGA website, which showcase the existing divisions as part of OGA;
2. Support for the consolidation of all of the information technology (IT) for the nine divisions. This includes IT inventory, capital equipment, capacity planning, contracting, procurement and the development of a plan for future fiscal year needs;
3. Working with the state's accounting team at CORE-CT to create and execute a single accounting system and human resources platform for the new agency, which includes all of the nine divisions. OGA will be the only agency consolidated in CORE-CT prior to the end of this fiscal year;
4. Submitting the first ever OGA budget request to the Office of Policy and Management, a collegial effort by all nine divisions along with the EA;
5. Partnering with the Department of Administrative Services to consolidate more of OGA divisions at 18-20 Trinity Street in Hartford. At least one of the smaller divisions and possibly two will move to OGA in the coming months, further improving administrative support for these small divisions;
6. Providing administrative support for the Board of Firearms Permit Examiners when an emergency caused the extended absence of its lone employee;
7. Collecting all affirmative action plans from the nine divisions with anticipation of providing a consolidated affirmative action plan by March, 2012;
8. Preparing and following up on office position refill requests, with significant interface with the Department of Administrative Services and the Office of Policy and Management;
9. Reconfiguring the EA and other OGA staff into a more efficient and effective space set-up to maximize administrative support for all of the divisions and
10. Initiating a Continuity of Operations Plan (COOP) for the nine divisions to ensure the provision of critical state government services in case of a public health or other emergency.

Work will continue to centralize personnel requests, payroll, affirmative action, assets management and other administrative and business office functions for the nine divisions into the OGA.

Recommendations for Further Legislative Action

Section 60 of Public Act 11-48 requires that this report include recommendations to further consolidate and merge functions among and between the nine offices under the administrative umbrella of the Office of Governmental Accountability (OGA). The report is to discuss the best use of staff, elimination of redundancies and cross-training of staff, all presumably to allow for an efficient and effective use of personnel.

One function that could need legislative clarification is in the area of information technology. While OGA has proceeded with a plan to consolidate, except for some existing programs in several of the divisions, all of the IT support centrally, it is statutorily unclear whether this is allowed. Current statute could be interpreted to limit IT consolidation only to support administrative functions; this would be inefficient, expensive and ineffective and could lead to the creation of nine levels of IT support.

Another area that could use clarification is about the best use of staff and how this directly relates to the position of the Executive Administrator (EA) of the OGA. PA 11-48 (see Appendix A, Section 59) gives the Governmental Accountability Commission (GAC) two duties: the first to recommend a candidate to the governor for the position of executive administrator (EA) and the second to terminate the executive administrator. In between the governor's appointment of the EA and the GAC's possible termination of the EA, the statute is silent.

The GAC has taken the position (see Appendix B) that they have the authority to evaluate the EA. Members of the GAC are also division heads within OGA, which makes for an awkward relationship. Clarification of this legislatively would be helpful.

If the governor is the appointing authority, in almost every instance, he would be the person charged with dismissing the EA. Giving the GAC the authority to evaluate and possibly terminate a governor's appointee appears to be inconsistent with the appointment of other gubernatorial appointees.

While OGA is required to make this report, the decision-making that would allow for the best use of staff, elimination of redundancies and cross-training of staff is statutorily within the purview of the nine divisions. As is clear in the statutory citation below of subsection (d) of Section 58 of PA 11-48, the offices have "independent decision-making authority" including budgetary decisions and the "employment of necessary staff."

(d) Nothing in this section shall be construed to affect or limit the independent decision-making authority of the Office of State Ethics, State Elections Enforcement Commission, the Freedom of Information Commission, Judicial Review Council, Judicial Selection Commission, Board of Firearms Permit Examiners, Office of the Child Advocate, Office of the Victim Advocate or the State Contracting Standards Board. Such decision-making authority includes, but is not limited to, decisions concerning budgetary issues and concerning the employment of necessary staff to carry out the statutory duties of each such office, commission, council or board.

If OGA had the statutory imprimatur to recommend strengthening of administrative processes and streamlining organizational structures, there are areas that could be discussed.

For instance, in March 2011, the Secretary of the State (SOTS) issued a report on the “functional and personnel overlaps with the watchdog agencies.”³ For purposes here, the SOTS was referring to the Office of State Ethics (Ethics), the State Elections Enforcement Commission (SEEC) and the Freedom of Information Commission (FOI). While much of this report centers on the “back office” and savings associated with the consolidation of administrative functions of the “watchdogs” with the SOTS, there is another part of this report that relates to the overlap of elections functions between the SEEC and the SOTS.

The report identifies duplication of these specific elections personnel in both the SEEC and SOTS:

- Elections directors;
- Staff attorneys and
- Elections officers.

The functions that these employees perform are also similar and include:

- Accepting campaign finance related filings;
- Interpreting elections laws and
- Issuing opinions and directives about the conduct of elections.

Moreover, it is confusing to the general public about who is in charge of ensuring that the State has open, clean and fair elections when there are two entities charged with that. Given the current statutory language about the SEEC's independence, it is unlikely that the EA will have the opportunity to explore the possibility of streamlining and clarifying elections functions in the state.

On a more technical level, as the EA works toward creating a single agency with nine divisions, it would be helpful if there was a uniform time and attendance policy. There is a certain work synergy when all employees know the agency work rules and they are fair and consistent.

There are also internal inconsistencies in the OGA statutory charge. For instance, the OGA is responsible for balancing the entire budget, including all nine divisions, but OGA cannot control the expenditures of the individual offices. Even though OGA has all of the fiscal staff, financial decisions are made at the office level, an inconsistency that could have profound budgetary impact if it is not addressed.

³ Informational Memorandum Regarding the Secretary of the State and the Elections Enforcement Commission, March 24, 2011.

Additionally, although PA 11-48 refers to the nine divisions in OGA (as noted in the citations below), recent collective bargaining advice has been contrary to this.

- Sec. 61. There shall be established, within the Office of Governmental Accountability established under section 58 of this act, an Office of State Ethics.
- Sec. 62. There shall be established, within the Office of Governmental Accountability established under section 58 of this act, a Freedom of Information Commission.
- Sec. 63. There is established, within the Office of Governmental Accountability established under section 58 of this act, a State Elections Enforcement Commission.
- Sec. 64. There is established a Judicial Selection Commission, within the Office of Governmental Accountability established under section 58 of this act.
- Sec. 65. There is established a Judicial Review Council, within the Office of Governmental Accountability established under section 58 of this act.
- Sec. 66. There shall be established a Board of Firearms Permit Examiners, within the Office of Governmental Accountability established under section 58 of this act.
- Sec. 67. The State Contracting Standards Board shall be [an independent body within the Executive Department] within the Office of Governmental Accountability established under section 58 of this act.
- Sec. 69. There is established, within the Office of Governmental Accountability established under section 58 of this act, an Office of the Victim Advocate.
- Sec. 71. There is established, within the Office of Governmental Accountability established under section 58 of this act, an Office of the Child Advocate.

Instead of viewing the OGA as a single agency, it has been suggested that the OGA is really nine separate agencies for collective bargaining purposes. This is problematic on at least two fronts. First, the OGA needs flexibility with personnel assignments to ensure the work is being done in a most effective and efficient manner. OGA will only be able to judge whether staff are appropriately deployed and there are no personnel redundancies if OGA is a single state agency with nine divisions. Blocking internal movement of positions among the nine divisions of OGA reduces the personnel flexibility that OGA needs to make these position changes.

Second, the language of PA 11-48 appears to endorse cross training of personnel in the OGA divisions. If each of the offices in OGA is considered to be a separate agency, then the OGA, and the state taxpayers, will miss an opportunity to best use state employees, possibly cross training individuals to work in several OGA divisions.

When Governor Malloy proposed the creation of the OGA, and even through legislative discussions about this consolidation, there was always a thread about the cross training of personnel. For example, Governor Malloy has said that attorneys, all of whom are

licensed with advanced degrees, could learn how to function as experts in more than one area.

For instance, an FOI attorney works often with public entities in his current job. How different would it be then, to incorporate the elections of these persons into his knowledge portfolio? Similarly, Ethics attorneys deal with elected officials daily; becoming expert in elections laws would be related to their current expertise.

Cross-training of personnel within a single agency makes so much sense, particularly when it appears unlikely that OGA will be the recipient of the infusion of significant new state dollars.

Conclusion

The Office of Governmental Accountability has only been a working agency for a few months. While much has been accomplished, much is still left to do. OGA will continue to provide its nine offices with effective, efficient and excellent service as the agency evolves into a world class provider of state services.

**Report Submitted by the Office of State Ethics to the General Assembly In
Compliance with Public Act 11-48, "An Act Implementing the Provisions of the
Budget Concerning General Government"**

The Office of State Ethics (OSE) provides the following comments in order to describe the unique challenges that the consolidation has brought upon the Office, as well as to describe the anticipated challenges that the agency may face as the consolidation of administrative functions nears its completion in 2012. The comments will address (1) OSE's participation in the consolidation process; (2) the challenges faced by the larger of the constituent divisions, including the OSE, such as loss of personnel to the OGA, the non-transferability of some administrative functions and the inherent conflicts between the divisions; (3) the unique challenges faced by the OSE, including staffing, IT, confidentiality and institutional knowledge; (4) responses to the executive administrator's report; and (5) recommendations for any further legislative action.

I. Participation of the OSE in the Consolidation Process

The OSE has actively participated in and supported the consolidation of administrative functions to the OGA. For example, the OSE:

1. assisted in the establishment of GAC, along with the other constituent units; with GAC, developed guidelines for the interviewing of EA candidates, conducted interviews, and selected candidate list to send to Governor;
2. as contemplated by statute, facilitated the physical relocation of two employees to the OGA, including assistance in the physical move itself;
3. worked with the EA to fill an open position, thereby relieving the OGA of expending resources on same; assisted in educating the IT component of GAC with respect to the unique IT issues of the OSE with its proprietary computer applications, and the confidentiality requirements of its statutes; provided the EA assistance in understanding the CORE-CT system and in dealing with DAS and OPM.

The OSE remains committed to providing the OGA and the EA foundational assistance until the OGA can completely perform its entire statutory mission of administrative support.

II. Challenges Faced By the Larger of the Constituent Divisions

1. Loss of Substantive Personnel to the OGA

Each of the three largest divisions – the OSE, SEEC and FOIC – provided personnel to staff the OGA. In each situation, the staff members that were transferred operated at

the agency level in both an administrative and substantive capacity. Thus, in addition to transferring the administrative functions of the division, each of the three largest of the constituents lost substantive employees (i.e., employees that performed substantive analytical work for the division). These divisions are attempting to re-train other personnel to take over the substantive work that was performed by the now-OGA employees.

Division	Number of Positions Transferred to OGA	Position Titles
Office of State Ethics	2	Fiscal Administrative Assistant Human Resources Manager
Freedom of Information Commission	4	Administrative Assistant Chief Fiscal/Administrative Officer Assistant Fiscal Administrative Officer Information Technology Assistant 1
State Elections Enforcement Commission	3	Fiscal Administrative Officer Information Technology Manager Information Technology Assistant 2
Judicial Review Council	0	
Judicial Selection Commission	0	
Board of Firearms Permit Examiners	0	
Office of the Child Advocate	0	
Office of the Victim Advocate	0	
State Contracting Standards Board	0	

As displayed in the chart above, the obvious statutory beneficiaries of the transfer of these employees to the OGA are the smaller divisions, which now receive administrative and business services from the OGA.

2. Non-Transferability of Some Administrative Functions

As the consolidation proceeds, many of the divisions have recognized that some of the administrative functions of the divisions cannot reasonably be transferred to the OGA

because those functions are inextricably intertwined with the substantive knowledge of the division. For example, all of the divisions are subject to requests under the Freedom of Information Act. Responding to these requests is largely an administrative function – locating the files, reviewing the files, copying the files, etc. – but cannot be transferred to the OGA because the task requires a substantive analysis of documents to determine whether the documents fall within a statutory exemption, and whether that exemption should be claimed by the division.⁴

The OSE and the State Elections Enforcement Commission (SEEC) are faced with a unique, but significant issue with respect to the non-transferability of certain division functions. Both of these divisions receives voluminous paper reports in connection with statutory filing requirements. All of this paper must be processed in the ordinary course, but the processing of such requires a substantive knowledge of the filing system and requirements of each of these divisions. As such, a fluid transition of those administrative tasks to the OGA would be difficult, at best.

3. Inherent Tensions Between the Divisions

The missions of the nine divisions are not always consistent with one another. In fact, on occasion, the missions of the divisions are in direct conflict with one another. The most obvious example is where one of the divisions is faced with a FOI complaint alleging that it did not provide adequate response to a public record request. In such a situation (which is quite common), the OGA will be asked to provide adequate resources to each division when the matter is litigated and, in such instances, its personnel may be called as witnesses for both sides of the matter. To date, the OSE is unaware of a plan to address these foreseeable situations.

III. Unique Challenges Faced by the OSE

1. Staffing Challenges

In 2010, the OSE was budgeted to employ twenty-one employees. Of these positions, the OSE had filled eighteen positions.⁵ This capacity was adequate, but not ideal, to accomplish the mission of the Office. As a result of the ongoing budget crisis, the OSE lost six of its budgeted twenty-one positions (a 29% reduction in positions). In addition, as part of the consolidation, the OSE lost an additional two employees in mid-December of 2011 when they were transferred to the OGA. Thus, the division has lost eight of its positions, and has lost six employees – nearly one third of its actual work force. For a small, highly specialized division, where all employees – regardless of title or position –

⁴ In addition, several of the divisions maintain records that statutorily fall outside the scope of the FOIA entirely, adding further importance to a substantive review by the divisions when responding to FOI requests.

⁵ One full-time managerial position was filled with a part-time manager who had planned to return full-time following a limited period of time.

are called upon to engage in multiple aspects of the division’s business, the ramifications of this reduction are dire.

Having very limited time to gauge the impact of losing two employees to the OGA, the division is trying to discern which ramifications are a result of the loss of positions due to down-sizing, and which are a result of the loss of positions to the OGA. Although the intent of the legislature was to transfer only the administrative and business functions to the OGA, the two employees that were transferred to the OGA provided far more than administrative and business functions to the OSE. Both positions provided substantive support to the core mission of the OSE as summarized in the chart below:

Functions of OSE Employees Transferred to OGA		
Title	Administrative Functions at OSE	Substantive Functions at OSE
Fiscal/Administrative Officer	<ul style="list-style-type: none"> • Personnel • Payroll • Administrative/Business Office Functions 	<ul style="list-style-type: none"> • Assisted in identifying and locating potential witnesses • Processed lobbyist registration payments and provided related support
Fiscal/Administrative Assistant	<ul style="list-style-type: none"> • Payroll • Administrative/Business Office Functions • Provided “gate-keeping” directing of public inquiries 	<ul style="list-style-type: none"> • Supported lobbyist filing system • Processed forms and payments related to the lobbyist filing system • Provided filing advice to thousands of lobbyists • Maintained paper and computerized filing of thousands of Statements of Financial Interests (SFIs) • Provided filing advice to thousands of SFI filers • Acted as witness at hearings

In sum, the unintended consequence of the consolidation is that the division has lost personnel that provided “core” substantive work that the Office cannot replace. This loss imposes an additional burden on present staff – already stretched due to the down-sizing – that is not cured by the administrative assistance that the OGA will be providing once it is fully up and running.

This problem is not likely to be resolved by further legislation (unless the OSE receives budgetary increases and additional positions). However, a potential solution exists in the yet unexplored opportunity to enter into a Memorandum of Understanding with the OGA that would allow the two recently departed employees to spend a limited amount of their time back with the OSE in order to execute the substantive roles that they played while at the division.

It should be noted also that the OSE has faced frustrating delays in its ability to fill its single vacancy despite the fact that the filling of this open position is critical to the OSE's operation, particularly in the area of education, given the staffing cuts it has experienced.

2. IT Challenges

The OSE is one of two constituent divisions that operates and maintains independent and specialized IT applications that allow lobbyists and public officials to file and report activity on-line. Thousands of lobbyist filings are submitted electronically into the lobbyist filing system. Over two thousand state employees and public officials file Statements of Financial Interests (SFI's) electronically. In connection with these two filing systems, the OSE annually responds to thousands of written and oral inquiries regarding the filing requirements. In the past, the administrative staff of the OSE has been the primary response team for non-legal inquiries, which has allowed the OSE to dramatically increase the filing efficiency of the two systems. Now that the administrative staff has been transferred to the OGA, the OSE will be challenged to determine a means to respond to the thousands of filing inquiries it will receive in 2012. It remains to be seen whether the processes and assignments put in place at the OSE will be effective in timely responding to all inquiries in the absence of the administrative staff, or whether filers will experience delays and backlogs in completing mandatory filing requirements.

3. Confidentiality

The OSE operates under statutes that provide that its investigations shall be confidential. To date, the OSE has protected this confidentiality vigilantly, in part by limiting access to the division's IT server so that only the Enforcement Division of the Office has access to the confidential information (i.e., previously, even employees of the OSE outside the Enforcement Division did not have access to the confidential information). With the consolidation of IT functions, there remains an unaddressed challenge of ensuring that statutorily confidential files are not hacked or shared – even unintentionally – through the transfer of IT and administrative functions to OGA.

4. Institutional Knowledge Challenges

The OSE is a young office, established in 2005. As part of the OSE's enabling legislation, employees of the former State Ethics Commission were disallowed from continuing employment with the OSE. Therefore, although the division's law and operating procedures are over thirty years old, none of its employees have been with the division for more than six years. In short, the institutional knowledge of the employees of the division is at a higher premium at the OSE than it is elsewhere.

IV. Response to Executive Administrator's Report

The OSE respectfully disagrees with several of the recommendations made by the EA, which would diminish or remove the independent decision-making authority that, along with enforcement authority and adequate resources are the three pillars of effective ethical governmental oversight.

Passage of Public Act 11-48, which consolidated nine independent agencies into a newly created "Office of Governmental Accountability" (OGA), occurred only after a very pointed public debate regarding the possible tension of taking these nine independent agencies – each with disparate missions and varying size – and placing them under a single administrator. Because each of the nine agencies is, in one form or another, tasked with monitoring and regulating the conduct of Connecticut state government, the agencies themselves entered the legislative conversation with a deep concern about their ability to continue to independently act to complete their respective missions following an administrative consolidation. Augmenting this concern was the fact that, during the same legislative session, many of the nine agencies had suffered a significant loss of personnel and resources due to the state's budget crisis.

The Act addressed this concern by clarifying that the limited role of the OGA was to "provide personnel, payroll, affirmative action and administrative and business office functions and information technology associated with such functions" for each of the nine new divisions of OGA, and that:

Nothing in this section shall be construed to affect or limit the independent decision-making authority of the Office of State Ethics, State Elections Enforcement Commission, the Freedom of Information Commission, Judicial Review Council, Judicial Selection Commission, Board of Firearms Permit Examiners, Office of the Child Advocate, Office of the Victim Advocate or the State Contracting Standards Board. Such decision-making authority includes, but is not limited to, decisions concerning budgetary issues and concerning the employment of necessary staff to carry out the statutory duties of each such office, commission, council or board.

The EA's recommendations for further legislative action would dismantle the carefully crafted balance that P.A. 11-48 strikes between the appropriate sharing of so-called back office functions to achieve cost-savings and efficiency and the necessary independent decision-making authority of the nine divisions.

In particular, the EA should not be a direct report to the Governor. Notwithstanding the recommendation of the OSE below regarding legislation, if clarity is necessary, the General Assembly should be guided by the language of C.G.S. 4e-2 (which provides that the Governor appoints the executive director of the State Contracting Standards Board and that the board, annually, conducts a performance evaluation of such

executive director) and provide the Governmental Accountability Commission with explicit authority to conduct annual evaluations of the Executive Administrator.

Next, the EA should not have “the statutory imprimatur to recommend strengthening of administrative processes and streamlining organizational structures” nor authority to execute such changes. Such authority would remove from the nine divisions the ability to independently and fully complete their statutory duties.

Further, the EA should not have the “opportunity” to explore unilaterally the possibility of streamlining and clarifying substantive functions, such as the elections functions discussed in his report. Such authority to work with agencies outside of the OGA is beyond the reach of Public Act 11-48, as it relates to the OGA, and would involve substantive policy decisions not within the EA’s purview.

Additionally, the EA should not have the authority to control the expenditures of the individual offices. The EA’s office consists of fiscal staff that “provide[s]” fiscal functions to the nine divisions and financial decisions are appropriately to be made at the office level. Again, such authority would remove from the nine divisions the ability to independently and fully complete their statutory duties.

Finally, any recommendation to provide the EA with authority to execute cross-training is premature. In order to be effective and cost-efficient, any cross-training would require first the collection of data and in-depth analysis of the functions of each agency. No such information currently exists. Notwithstanding the recommendation regarding further legislation below, providing a mechanism for the divisions to transfer personnel temporarily or permanently by mutual agreement of the various divisions within the OGA could pave the way for future cross-training programs.

V. OSE Recommendations for Further Legislation Related to P.A. 11-48

The OGA and the nine constituent divisions disagree on (1) whether further legislative action is warranted and, even if such action is warranted, (2) what action is warranted, and (3) whether it is warranted presently, or should be deferred until the present consolidation has been completed.

The OSE is committed to completing the consolidation contemplated by Public Act 11-48. Unquestionably, there are challenges that the OGA has already addressed, and many that will likely arise in the future as the consolidation proceeds. Because the consolidation process is not yet finalized (and perhaps will not be so at any time during this fiscal year), recommendation of any further legislative action is premature at this time, and runs the risk of thwarting – rather than assisting – the consolidation process that is currently in place. The OSE will continue to work together with the EA and all of the divisions to address challenges as they arise and, following the completion of the consolidation, attempt to reach consensus on what, if any, legislative action is necessary at that time to further the intent of the Act.

Report Submitted by the State Elections Enforcement Commission to the General Assembly In Compliance with Public Act 11-48, "An Act Implementing the Provisions of the Budget Concerning General Government"

The State Elections Enforcement Commission (SEEC) offers the following comments on the Acting Executive Administrator's Report. In Part I, SEEC presents a brief background on the recent history of the Commission and the advent of the groundbreaking Citizens' Election Program (CEP), which is necessary to fully understand the importance of the SEEC's independence; in Part II, the effect of SEEC's consolidation with OGA is discussed; in Part III, specific comments on the content of the Executive Administrator's Report on the status of the consolidation are made, highlighting the acute concern by this agency over several of the observations and recommendations found in the Report; and in Part IV, SEEC discusses its participation in the consolidation process and proposals for moving forward.

I. Mission and Function

The non-partisan and independent SEEC was the first of the watchdog agencies to be established in Connecticut in 1974. SEEC is comprised of five members: 2 Democrats, 2 Republicans and 1 Unaffiliated by law. Members cannot have served as an elected public official or a political party officer within 3 years of appointment. SEEC members and staff are also subject to significant restrictions on partisan political activities during their tenure or employment with the agency in order to ensure public confidence in SEEC decisions.

SEEC has four primary, unique goals: 1) Run the Citizens' Election Program, 2) Receive and publish to the Internet all statewide campaign finance filings, 3) Ensure compliance with campaign finance law, and 4) Enforce all Connecticut election law.

SEEC is the caretaker of the Citizens' Election Program, which represents the broadest, most comprehensive, and most successful effort to remove special interest money from the political system undertaken by any state in our nation's history. ***Because it is a voluntary program, its efficacy depends entirely on candidates' faith that it will be administered in a non-partisan independent manner free from political influence of any single political party.*** The Program is the cornerstone of the State of Connecticut's 2005 campaign finance reform package. Dedicated to improving the State's campaign financing system, and restoring the public's trust in electoral politics, it was adopted in the wake of years of scandal, culminating in the imprisonment the State Treasurer and of Gov. John Rowland, who resigned in 2004 amid allegations of influence peddling.

When SEEC was charged with running the CEP, it increased its staff size four-fold, increasing in size from 13 persons in 2005 to 53 persons in 2008, when the Program first was run. The enactors of the CEP's enabling legislation knew that the successful implementation of the Program required establishing a robust mechanism for the timely processing of grant applications, hiring a team of auditors to review applications and audit campaign finance reports to detect fraud and protect the public fisc, and recruiting

and hiring investigators, attorneys, elections officers and IT staff. Agency independence was of the first order. All of these elements were required for the Program to succeed—and it has succeeded in two consecutive election cycles, including the recent statewide election. During the 2010 election cycle, the Program vetted applications demonstrating the statutorily required public support for approximately \$26 million in grants. In 2006, less than half of contributions in statewide campaigns came from individuals, in 2010 that percentage was 97%. Special interest money has been virtually eliminated as a source of contributions in Connecticut.

Our statutorily mandated online filing and publishing mechanism, which designed, implemented and run by our IT and Audit and Disclosure team, has been largely responsible for turning around Connecticut's failing grade in campaign finance disclosure. The timely and accessible disclosure of campaign finance reports is an indispensable element in the CEP, but also allows sunlight to reach traditional campaign finance reporting of political committees and party committees.

Our compliance function has been hugely successful in reaching out to campaigns and the public and educating them on election law and its frequent changes, through trainings, publications and dedicated, on-call elections officers and attorneys, who have fielded over 6,000 documented calls in 2011 alone. We issue advisory opinions, opinions of counsel, regulations, and draft legislation. The SEEC also partners with the Secretary of the State (SotS) to man an election day hotline for all elections issues and questions. SEEC and SotS work cooperatively throughout the year to address elections compliance matters.

As with CEP grant administration and audits, agency independence is of paramount importance for SEEC's enforcement function. Since its inception, SEEC has been the exclusive agency charged with civil enforcement of the election laws, including the laws administered by the SotS, as well as campaign financing laws. SEEC enforces laws regulating every facet of the election process—from the beginning through the end, including laws regulating voter registration, laws regulating voting, and laws regulating vote tallying procedures. The legal authority of SEEC includes full investigatory powers and the right to compel testimony, documents, and absentee ballots by subpoena; voting machine inspections; conducting hearings and issuing decisions imposing sanctions. SEEC can impose various sanctions for violation of the election laws, including but not limited to civil penalties and forfeitures of improper campaign payments, removal of campaign treasurers and appointed Election Day officials, and suspension of activities by PACs and party committees, if intentional violations are found. We enforce HAVA, hear appeals from registrars' decisions involving voting rights, audit campaign disclosure reports, intervene in court cases involving election matters, and refer matters to the Chief State's Attorney for criminal prosecution.

II. Effect of Consolidation on Operations

SEEC believes that it will be able to administer the Citizens' Election Program, ensure full and fair disclosure of campaign financing and provide non-partisan enforcement of the election laws under the consolidation. The carefully negotiated balance of

independence with administrative efficiencies contained within the structure established by Public Act 11-48, as it is elucidated by the legislative debates, allows SEEC to maintain the independence necessary to continue running the campaign finance program and conduct non-partisan enforcement of election laws. Success, however, will require that it is permitted to restructure and fill positions allotted to it within the post-consolidation budget in time to have the personnel trained and in place before the grant season begins. At this juncture in time that will be a significant challenge but still remains a possibility.

The programs and services provided by SEEC remain the same as they have been since the 2005 campaign finance reforms; however, the consolidation of the Commission into the Office of Governmental Accountability resulted in a reduction of over 39% to its budget. The Commission's staff was reduced from 53 to 34. The positions lost by SEEC were not limited to those functions that will now be provided by the executive administrator's office. Instead, SEEC suffered significant losses at all levels and in all departments within the Commission. We lost five management positions, as well as two supervisor positions. Of those, three were attorneys. We also lost 12 staff positions: an IT programmer who supported eCRIS, an IT hardware specialist, four accounts examiners, a fiscal accounts officer, an elections officer, two paralegals, an office assistant and a secretarial position.

Three of the positions lost by SEEC are now in the executive administrator's office. Another four (a fiscal manager, a fiscal staff person, the secretary and the office assistant) had administrative duties that we trust will be fulfilled by that office. The work done by the remaining positions will need to be redistributed within SEEC, which will require restructuring of the 34 positions allotted to SEEC.

In addition to these losses, SEEC also has key management vacancies that we have yet been unable to fill. SEEC's Executive Director position is currently vacant, although we hope to fill it within the month. The disclosure unit, which processes grant applications, is also without a manager. This position has been vacant since March and we still have not received permission to post it. In addition we have a staff attorney vacancy.

Finally, in addition to the funds related to personnel reductions, the funding for operations for SEEC was also cut. Total operating costs for SEEC are allocated between two accounts and come from the account that funds overtime for the grant application process as well as data input for paper-filers to eCRIS, which is necessary for search ability of the system as well as timely processing of the grant applications. The budget, as passed, leaves SEEC approximately \$150,000 in deficit for 2012 and \$200,000 in deficit for 2013 with respect to these areas.

III. Comments on Draft Report and Recommendations

Because the report of the Acting Executive Administrator ("EA") makes various observations that are unclear or incorrect and appears to make recommendations that threaten the functionality and independence of the SEEC, it is necessary to make explicit our concern. On their surface, recommendations found in the EA's Report, if

acted upon, would reduce or eliminate the SEEC's budgetary control, eliminate staff necessary to our substantive function, and put the agency more directly under the administration of elected public officials, all of which are direct assaults on our independence. As discussed in Part I, the mission of this agency absolutely requires independence. Without it, we fail.

Comment 1: In the Report, a quote from Office of Legislative Research (OLR) is used to describe OGA's enabling legislation (P.A. 11-48). The quote cites to an OLR report on the consolidation proposed by the Governor rather than the one passed by the legislature and includes in the description of "backoffice functions" a reference to grant management. The SEEC requested the use of language that would clarify that the EA did not seek to control or manage the CEP grants to candidates. Specifically, the language causing concern states:

"According to the non-partisan Office of Legislative Research. . . The act merges and consolidates within OGA... personnel, payroll, affirmative action, administrative and business office functions, including information technology associated with these functions. ("Business office functions" generally include budgeting, accounts payable, accounts receivable, purchasing, grant management, central accounting, delinquent accounts, or asset management.)"

The citation for this excerpt in the footnote is to the OLR report for SB-01009. SB1009 is the Governor's original proposal and not the bill that passed. The SEEC recommended that the report quote the statute itself: *The Office of Governmental Accountability was established "to provide personnel, payroll, affirmative action and administrative and business office functions and information technology associated with such functions" to the agencies contained within.* Using the direct statutory language provides the relevant information. Case law is clear that OLR reports are not considered evidence of legislative intent. If further elucidation of the meaning of the statute is required, SEEC recommends using the testimony on the floor when the bill was passed, which is considered evidence of legislative intent. For example: *"Business office functions were defined as "the operationalization of payroll services, the affirmative action operation for that department and other business office functions, mailing, that sort of thing will all be done in much the same way that a SMART unit had done it previously."* June 1, 2011 Senate Sess., p. 68, remarks of Senator Toni Harp. The key difference here is that the relevant legislative history does not define "business office functions" as including "budgeting" or "assets management", as the quote chosen in the EA's Report explicitly says. The relevant legislative history says that, in this case in particular, it does not include these things, because to include them would erode the watchdog agencies' independence. This balance represents a key compromise found in the legislative history of P.A. 11-48—and in fact in the Act itself.

Comment 2: SEEC requested clarification and the sharing of information regarding the EA's plan to merge the business office functions. The EA's Report refers to section 60 of Public Act 11-48, as requiring the specific deliverables that include the status of the merger. The language contained in P.A. 11-48 actually states that the report should include "status of the merger described in subsection (a)". Subsection (a) provides that "Not later than November 1, 2011, the executive administrator appointed under section

59 of this act shall develop and implement a plan for the Office of Governmental Accountability to merge and provide for personnel, payroll, affirmative action and administrative and business office functions and information technology associated with such functions..." of the nine agencies. Although the referenced plan does not appear to be required to be a written plan that maps out the merger, it poses a problem for our agency to assess the status of the merger without reference to a plan that has been reduced to writing, or at least explained in detail, which it has not been. Like FOIC, we are concerned that the Report references a "plan for future fiscal needs" but we have not been provided with such plan. Similarly, any recommendation for IT consolidation in the absence of a plan or even a basic assessment is premature. If a plan or assessment exists, we ask to be provided with it.

Comment 3: In the EA's Report, there appears the following quote: *"One function that could need legislative clarification is in the area of information technology. While OGA has proceeded with a plan to consolidate, except for some existing programs in several of the divisions, all of the IT support centrally, it is statutorily unclear whether this is allowed. Current statute could be interpreted to limit IT consolidation only to support administrative functions. This would be inefficient, expensive and ineffective and could lead to the creation of nine levels of IT support."*

This is a recommendation to reduce SEEC's staff by an additional five positions, or another 15%, and to reduce the OSE's staff by one position. This staff enables these two agencies to meet statutorily mandated reporting requirements that are a significant part of their missions. In addition to the campaign finance disclosure filings, SEEC IT staff is also an integral part of the grant application process, our ability to respond to requests for information under the Freedom of Information Act, and our candidate and committee support services.

When SEEC took over the campaign filing system from the Secretary of the State just a few years ago, the system was receiving failing grades from national experts. Now those same experts are hailing the eCRIS system administered by SEEC as an example of excellence. A recommendation to remove the filing systems of two silos from the stewardship of independent commissions is a drastic measure that should be the result of careful study and analysis. There should also be an assessment of whether legislative change is necessary to meet any needs identified before a legislative recommendation for change is discussed. Under the structure implemented by Public Act 11-48, SEEC provided the IT staff to develop the OGA website.

Comment 4: In the Report, there appears the following quote: *"If the governor is the appointing authority, in almost every instance, he would be the person charged with dismissing the EA. Giving the GAC the authority to evaluate and possibly terminate a governor's appointee appears to be inconsistent with the appointment of other gubernatorial appointees."*

SEEC believes that no recommendation should be made regarding the evaluation of the executive administrator. Termination rights necessarily imply evaluation and clarification is not necessary. In any issue of statutory interpretation where there is lack of clarity, the courts would enforce a clear intent in the legislative history. The

legislative history here clearly states that the GAC “also ha[s] the power to evaluate and terminate the executive administrator.” June 1, 2011 Senate Sess., p. 70-71, remarks of Senator Toni Harp. This balance in authority over the EA represents a key compromise found in the legislative history of P.A. 11-48 and in fact in the Act itself. SEEC requested that it be clarified as to whether the executive administrator’s recommendation is to remove the power to terminate and evaluate from the GAC and instead rest in it the Governor. If the EA does seek to place the SEEC further under the control of an elected official who is part of our regulated community, it would be an anathema to our independence.

Comment 5: In the EA’s Report, there appears an extended passage concerning a March 2011 “informational memorandum” issued by the Secretary of State (SotS) (The passage begins, “*If OGA had the statutory imprimatur to recommend strengthening of administrative processes and streamlining organizational structures, there are areas that could be discussed. . . .*”)

The memorandum discusses the “functional and personnel overlaps with the watchdog agencies,” in particular between the SEEC and SotS.

The passage concludes by stating that “[g]iven the current statutory language about the SEEC’s independence, it is unlikely that the EA will have the opportunity to explore the possibility of streamlining and clarifying elections functions in the state.”

SEEC requested that the above language be removed as it is outside the scope of the report, which is limited by P.A. 11-48 to recommendations concerning the merger into the OGA rather than other mergers that could have occurred.

If the EA chose not to remove the reference, SEEC asked that the recommended statutory change be clarified. Is it meant to give the executive administrator power to recommend in another report further merger, or is the executive administrator also asking here for power to implement it through personnel transfers? Is the power requested limited to combining one or more of the nine silos with the Secretary of the State, or will it also include exploring combining us with the Attorney General’s office or other possibly overlapping government agencies?

If the scope of review requested is limited to the options discussed in the SotS memorandum, SEEC requests further clarification. The memorandum cited included five options, is this language meant to state that there should be a statutory (or Constitutional) change to allow the executive administrator to address all five options including dividing SEEC in half, with part to the OGA and part to the SotS (option 2); putting the entire OGA under the SotS so that further administrative efficiencies can be achieved (option5b); removing SEEC in full from the OGA and siloing it under SotS (options 1 & 5a); removing some or all of our filing functions (and presumably some or all of the programming staff necessary to run that system) to the SotS (options 3 & 4)? If not, which of the five options is the inclusion meant to endorse as an avenue of further exploration?

Reference to this memorandum produced in the last legislative session before the consolidation of Public Act 11-48 causes the SEEC great concern as to the intent of the inclusion.

Comment 6: THE SEEC also recommended changes regarding the following language in the EA's Report: *"There are also internal inconsistencies in the OGA statutory charge. For instance, the OGA is responsible for balancing the entire budget, including all nine divisions, but OGA cannot control the expenditures of the individual offices. Even though OGA has all of the fiscal staff, financial decisions are made at the division level, an inconsistency that could have profound budgetary impact if it is not addressed."*

SEEC recommended that no legislative changes regarding the budget process should be made. The statutory language of Public Act 11-48 does not place responsibility for balancing the budget in the executive administrator. The legislative history explicitly states numerous times that it does not rest there. See e.g. ("And in the cases where there are protections around budgeting, those agencies continue to be able to submit their budgets without interference from the Executive branch while they are Executive branch agencies and operate in an executive branch system. So there is no power or authority on the business of these various offices at all, aside from the support that is given for personnel, for affirmative action and other administrative responsibilities that every department has." Senate Session Transcript for 06/01/2011, p. 76-77 (statement of Sen. Harp);

SENATOR McLACHLAN: . . . "So the executive administrator is just going to add up all the budgets and pass it on exactly as requested by each of the independent commissions so that does answer my question. Is that -- do I have that correct?" . . .

SENATOR HARP: "Thank you. Through you, by and large, yes, especially for the -- for the Judicial branch commissions as well as for the watchdog agencies."

Senate Session Transcript for 06/01/2011, p. 80-81 (statements of Sen. McLachlan and Sen. Harp);

"[T]he legislative intent of the Office of Government Accountability certainly will include the three major watch dog groups and they will have complete autonomy to continue to run the business, the day to day business that they currently do now." Senate Session Transcript for 06/01/2011, p. 290-294 (statement of Sen. Morin)). "Under current law, the executive directors of OSE, FOIC, and SEEC transmit their agency's expenditure estimates to the Office of Policy and Management. The bill instead requires OGA's executive administrator to transmit these estimates. Existing law, unchanged by the bill, prohibits the governor from reducing the allotments." OLR report for P.A. 11-48.

Comment 7: Finally, the SEEC made recommendations regarding the following quote: *"Instead of viewing the OGA as a single agency, it has been suggested that the OGA is really nine separate agencies for collective bargaining purposes. This is problematic on at least two fronts. First, the OGA needs flexibility with personnel assignments to ensure the work is being done in a most effective and efficient manner. OGA will only be able to judge whether staff are appropriately deployed and there are no personnel redundancies if OGA is a single state agency with nine divisions. Blocking internal*

movement of positions among the nine divisions of OGA reduces the personnel flexibility that OGA needs to make these position changes.”

SEEC believes that the collective bargaining approach that has recently been taken to the nine silos as separate is correct. It should be applied consistently as it is a necessary part of ensuring the independence of each entity. For SEEC, the retention of irreplaceable institutional knowledge and hiring decisions are implicated. The argument in favor of viewing the nine entities as one presumes that independence with respect to staffing should be removed. This is not the balance that was reached in Public Act 11-48.

IV. Participation in the Consolidation Process and Proposals

SEEC has actively participated in and supported the consolidation of administrative functions into the OEA. We have assisted with the establishment of GAC and consequent interviewing and recommendation of candidates for the executive administrator position, facilitated the relocation of three employees to the executive administrator's office, and worked with that office to fill open positions. SEEC personnel developed the single OGA website. This was done on a cooperative basis with SEEC providing assistance where it was needed by the OEA.

As of December 15, 2001, OGA personnel were physically located on the 5th Floor of 18-20 Trinity Street, occupying offices that were recently vacated by SEEC personnel, who were relocated or are in the process of being relocated. Furniture, cabinets, desks, shelves and other “assets” from SEEC were redistributed to OGA personnel and other agencies. This move caused SEEC the disruption typically associated with moving files, computers and offices and reconstituting offices and file systems, and is ongoing. Also, although not critical at this time, the amount of space lost leaves concerns for the future.

The 2011 legislative session saw the General Assembly and Governor's office reach some difficult decisions, striking a balance between the need for a strong, independent “watchdog” apparatus with the desire to cut costs and find efficiencies in government. The Office of Governmental Accountability resulted from those protracted discussions and offers a legitimate chance to consolidate some core administrative functions that all OGA members share under a single administrator while simultaneously preserving the independence of each of the nine agencies included in the merger.

The OGA should be given the chance to succeed before it is declared fatally flawed and in need of legislative change. Making significant changes to the administration of OGA – threatening the very autonomy that affords the FOIC, SEEC, and OSE, in particular, the ability to act as the guardians of the public's interests – would destroy everything the legislature and Governor Malloy's office had achieved with the negotiated legislation adopted in 2011.

Freedom of Information Commission's (FOIC) Submission for the Report on Behalf of the OGA, to be Transmitted to the Legislature by January 2, 2012.

- I. **The Freedom of Information Commission provided the following as recommendations, proposed edits and suggestions in response to the Acting Executive Administrator's (EA's) Report when it was submitted for comment in draft form.**
 1. The FOIC recommended a clarification in connection with the reference to section 60 of Public Act 11-48. The EA's report described section 60 as "requiring" recommendations for further legislative action that include "specific deliverables". The language contained in P.A. 11-48 actually states that the report should include "any recommendations" for further legislative action and lists items to be considered; the language does not mandate that recommendations be made. Whether any recommendations ought to be submitted at this time at all is a determination to be made by the persons designated in the statute, after thoughtful consideration by all involved.
 2. The FOIC recommended the following pertaining to the EA's stated List of Significant Accomplishments.
 - a) Item (2) states that a plan has been developed for future fiscal needs. The FOIC is unaware whether a formal plan already exists but believes it would be very helpful to establish one, as there are basic questions that have arisen on a daily basis as to where to direct questions and which employees within the Office of the Executive Administrator (OEA) are responsible for handling what tasks (e.g., to whom should time sheets be delivered, how will paychecks be distributed, to whom should HR requests be directed, to whom should agencies report any grievances, will the OEA human resources staff assist with grievances or assume responsibility for them, to whom should IT requests for assistance be directed, to cite some examples).
 - b) Item (4) references having submitted the "first ever OGA budget request" to OPM. It is unclear to what this refers. There have not been any budget requests submitted to OPM to date.
 - c) Item (7) references collection of affirmative action plans from all nine divisions and anticipation of filing a consolidated affirmative action plan. The FOIC recommends further consideration as to whether it is appropriate to file one plan on behalf of the nine entities within the OGA. Since the entities within the OGA are separate and independent divisions, each for the most part with less than 25 employees, they might be viewed as exempt under current law (See P.A. 11-51). This subject relates to a recommendation of the EA ((i)3(f), below) concerning whether the OGA is

one agency or nine separate entities for collective bargaining and other purposes.

- d) Item (10) references having initiated a Continuity of Operations Plan (COOP) for the nine divisions. The FOIC developed such a plan on behalf of the FOIC, which required a very time-consuming and detailed process (including exercises and training), but is not aware of one that has been developed or initiated for all of the OGA. What needs to first be determined is whether the OGA ought to have one Continuity of Operations Plan for all agencies. Since all of the agencies have very different operations, it would appear that a singular plan would not be workable, efficient or achieve the required goals of a COOP plan. If a plan has in fact already been devised, it must be shared right away with all agencies within the OGA so that they will know their roles and responsibilities under the plan and have an opportunity to provide practical input as well.
3. The FOIC provided the following comments, pertaining to the topics raised in the EA's report under "Recommendations for Further Legislative Action":
 - a) EA's Recommendation for clarification concerning future Information Technology (IT) consolidation. This recommendation appears to be premature. In connection with such recommendation, reference is made to a current plan to consolidate the IT functions. The agencies within the OGA would benefit from access to any IT plan that has already been developed. At present, the FOIC does not have an understanding of the current framework for the IT consolidation. It would be beneficial to have this information before considering whether further IT consolidation is warranted. Thereafter, a full assessment of IT functions that are outside of the current consolidation can be conducted and recommendations can be made by the OEA.
 - b) EA's Recommendation regarding the evaluation of the OGA's Executive Administrator. The FOIC believes that there ought to be no legislative recommendation regarding evaluation of the EA. The Governmental Accountability Commission has made a determination that it is its duty to evaluate the EA, pursuant to the statute and legislative history on the subject.
 - c) EA's Recommendation regarding cross training of employees. In the FOIC's estimation, this recommendation is too simplistic and premature for legislative action. If there is to be consideration of further streamlining of positions or cross training of functions, an analysis must necessarily be done to ascertain what all of the employees do, whether conflicts would exist and whether those conflicts can be managed or addressed in a way that will ensure public trust, independence and fair decision-making.

Such an analysis was contemplated by the legislature when it passed P.A. 11-48 (See excerpt below).

*THE CHAIR:
Senator McLachlan.*

*SENATOR McLACHLAN:
Thank you, Madam President. The report we have before us from the Office of Legislative Research talks about the report that is due from the executive administrator that must be submitted to the Appropriations, GAE, Judiciary, multiple committees of the Legislature. And one of the important parts of the report that is being asked for is the process of consolidation of the agencies and how there can be cross training of employees among agencies. Through you, Madam President to Senator Harp, do you see cross training of legal staff of any of these agencies?*

*THE CHAIR:
Senator Harp.*

*SENATOR HARP:
Through you, Madam President. I personally do not. But I don't know the details of the legal business and I don't know whether or not there are portions of the business that can be shared. But with my limited knowledge of what they do it seems like the legal skills that are needed by each of those agencies are specific and would be very difficult to merge.*

That's why we're asking the organization, the various components of the new organization to actually plan and study whether or not it could be done, and if so, what aspects could be done. Because I don't engage in that business. I don't -- and I don't think any of us who are here do. And so it would be -- I think it would be unfortunate if any of us made a decision to merge certain aspects of that work, not fully understanding its complexity. And I believe that's why we decided on this model of merger rather than the one that was presented to us earlier in the session. Through you, Madam President.

Excerpt from Senate June 1, 2011 session transcript.

The FOIC further commented that if there is to be reference to the Secretary of the State's (SOTS) March 24, 2011 report, such report ought to be attached to the OGA report in the Appendix, so that a clear picture of its contents is provided.

- d) EA's Recommendation concerning a uniform Time and Attendance Policy. The FOIC proposes that some additional thought be given to this recommendation and that it is not an item for legislative action. There may be reasons for one OGA policy, but consideration should be given to

whether a uniform policy makes sense operationally for all agencies involved, before a decision is made in this regard.

e) EA's Recommendation concerning clarification about the OGA budget.

The FOIC believes that there ought to be no legislative recommendation about clarification of the budget process. Nothing in P.A. 11-48 or the legislative history suggests that the EA is the person responsible for balancing the budget. The statutory language that is quoted in the draft report (Section 58 of P.A. 11-48) makes clear that the agencies' budgetary decision-making authority shall not be impacted by consolidation:

"Nothing in this section shall be construed to affect or limit *the independent decision-making authority* of the office of state ethics, state elections enforcement commission, the freedom of information commission, judicial review council, judicial selection commission, board of firearms and permit examiners, office of the child advocate, office of the victim advocate or the state contracting standards board. *Such decision-making authority includes, but is not limited to, decisions concerning budgetary issues...*"

Moreover, Senator Harp's (the Chairman of the Appropriations Committee and the person responsible for introducing and explaining the underlying bill that became P.A. 11-48) remarks during the Senate debate on June 1, 2011, fully flesh this out, were there to be any doubt whatsoever (see excerpt below).

SENATOR HARP:

Thank you, Madam President. I've tried to explain it as best I can. And all I can say is that the offices will continue and their commissions will continue to have the power of policy and hiring for the business of the commissions and the boards.

All the executive administrator is doing is providing support to those combined offices. It has no policy authority whatsoever and has no way to wedge him- or herself into policy discussions. Those are all done through the board. And in the cases where there are protections around budgeting, those agencies continue to be able to submit their budgets without interference from the Executive branch while they are Executive branch agencies and operate in an executive branch system. So there is no power or authority on the business of these various offices at all, aside from the support that is given for personnel, for affirmative action and other administrative responsibilities that every department has. Through you, Madam President.

...

SENATOR HARP:

Thank you very much. Through you, Madam President. Currently, all departments -- in all branches of government submit their budget request to the Secretary -- to the Governor, but it goes directly to the Secretary of the Office of Policy and Management and his budget staff. And there are some areas in the Judicial branch, the Legislative branch and the Office of State Ethics, the Freedom of Information Commission and the state Election Enforcement Commission that transmit their budget estimates as well to the Secretary of the policy -- of Policy and Management.

*And law has deemed that when the Judicial branch and the Legislative branch and these watch dog agencies submit their budgets to OPM that they are to appear unchanged when they come to the Legislature and after the Governor has done his work. What has changed is that these budgets now go through the Office of Government Accountability, but the fact that they cannot be changed or altered has not changed in the bill that we're doing. That continues. So that rather than have them submit directly to the Secretary of the Office of Policy and management, they're all submitted through the executive administrator but the executive administrator in the case of the watch dog agencies has no authority to alter those budgets. **They continue to move to the secretary and they will appear before us as the watch dog agencies wanted them to appear. So there has been no change. There is an extra step only.** Through you, Madam President.*

Excerpt from Senate June 1, 2011 session transcript.

- f) EA's Recommendation concerning whether the OGA is one agency or nine agencies. The FOIC agrees with the recommendation concerning clarification of whether the OGA is one entity or nine separate entities for purposes of collective bargaining, although it is unclear whether legislative action is necessary in this regard. The FOIC believes that clarification is necessary relative to collective bargaining and other matters as well (such as affirmative action).

II. The FOIC's Report on the Effect of the Consolidation on its Operations.

1. The loss of support staff has had a highly detrimental impact on the FOIC. Under the consolidation, the FOIC lost the most employees (4), of all of the merged agencies to the newly-formed OEA. It lost its two fiscal personnel, its one IT employee and its only administrative assistant. Of these losses, the most difficult one to grapple with on a day-to-day basis is that of the administrative assistant. It has been unclear to the FOIC why this position was chosen to be placed within the OEA, as it seems like an inappropriate fit for an entity designed to provide fiscal, IT and personnel support. Now, the FOIC simply does not have enough support personnel to handle its internal caseload (approximately 800 appeals annually) and appeals to the Superior, Appellate and Supreme Courts (averaging

30 to 40 annually), causing a backlog of open cases to build. The Commission also lost an additional 4 positions in the overall merger.

This problem has been discussed on many occasions with the EA. The FOIC has had to take the unfortunate but necessary step of seeking part-time administrative support, but has not been approved for such assistance by DAS to date. The FOIC looks to the OEA to address this need. If part-time assistance is not approved for some reason by DAS, the FOIC is hopeful that, in the alternative, the OEA will provide some level of administrative support, to avoid further delays in processing the Commission's caseload.

2. The consolidation has led to a loss of space for the FOIC that resulted from the displacement of personnel from the State Elections Enforcement Commission on the 5th Floor of 20 Trinity Street, by the EA and his staff, which in turn led to displacement of FOIC staff from the 1st floor. The loss of space is not critical to the FOIC at this time, but it leaves the Commission with little to no flexibility, in terms of space needs, now or in the future.
3. The FOIC has noticed a decrease in business services as a result of the consolidation. This comment is not reflective of the personnel employed by the OEA. It is due to the simple fact that OEA employees are apparently working on a multitude of challenges for other agencies that have been consolidated into the OGA and necessarily have significantly less time to devote to the needs of the FOIC. Two examples: 1) The FOIC has been seeking now for several months to refill a key management position. The OEA has not been able to successfully move this process along; and 2) As stated above, the FOIC is in great need of administrative support. The OEA has not been able to provide support directly or to address this need by an alternate route.
4. Communication has been a difficulty during the merger. As referenced above, the FOIC is unaware of what specific plans have been made by the EA relative to the consolidation of the fiscal and IT operations. Better communication on a regular basis is hoped for and urged as the merger continues to evolve.

III. Gaps Identified by the FOIC that Exist as a Result of the Consolidation.

1. There is need for a formal plan, or at a minimum, an explanation of the informal plan for providing both current and future fiscal and IT support, as referenced above. The EA's report indicates that plans are in place, but it would be most helpful to have such plans laid out and shared with the heads of the agencies consolidated into the OGA, so that there is transparency and collaboration throughout.
2. There are communication gaps, as addressed above and further evidenced by the EA's uncertainty about his role relative to the nine entities within the OGA

and the confusion over the methodology needed to prepare the report from the OGA to the legislature.

IV. The FOIC's Proposals for Means to Close the Gaps that Exist as a Result of the Consolidation.

1. The EA should devise and share plans for fiscal and IT consolidation, as they evolve, with input from agency heads along the way, in order to ensure smooth transitions.
2. The EA and the nine agency heads would benefit from regular discussions, information sharing and outreach across and between agencies and the OEA. Perhaps the EA could schedule periodic meetings with the agency heads to explain his plans and to provide a forum for agency input. Better communication will potentially lead to more collaborative and effective relationships for the betterment of the entire OGA.

**Report Submitted by the Judicial Selection Commission to the General Assembly
In Compliance with Public Act 11-48, "An Act Implementing the Provisions
of the Budget Concerning General Government"**

Chairperson Robert S. Bello of the Judicial Selection Commission does not at this time wish to add any further comments to the report from OGA to the General Assembly in compliance with P.A. 11-48.

Report Submitted by the Board of Firearms Permit Examiners to the General Assembly In Compliance with Public Act 11-48, "An Act Implementing the Provisions of the Budget Concerning General Government"

The Board of Firearms Permit Examiners functions as a civilian review board, acting on appeals from denials or revocations of pistol permits by local police or first selectmen and the Connecticut State Police. The Board is composed of representatives from two sportsman's groups, two public members, a representative of the commissioner of the department of public safety and emergency services, a representative from the department of energy and environmental protection, and representative of Connecticut Chiefs of Police Association. At least one member must be an attorney admitted to practice in the State of Connecticut who serves as chairman and presides at hearings. The members are uncompensated volunteers. The Board adjudicates appeals through civil administrative hearings in an adversarial format allowing for direct and cross examination of witnesses and the introduction of documentary evidence. Parties may appear themselves or with counsel. The Board's administrative work is carried out by one full time employee, who is responsible for all office operations including receipt of appeals, file management, scheduling (subject to review by the Board's volunteer Secretary), collection of information for the administrative file, responding to inquiries, sending statutorily required notices, taking minutes, issuing decisions, and preparing the record for appeals to the Superior Court under the Uniform Administrative Procedures Act.

Prior to 2009, the Board had one full time employee and one part-time employee. Reductions in the Board's budget eliminated the part-time employee and necessitated closure of the office during the lone employee's vacation periods or illness. The Board is currently the subject of pending federal litigation claiming, inter alia, that the lapse of time between denial or revocation of a permit and the appeal hearing conducted by the Board is a violation of constitutional rights. The Board meets at least once a month. During the past three years, the Board has reduced the wait for an appeal hearing from nearly two years to about ten months. This has been accomplished through the efforts of the volunteer members assisting with administrative work and mediation and the addition of one board meeting each quarter for hearing additional appeals, and the fact that there had been during most of that period a second attorney on the Board available to conduct hearings.

During the past four years, litigation involving the Board has increased. The federal lawsuit previously discussed, appeals to the superior court from adverse judgments by both appellants and issuing authorities, and the need to enforce the Board's orders against local police departments by writ of mandamus have increased the work load and expense associated with litigation.

The effect of the consolidation of the divisions has had a mild positive effect on the Board's operations vis-à-vis the status immediately prior to the governmental restructuring. The Board's lone employee was recently injured in an automobile accident and was hospitalized for several days. The Executive Administrator of the Office of Governmental Accountability was prepared to offer resources to continue

operations if the Board's only employee were to be absent for a protracted period. This response ultimately proved unnecessary due to her return to work and the response of two members of the Board in preparing for a scheduled hearing conducted during her absence, however, the additional "depth" in shared staffing would have relieved the critical situation created by the previous loss of the Board's part time employee. The Board's office is expected to move to 20 Trinity Street, Hartford from its present location on Hudson Street, however, this move has been postponed until the recovery of the Board's one employee is more complete, and will be carried out with the assistance of staff from the Office of Governmental Accountability. It is anticipated that the shared space with OGA will provide backup to the Board's operations in a more robust manner should a similar emergency arise in the future.

The Board of Firearms Permit Examiners has not experienced any long term difficulty in operations due to consolidation. The previous losses to the Board's staff and budget had reduced the Board's operations to below optimal efficiency and consolidation appears to present a modest improvement over the status quo ante.

The Board of Firearms Permit Examiners has no specific recommendations for changes in OGA operations or legislation. To the extent that changes are contemplated, the Board recommends that in light of the important issues of public integrity attendant to all of the constituent divisions' missions, no change impair any constituent division's independence in carrying out its statutory functions, including but not limited to necessary confidentiality, neutrality, fairness, and transparency.

Report Submitted by the Office of the Child Advocate to the General Assembly In Compliance with Public Act 11-48, "An Act Implementing the Provisions of the Budget Concerning General Government"

The Office of the Child Advocate (OCA) provides the following comments describing the short-term outcomes of the consolidation into the Office of Governmental Accountability as well as the areas of concerns to OCA as the consolidation moves forward.

Short-term outcomes

There have been many positive outcomes for the OCA as a result of the consolidation. They include:

- 1) prompt and immediate technical assistance with IT issues
- 2) responsive action by the Executive Administrator
- 3) support for printing report on 10 year fatality review

Areas of concern

The OCA was created in 1995 as an independent state agency by C.G.S. 43a-13K (amended by P.A. 11-48) to oversee the protection and care of Connecticut's most vulnerable and youngest citizens and advocate for their well-being. The OCA is **mandated** to:

- Evaluate the delivery of services to children through state agencies or state-funded entities;
- Periodically review the procedures of state agencies and recommend revisions;
- Review and investigate complaints regarding services provided by state agencies or state-funded entities;
- Advocate on behalf of a child and take all possible action necessary to secure the legal, civil, and special rights of children, including legislative advocacy, making policy recommendations, and legal action;
- Periodically review facilities and procedures of facilities in which juveniles are placed and make recommendations for changes in policies and procedures; and
- Periodically review children with special health care needs in foster care or permanent care facilities and make recommendations for changes in policies and procedures.

Since 1995, the OCA has harnessed its unique statutory and independent authority to investigate and evaluate state-funded and state operated programs, services, and institutions for children and make recommendations to protect the rights of Connecticut's children. The OCA operates as the office of accountability for Connecticut's children.

OCA is the safe haven for public officials, citizens, providers, and state employees to report system failures that affect the health and safety of children. As a result, the Executive Administrator's (EA) report raises concerns that could compromise our statutory responsibilities. These include:

- 1) The provision of the EA's report that raises issues about the financial and budget decision making responsibilities of each agency.⁶

It is critical that OCA maintain independent budgeting authority as a separate agency, including maintaining control of determining what the budget should be, internal fiscal controls, decision making and recommendations to OPM and the legislature. Maintaining OCA's independent authority is essential for OCA to fulfill its statutory role. OCA's duties under law involve investigating other state agencies, issuing subpoenas to state employees, or issuing reports directly critical of state officials who have failed their duty to the state's children. Examples include exposing harmful conditions at Riverview Hospital (DCF), changing child protection practices as a result of fatality investigations (DCF, Probate) and reforming conditions of confinement for children who are placed in an adult correction facility (DOC). Weakening the Child Advocate's authority could compromise the agency's integrity, performance and ability to execute its unique statutory mandate.

The General Assembly this year recognized the vital importance of OCA's budgetary and decision-making authority by maintaining that authority in OCA even as it established the OGA. P.A. 11-48 states that "nothing in this section shall be construed to affect or limit the independent decision-making authority of...OCA...such decision-making authority includes, but is not limited to decisions concerning budgetary issues and concerning the employment of necessary staff to carry out the statutory duties of each such office, commission, council or board."

- 2) The provision of the EA's report that would potentially revise administrative processes and streamline organizational structures.

In order to fulfill its statutory mission, it is essential that the Child Advocate maintain the ability to make decisions regarding the employment of necessary staff. The investigative work of the OCA depends on specialized expertise and a structure that supports the work of the staff. Utilization of a multi-disciplinary team

⁶ The draft report states that "the OGA is responsible for balancing the entire budget, including all nine divisions, but OGA cannot control expenditures of the individual offices."

of experts has resulted in better care and protection of children and better accountability. The Child Advocate's direct management of these critical functions is necessary to maintain OCA's excellent record of leadership and accountability for children. While it is valuable for OGA to streamline services such as printing, it is equally important to preserve the Child Advocate's authority over her staff of 6 persons.

3) The section of the EA's report that proposes to consolidate IT.

OCA has access to information that is otherwise confidential including the power to subpoena records and the testimony of individuals. It is this extraordinary access that makes the OCA a national model of oversight for the delivery of services to children and child fatality review and prevention. It is absolutely essential that OCA maintain control of our unique access to confidential information and the ability to maintain the information in a confidential database. The draft report seeks legislative clarification about centralizing IT support which could endanger confidentiality and potentially children's lives.

Report Submitted by the office of the Victim Advocate to the General Assembly In Compliance with Public Act 11-48, "An Act Implementing the Provisions of the Budget Concerning General Government"

The Office of the Victim Advocate (OVA), an independent Division of the Office of Governmental Accountability, advocates for the protection and promotion of the State Constitutional and statutory rights of crime victims throughout the state of Connecticut. The OVA monitors and evaluates the delivery of services to crime victims and works to advance the laws and policies throughout the state to promote the fair and just treatment of crime victims throughout the criminal justice system. The existence of the OVA provides oversight and advocacy when the criminal justice system fails crime victims. The OVA remains committed to ensuring that the voices of crime victims play a central role in Connecticut's response to violence and to those victimized by crime. Further, the OVA has a firm dedication to promoting awareness to Connecticut citizens as to the services available to crime victims through outreach, education and public service events.

The OVA monitors and evaluates the delivery of services to crime victims by state agencies and other entities that make up the victim service delivery system in the state. In fulfilling its mandate, the OVA accepts complaints from crime victims and/or others on behalf of the crime victim, who believe their rights have been or are being violated or who believe that the services available to them as crime victims in the state are being unfairly denied or inadequately provided. OVA may also receive complaints from agencies, other institutions or individuals on behalf of crime victims. The OVA may, when appropriate, initiate an inquiry into such complaints or conduct an investigation. As an attorney, the State Victim Advocate may file a special limited appearance in any proceeding throughout the state to advocate for crime victims' rights. The OVA monitors the services provided by the State's Witness Protection Program and the Chief Medical Examiners' Office and ensure a centralized location for victim services information. The OVA conducts programs of public education as well as recommends changes in legislation and/or policy to improve the delivery of services to crime victims.

The consolidation of the nine agencies into the Office of Governmental Accountability (OGA) has had noticeable positive effects upon the OVA thus far, despite concerns that the merger would impede upon the independence of the OVA. The OVA is comprised of the State Victim Advocate, a staff attorney, a complaint officer, and a part-time office assistant. The OVA's small staff is responsible for fulfilling the OVA's lofty statutory mandates.

The OVA, prior to the merger, was designated a SMART agency, whose administrative support was provided by the Department of Administrative Services (DAS). Prior to the merger, DAS provided the necessary back office support for the OVA including but not limited to processing payroll and the OVA's financial accounts, as well as providing Human Resources and IT support. The OVA has noticed increased efficiency due to the merge through members of the OGA in collaboration with the nine member divisions, with regards to IT, and the Budget. DAS is currently still processing the

OVA's payroll and financial accounts. The OVA anticipates that when the payroll and financial accounting is merged with the OGA, there will be further efficiencies.

It is the opinion of the OVA that there may be an ability to further consolidate resources within the nine member divisions, through sharing non-substantive resources. For example, there are staff assigned throughout the nine divisions which could provide the OVA with additional support through staff sharing, in positions within the nine divisions, such as a legislative liaison, grants specialist, budgetary analyst, administrative assistance, office assistant, and IT. Sharing these positions would not negatively affect the mission of their respective Divisions, but rather more fully capitalize on the talents of the staff identified, and reduce overall cost, while at the same time expand services to the citizen of Connecticut. Furthermore, there is also the ability, through careful consolidation focused on the integrity of each Division's independence and confidentiality, to share office supplies, that exist in abundance in some of the nine member divisions, such as copiers, printers, and office supplies.

The OVA has concern over future budgetary reductions targeted at the OGA as the nine Divisions are not similarly situated and certain Divisions have a greater ability to reduce their overall budgets without impeding upon their Division's missions. The OVA has suffered crushing financial reductions over the last four years, having lost over half of the OVA's operating budget and reduction to our staff. The current statutory creation of the OGA would place the AE in a quandary as the AE is responsible for balancing the OGA budget while at the same time not infringing upon the missions and independence of the nine Divisions of the OGA. The OVA's recommendation would be to amend the current language involving the creation of the OGA, to separate the budgets for the nine Divisions and the OGA with its back office support.

The OVA has concerns over the ability of the OVA to physically merge with the other Divisions of the OGA for safety and confidentiality of victims and the confidential nature of the work of the OVA. The OVA serves crime victims and supporters of crime victims. Many times the OVA will meet with crime victims, surviving family members of crime victims and/or supporters of crime victims to conduct interviews in order to assess a complaint(s) lodged by the crime victim or another individual or agency on behalf of the crime victim. The complaints are confidential unless and until the State Victim Advocate determines that it is in the public's best interest to disclose the information. Many with whom we work with are frightened to come forward and wish their identities remain confidential. Additionally the OVA works with individuals whose safety is of concern such as persons in the state's witness protection program or victims of stalking, domestic violence and/or harassment. Additionally many times the OVA will intervene in a criminal matter on behalf of a crime victim and thereby assert a right of the victim which, in turn, has a negative consequence upon the charged defendant. For the above reasons safety of our clients, the OVA staff and the building employees is of great importance. Currently our location provides two panic buttons which will alert security if there is an issue in our Office and additionally the current security measures of 505 Hudson add safety to the staff, clients and members of the building (video cameras, locked entrances, gated parking lot (to enhance safety of our staff and clients) and security staff. Additionally our clients in our current location have little contact with

others within the building, just security and the OVA staff. This allows the client to feel their participation with the OVA is confidential and secure. Additionally in our current space, isolated from others within the building and with no shared space or equipment, the OVA is able to insure complete compliance with our statutory responsibilities for confidentiality. Additionally the current location OVA allows for parking in a gated lot for clients who come to our location as well as when individuals from within the Criminal Justice Community come to speak with the OVA, who can park and feel their identities are for the most part confidential. The secured parking also enhances the safety of the OVA staff as well.

Report Submitted by the State Contracting Standards Board to the General Assembly In Compliance with Public Act 11-48, "An Act Implementing the Provisions of the Budget Concerning General Government"

The State Contracting Standards Board is not yet operational.

Appendix A-Public Act No. 11-48

AN ACT IMPLEMENTING PROVISIONS OF THE BUDGET CONCERNING GENERAL GOVERNMENT.

Sec. 58. (NEW) (*Effective July 1, 2011*) (a) There is established the Office of Governmental Accountability. The executive administrator of the office shall serve as the administrative head of the office, who shall be appointed in accordance with the provisions of section 59 of this act.

(b) The Office of Governmental Accountability shall provide personnel, payroll, affirmative action and administrative and business office functions and information technology associated with such functions for the following: The Office of State Ethics established under section 1-80 of the general statutes, as amended by this act, State Elections Enforcement Commission established under section 9-7a of the general statutes, as amended by this act, Freedom of Information Commission established under section 1-205 of the general statutes, as amended by this act, Judicial Review Council established under section 51-51k of the general statutes, as amended by this act, Judicial Selection Commission established under section 51-44a of the general statutes, as amended by this act, Board of Firearms Permit Examiners established under section 29-32b of the general statutes, as amended by this act, Office of the Child Advocate established under section 46a-13k of the general statutes, as amended by this act, Office of the Victim Advocate established under section 46a-13b of the general statutes, as amended by this act, and State Contracting Standards Board established under section 4e-2 of the general statutes, as amended by this act. The personnel, payroll, affirmative action and administrative and business office functions of said offices, commissions, council and boards shall be merged and consolidated within the Office of Governmental Accountability pursuant to the plan developed and implemented under the provisions of section 60 of this act.

(c) The executive administrator may employ necessary staff to carry out the administrative functions of the Office of Governmental Accountability, within available appropriations. Such necessary staff of the Office of Governmental Accountability shall be in classified service.

1.Nothing in this section shall be construed to affect or limit the independent decision-making authority of the Office of State Ethics, State Elections Enforcement Commission, the Freedom of Information Commission, Judicial Review Council, Judicial Selection Commission, Board of Firearms Permit Examiners, Office of the Child Advocate, Office of the Victim Advocate or the State Contracting Standards Board. Such decision-making authority includes, but is not limited to, decisions concerning budgetary issues and concerning the employment of necessary staff to carry out the statutory duties of each such office, commission, council or board.

Sec. 59. (NEW) (*Effective July 1, 2011*) (a) (1) There shall be a Governmental Accountability Commission, within the office of Governmental Accountability established under section 58 of this act, that shall consist of nine members as follows: (A) The chairperson of the Citizen's Ethics Advisory Board established under section 1-80 of the

general statutes, as amended by this act, or the chairperson's designee; (B) the chairperson of the State Elections Enforcement Commission established under section 9-7a of the general statutes, as amended by this act, or the chairperson's designee; (C) the chairperson of the Freedom of Information Commission established under section 1-205, of the general statutes, as amended by this act, or the chairperson's designee; (D) the executive director of the Judicial Review Council established under section 51-51k of the general statutes, as amended by this act, or the executive director's designee; (E) the chairperson of the Judicial Selection Commission established under section 51-44a of the general statutes, as amended by this act, or the chairperson's designee; (F) the chairperson of the Board of Firearms Permit Examiners established under section 29-32b of the general statutes, as amended by this act, or the chairperson's designee; (G) the Child Advocate appointed under section 46a-13k of the general statutes, as amended by this act, or the advocate's designee; (H) the Victim Advocate appointed under section 46a-13b of the general statutes, as amended by this act, or the advocate's designee; and (I) the chairperson of the State Contracting Standards Board established under section 4e-2 of the general statutes, as amended by this act, or the chairperson's designee. The Governmental Accountability Commission shall select a chairperson who shall preside at meetings of the commission. Said Commission shall meet for the purpose of making recommendations to the Governor for candidates for the executive administrator of the Office of Governmental Accountability pursuant to the provisions of subsection (b) of this section, or for the purpose of terminating the employment of the executive administrator.

Sec. 60. (NEW) (*Effective July 1, 2011*) (a) Not later than November 1, 2011, the executive administrator appointed under section 59 of this act shall develop and implement a plan for the Office of Governmental Accountability to merge and provide for personnel, payroll, affirmative action and administrative and business office functions and information technology associated with such functions for the Office of State Ethics established under section 1-80 of the general statutes, as amended by this act, State Elections Enforcement Commission established under section 9-7a of the general statutes, as amended by this act, Freedom of Information Commission established under section 1-205 of the general statutes, as amended by this act, Judicial Review Council established under section 51-51k of the general statutes, as amended by this act, Judicial Selection Commission established under section 51-44a of the general statutes, as amended by this act, Board of Firearms Permit Examiners established under section 29-32b of the general statutes, as amended by this act, Office of the Child Advocate established under section 46a-13k of the general statutes, as amended by this act, Office of the Victim Advocate established under section 46a-13b of the general statutes, as amended by this act, and State Contracting Standards Board established under section 4e-2 of the general statutes, as amended by this act.

(b) Not later than January 2, 2012, the executive administrator of the Office of Governmental Accountability, in conjunction with (1) the executive director, or the executive director's designee, of each of the following: The Office of State Ethics, the Freedom of Information Commission, the State Elections Enforcement Commission and the Judicial Review Council, (2) the chairperson or the chairperson's designee of each of the following: The Judicial Selection Commission, the Board of Firearms Permit

Examiners, and the State Contracting Standards Board, (3) the Child Advocate or the advocate's designee and (4) the Victim Advocate or the advocate's designee shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, government administration, the judiciary, children, public safety and human services concerning (A) the status of the merger described in subsection (a) of this section, and (B) any recommendations for further legislative action concerning such merger, including, but not limited to, recommendations to further consolidate and merge functions performed by the offices, commissions, boards and council within the Office of Governmental Accountability such as those concerning best use of staff, elimination of redundancies and cross-training of staff for the purpose of using staff to perform functions across such offices, commissions, boards and council.

Appendix B-DRAFT MINUTES OF SPECIAL MEETING GOVERNMENTAL
ACCOUNTABILITY COMMISSION

Tuesday, November 1, 2011

1. Discussion and Adoption of Future Evaluation Format – Vote Required

GAC Commissioners and Executive Administrator Guay discussed the authority of the GAC and the format of an evaluation of the Executive Administrator position.

It was moved by Commissioner Corradino that the GAC commission meet no later than January 31, 2012 to prepare an interim evaluation of the Executive Administrator using a narrative format for the evaluation, seconded by Commissioner Cashman. So voted.

2. Discussion of Process for Report due January 2, 2012

It was moved by Commissioner Corradino to have a meeting no later than January 1, 2012 to review the report of the Executive Administrator in conjunction with a representative of each division of the OGA, as provided by section 60(b) of P.A. 11-48, to be submitted on January 2, 2012 with a view to providing any additional items or requests for action to the legislature in the report, seconded by Commissioner Milstein. So voted.

Appendix C-Budgetary Impact of P.A. 11-48

Office of Governmental Accountability			
<u>Account</u>	<u>Positions</u>	<u>FY 12</u>	<u>FY 13</u>
Personal Services	11	842,844	838,060
Other Expenses		510,902	462,378
Equipment		6,866	24,905
SEEC	15	1,369,103	1,384,317
CEF Admin	18	1,802,898	1,667,549
OSE	13	1,401,305	1,355,145
IT Technology Initiatives		35,000	35,000
FOIC	15	1,792,690	1,757,403
CSCB	2	175,000	175,000
JRC	1	156,196	155,682
JSR	1	93,314	90,620
OCA	5	594,027	578,480
Child Fatality Review Panel	1	98,335	95,010
OVA	3	336,593	327,606
FPE	1	83,779	81,086
	86	9,298,852	9,028,241