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Repealed 4-1-1—4-1-5

Interest on Funds Held in Escrow by Mortgagees

Secs. 4-1-1—4-1-5.

Repealed, October 6, 1975.

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Description of Organization and Rules of Practice

Article I

Description of Organization

Part 1

Introduction

Sec. 4-23a-1. Creation and authority

The department was established as an agency of the executive branch of state government by section 62 of Public Act No. 77-614, known as the Reorganization Act. The department is the successor agency of the former public works and personnel departments; it also has assumed certain functions of the former department of finance and control, such as responsibility for purchasing, data processing, and central collections, and other functions that formerly were dispersed throughout the executive branch.

(Effective November 19, 1984)

Sec. 4-23a-2. General powers and responsibilities

The head of the department is the commissioner of administrative services. The general qualifications, powers and duties of the commissioner as a department head are as provided by sections 4-5 and 4-8 of the General Statutes. The general powers and responsibilities of the commissioner of administrative services are as provided by section 4-23b of the General Statutes.

(Effective November 19, 1984)

Sec. 4-23a-3. Location of principal office

The principal office of the department of administrative services is at Hartford, Connecticut. All communications should be addressed to Commissioner, Department of Administrative Services, State Office Building, 165 Capitol Avenue, Hartford, Connecticut, 06106.

(Effective November 19, 1984)

Part 2

Course and Method of Operation

Sec. 4-23a-4. Commissioner of Administrative Services

The commissioner has the overall responsibility for the efficient organization and operation of the department. The deputy commissioner of administrative services has been designated to exercise the powers and duties of the department head in the absence or disqualification of the commissioner, or upon his or her death, until he or she resumes the duties of office or until the vacancy is filled.

(Effective November 19, 1984)

Sec. 4-23a-5. Office of the commissioner

The office of the commissioner provides accounting and personnel services, plus specialty units covering program budgeting and management analysis, internal auditing, information systems, the bidding of public works contracts, employee and public information and administration of the State's employee suggestion award program.

(Effective November 19, 1984)

Sec. 4-23a-6. Deputy commissioners

In addition to the deputy commissioner of administrative services, the commissioner is authorized by law to appoint such other deputies as may be necessary for the efficient conduct of the business of the department. There is a director of personnel and labor relations who is a deputy commissioner of the department, as provided by section 4-23c of the General Statutes.

(Effective November 19, 1984)

Sec. 4-23a-7. Divisions and bureaus of the department

In addition to the office of the commissioner, the department has five major operating divisions, designated and known as the personnel division, bureau of public works, bureau of purchases, bureau of collection services, and bureau of information systems and data processing.

(Effective November 19, 1984)

Sec. 4-23a-8. Personnel division

The principal duties of the personnel division are for the recruitment, selection, appointment, compensation, discipline and separation of classified state employees. The division has been delegated the authority to represent the Executive Branch in collective bargaining with all covered employees except the faculties and non-faculty professionals of the constituents of higher education who bargain separately with their respective boards of trustees. The major operating units of the division are compensation and research, office of labor relations, personnel administration, personnel development and affirmative action, technical personnel services and workers' compensation.

(Effective November 19, 1984)

Sec. 4-23a-9. Bureau of public works

The principal duties of the bureau of public works are, except as otherwise provided by law, for the planning, design and construction of capital improvements undertaken by the state except for highway, bridge, and mass transit related improvements; the purchase, lease and acquisition of real property and space to accommodate state agencies; the disposition of surplus real property; the rendering of technical advice and service to state agencies, in the preparation and correlation of plans for necessary improvement of their physical plants; and the supervision and care of buildings and grounds owned or leased by the state in the City of Hartford, and courthouse facilities throughout the state. There is a deputy commissioner who has charge of the bureau of public works. The two major operating divisions of the bureau are designated and known as facilities design and construction, and tenant services.

(Effective November 19, 1984)

Sec. 4-23a-10. Contracting functions—public works

In order to discharge the principal duties of the bureau of public works, the commissioner of administrative services is authorized by law to enter into contractual agreements and to accept conveyances of real property or interests therein. Every contract for design professional services is governed by the provisions of sections 4-134a through 4-134e, inclusive, of the General Statutes, and by regulations adopted thereunder. Every contract for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building for work by the state, which is estimated to cost more than two hundred and fifty thousand (\$250,000.00) dollars, is awarded to the lowest responsible and qualified bidder, in accordance with the

procedures established by Chapter 51a of the General Statutes. All leases of space and property acquisitions made by the commissioner are subject to applicable provisions of the General Statutes, and to review and approval by the State Properties Review Board. The rights and remedies of all persons contracting with the state through the commissioner of administrative services are as provided by applicable provisions of law and by the express terms of particular agreements.

(Effective November 19, 1984)

Sec. 4-23a-11. Bureau of purchases

The principal duties of the bureau of purchases, are, except as otherwise provided by law, the purchasing or contracting for all supplies, materials, equipment and services required by any state agency; the enforcement of standard specifications; and the operating of a regional laundry system, food service, and other central services for the benefit of state agencies and institutions. There is a deputy commissioner who has charge of the bureau of purchases. The major operating divisions of the bureau are designated and known as central services, procurement, standards, inspection, forms management, and publications.

(Effective November 19, 1984)

Sec. 4-23a-12. Procurement functions—bureau of purchases

In order to discharge the principal duties of the bureau of purchases, the commissioner of administrative services is authorized by law to enter into contractual agreements for personal property and services. Every contract entered into by the bureau, with the exception of gas, water, and electric light and power services, is subject to the competitive bidding requirements of section 4-112 *et. seq.* of the General Statutes. The bureau also contracts for electronic data processing and related equipment and installations, pursuant to section 3-116a of the General Statutes. The rights and remedies of all persons contracting with the state through the commissioner of administrative services are as provided by applicable provisions of law, including the statutory provisions respecting claims against the state, and by the express terms of particular agreements.

(Effective November 19, 1984)

Sec. 4-23a-13. Bureau of information systems and data processing

The principal duties of the bureau of information systems and data processing are the provision of a central source of planning, coordination and administration in the fields of computer-based information systems, systems development and programming, data processing and computing, data communications, and management science techniques. There is a deputy commissioner who has charge of the bureau of information systems and data processing.

(Effective November 19, 1984)

Sec. 4-23a-14. Bureau of collection services

The principal duties of the bureau of collection services are the investigation, determination, billing and collection of all charges for support of persons aided, cared for or treated in hospitals, institutions and facilities operated by the state departments of health services and mental health. The bureau also is responsible for collection of monies due the state in public assistance and welfare cases, enforcement of certain support obligations, and for protecting and administering certain patients' funds through the office of the estate administrator, in accordance with the provisions of sections 4-68a through 4-68g, inclusive, of the General Statutes.

(Effective November 19, 1984)

Part 3

Public Information

Sec. 4-23a-15. Policy

It is the avowed policy of the department to make available for public inspection all files, records, documents and other materials within its possession, unless specifically exempt from public disclosure under the provisions of section 1-19 of the General Statutes, or unless otherwise prohibited by law. A compilation of all department regulations, policy statements, final orders, decisions and official opinions is available for public inspection in the office of the commissioner. The department reserves the right to charge a monetary fee, for the furnishing to any person of documents within its possession, as authorized and prescribed by section 1-15 of the General Statutes, as amended.

(Effective November 19, 1984)

Sec. 4-23a-16. Computer stored information

In the course of its statutory duties, the department operates and maintains computer based information storage for a number of other state agencies, including law enforcement agencies. These services are performed under agreements with the agencies that often provide for confidentiality and non-disclosure of the information stored. Therefore, requests for such information that is nevertheless asserted to be available to the public, in accordance with applicable provisions of the Freedom of Information Act, should be directed to the head of the principal agency involved rather than to the department.

(Effective November 19, 1984)

Sec. 4-23a-17. Complaints and requests for information

Complaints and requests for information may be addressed to the Commissioner, Department of Administrative Services, State Office Building, 165 Capitol Avenue, Hartford, Connecticut, 06106. A request for information that is known or believed to be in the possession of one of the five major operating divisions of the department should be directed to the attention of that division.

(Effective November 19, 1984)

Article II

Rules of Practice

Part 1

General Provisions

Sec. 4-23a-18. Procedure governed

This article sets forth the nature and requirements of all formal and informal procedures available to persons having business with the department of administrative services or otherwise legally affected by any decision or discharge of any function of the department. The rules set forth herein shall govern practice before the department under the applicable laws of the state of Connecticut, and except as otherwise provided by statute or authorized agreements.

(Effective November 19, 1984)

Sec. 4-23a-19. Definitions

(a) "Commissioner" means the Commissioner of Administrative Services.

(b) "Department" means the Department of Administrative Services and all constituent parts, divisions or bureaus.

(c) The following words and phrases shall have the same meaning herein as that provided by Section 4-166 of the General Statutes, as amended: "Party," "Person," "Regulation," "Proposed regulation."

(Effective November 19, 1984)

Sec. 4-23a-20. Procedure for the issuance, amendment, or repeal of a regulation

(a) Proceedings for the issuance, amendment, or repeal of regulation may be commenced by the department on its own initiative or pursuant to a petition submitted by an interested person.

(b) Notice of the proposed issuance, amendment or repeal of a regulation will appear in the Connecticut Law Journal at least thirty days prior to the proposed action. The notice will contain: (i) a statement of the purpose and substance of the proposed action; (ii) a statement of the time, date and place of the public hearing or other opportunity for the presentation of views; (iii) reference to the statutory authority under which the department is acting; and (iv) a statement of the terms or substance of the intended action. The notice also shall be mailed to all persons who have made requests to the department for advance notice of regulation adoption proceedings.

(c) Following the publication of such notice the department shall prepare a fiscal note, including an estimate of the cost or of the revenue impact on the state or any municipality of the state.

(d) Adequate publicity will be provided by the department to assure that all interested parties have notice of the time, date and place of the public hearing or other opportunity for the presentation of views. The purpose is to afford an opportunity for all interested parties to participate in the proceedings through the submission of written or oral data, views, arguments or suggestions.

(e) The department will consider fully all written and oral submissions respecting the proposed regulation and shall revise the fiscal note in accordance with any changes made in said proposed regulation.

(f) Upon reaching a decision whether to proceed with such proposed regulation or to alter its text from that initially proposed the department will, at least twenty days before submitting a proposed regulation to the standing legislative regulation review committee, mail, to all persons who have made submissions or who have made statements or oral arguments concerning such proposed regulation, and who have requested notification, notice that it has decided to take action on the proposed regulation and that it has made available for copying and inspection (i) the final wording of the proposed regulation; (ii) a statement of the principal reasons in support of its intended action; and (iii) a statement of the principal consideration in opposition to its intended action as urged in written or oral comments on the proposed regulation and its reasons for rejecting such considerations.

(g) The proposed regulation will be forwarded to the Attorney General and to the Regulations Review Committee of the General Assembly for approval, as required by statute.

(h) The new regulation or the amendment or repeal of an existing regulation will become final following approval by the Attorney General and Regulations Review Committee and certification thereof to the Secretary of State.

(i) When the department finds that an imminent peril to the public health, safety or welfare so requires, it may adopt emergency regulations, in accordance with the provisions of subsection (b) of section 4-168 of the General Statutes.

(Effective November 19, 1984)

Sec. 4-23a-21. Availability of statutory remedies-contracting and procurement functions

In discharging its overall responsibility to provide a broad range of central services to other agencies of the executive branch of state government, the department is authorized by law to enter into contracts for the procurement of various goods and services and for the purchase, sale, or acquisition of real and personal property or interests therein. The rights and remedies of all persons contracting with the state through the commissioner of administrative services are as prescribed by applicable provisions of the General Statutes including the statutes respecting claims against the state, and the commissioner may, in his or her lawful discretion, decline to grant formal hearings or other review procedures in cases where the person requesting a hearing or other review is not required by law to make an exhaustion of administrative remedies. This regulation shall apply, without limitation, to all constructions contracts and other contracts which expressly provide that disputes thereunder shall be referred to arbitration under the rules of the American Arbitration Association.

(Effective November 19, 1984)

Sec. 4-23a-22. Existence of statutory procedures-personnel administration

In discharging its responsibility to provide personnel administration and services for other agencies of the executive branch of state government, the department is authorized by law to enter into collective bargaining and other labor agreements, and to administer the state personnel act, and other statutory enactments concerning state public service employment. The rights and remedies of state employees and retirees are as prescribed by applicable provisions of the General Statutes, and the Commissioner may, in his or her lawful discretion, decline to grant formal hearings or other review proceedings in cases where such hearings or review are available before other officials or tribunals, or where special review proceedings have been established by authorized and duly executed labor agreements.

(Effective November 19, 1984)

Sec. 4-23a-23. Informal conferences

(a) The commissioner, any deputy commissioner as required by law or otherwise, or any designated hearing office may call in a party for an informal conference concerning alleged violations of any statutes administered by the department, or any question or dispute arising under a contract to which the state is a party.

(b) Notification of such an informal conference may be by telephone or by regular or certified mail, in the discretion of the commissioner. The notice shall contain (i) a statement of the time, date, and place of the conference; (ii) a reference to the statutory sections allegedly violated; (iii) a short statement of the facts surrounding the alleged violation; and (iv) a statement that the respondent may be accompanied by counsel, if he so desires.

(c) Informal conferences need not be recorded and transcribed. Formal rules of procedure and evidence shall not be observed.

(Effective November 19, 1984)

Sec. 4-23a-24. Computation of time

Computation any period of time referred to in these rules begins with the first day following that on which the act which initiates such period of time occurs. The last day of the period so computed is to be included unless it is a day on which the office of the department is closed, in which event the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays and legal holidays counted, is five (5) days or less, the said Saturdays, Sundays and legal holidays shall be excluded from the computation; otherwise such days shall be included in the computation.

(Effective November 19, 1984)

Sec. 4-23a-25. Extension of time

At the discretion of the commissioner, for good cause shown, any time limit prescribed or allowed by these rules may be extended insofar as such extension is not precluded by statute. All requests for extension shall be made before the expiration of the period originally prescribed or as previously extended. The commissioner shall notify all parties of the department's action upon such motion.

(Effective November 19, 1984)

Sec. 4-23a-26. Rejection for incompleteness

Any application or petition may be rejected by the department if it is incomplete or otherwise inadequate to permit processing or disposition thereof, unless prohibited by law. Any rejection under this section shall lapse any period of time prescribed by statute or by rule which begins to run when a person files a petition or application with the department. Any such period of time shall begin anew when a person resubmits a petition or application after prior rejection under this section. Any rejection under this section is without prejudice and is not a final decision by the department. Nothing in this section shall restrict the department from requiring additional information from an application or petitioner if his application or petition is accepted.

(Effective November 19, 1984)

Part 2**Formal Requirements****Sec. 4-23a-27. Office**

The principal office of the department is in the State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06106. The offices of the department are open from 8:30 a.m. to 4:30 p.m. each weekday except Saturdays, Sundays and legal holidays.

(Effective November 19, 1984)

Sec. 4-23a-28. Date of filing

All correspondence, petitions, application and any other documents governed by these rules, shall be deemed to have been filed or received on the date on which they are issued or received by the department at its principal offices.

(Effective November 19, 1984)

Sec. 4-23a-29. Identification of communications

Communications should embrace only one matter, should contain the name and address of the communicator and the subject of the communication, and shall be dated.

(Effective November 19, 1984)

Sec. 4-23a-30. Signatures

Every application, notice, and petition, shall be signed by the filing person or by one or more attorneys in their individual names on behalf of the filing person.
(Effective November 19, 1984)

Sec. 4-23a-31. Formal requirements as to documents and other papers filed in proceedings

(a) **Copies.** Except as may be otherwise required by these rules or by any other rules or regulations of the department or ordered or expressly requested by the department, at the time petitions, applications, documents or other papers are filed with the department, there shall be furnished to the department an original of such papers. In addition to the original there shall also be filed three (3) copies unless a greater or lesser number of copies is expressly requested by the department.

(b) **Form.** Except for such forms as may from time to time be provided by the department and used where appropriate petitions, applications, documents or other papers filed for the purpose of any proceeding before the department shall be printed or typewritten on paper cut or folded to either letter or legal size, 8-8½ inches wide. Width of margins shall be not less than one inch. The impression shall be only one side of the papers, unless printed, and shall be doubled spaced, except that quotations in excess of five (5) typewritten lines shall be single spaced and indented. Mimeographed, multigraphed, photo-duplicated or the like copies will be accepted as typewritten, provided all copies are clear and permanently legible.

(c) **Filing.** All papers relating to matters requiring action by the department shall be filed with the Commissioner, State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06106.
(Effective November 19, 1984)

Article III

Miscellaneous Proceedings

Part 1

Petitions Concerning Adoption of Regulations

Sec. 4-23a-32. General rule

These rules set forth the procedure to be followed by the commissioner in the disposition of petitions concerning the promulgation, amendment, or repeal of a regulation.
(Effective November 19, 1984)

Sec. 4-23a-33. Form of petitions

Any interested person may at any time petition the commissioner to promulgate, amend or repeal any regulation. The petition shall set forth clearly and concisely the text of the proposed regulation, amendment or repeal. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts, and arguments either in the petition or in a brief annexed thereto. The petition shall be addressed to the commissioner and sent to him by mail or delivered in person during normal business hours. The petition shall be signed by the petitioner and shall furnish the address of the petitioner and the name and address of petitioner's attorney, if applicable.
(Effective November 19, 1984)

Sec. 4-23a-34. Procedure after petition filed

(a) **Decision on petition.** Upon receipt of the petition the commissioner shall within thirty (30) days determine whether to deny the petition or to initiate regulation making proceedings in accordance with law.

(b) **Procedure on denial.** If the commissioner denies the petition, he shall give the petitioner notice in writing stating the reasons for the denial based upon the data, facts, and arguments submitted with the petition by the petitioner and upon such additional data, facts, and arguments as the commissioner shall deem appropriate.

(Effective November 19, 1984)

Part 2**Requests for Advisory Rulings****Sec. 4-23a-35. General rule**

These rules set forth the procedure to be followed by the department in the disposition of requests for declaratory rulings as to the applicability of any statutory provision or of any regulation or order of the department. In its discretion the department may hold an informal conference for fact finding purposes relating to such requests.

(Effective November 19, 1984)

Sec. 4-23a-36. Form of petition for advisory ruling

Any interested person may at any time request an advisory ruling of the department with respect to (i) the applicability to such person of any statute, regulation or order enforced, administered, or promulgated by the department, or (ii) the terms and obligations of any contract to which the State is a party, and which is not exempt from public disclosure. Such request shall be addressed to the department and sent to the commissioner by mail or delivered in person during normal business hours. The request shall be signed by the person in whose behalf the inquiry is made. It shall give the address of the person inquiring and the name and address of such person's attorney, if applicable. The request shall state clearly and concisely the substance and nature of the request; it shall identify the statute, regulation, order, or contract concerning which the inquiry is made and shall identify the particular aspect thereof to which the inquiry is directed. The request for an advisory ruling shall be accompanied by a statement of any supporting data, facts, and arguments that support the position of the person making the inquiry.

(Effective November 19, 1984)

Sec. 4-23a-37. Procedure after petition filed

(a) **Notice to other persons.** The commissioner may give notice to any person that such an advisory ruling has been requested and may receive and consider data, facts, arguments, and opinions from persons other than the person requesting the ruling.

(b) **Provision for hearing.** If the commissioner deems a hearing necessary or helpful in determining any issue concerning the request for advisory ruling, the commissioner shall schedule such hearing and give such notice thereof as shall be appropriate.

(c) **Decision on petition, ruling denied.** If the commissioner determines that an advisory ruling will not be rendered, the commissioner shall within ten (10) days

thereafter notify the person so inquiring that the request has been denied and furnish a statement of the reasons on which the commissioner relied in so deciding.

(d) **Decision on petition, ruling granted.** If the commissioner renders an advisory ruling, a copy of the ruling shall be sent to the person requesting it and to that person's attorney, if applicable, and to any other person who has filed a written request for a copy with the commissioner.

(Effective November 19, 1984)

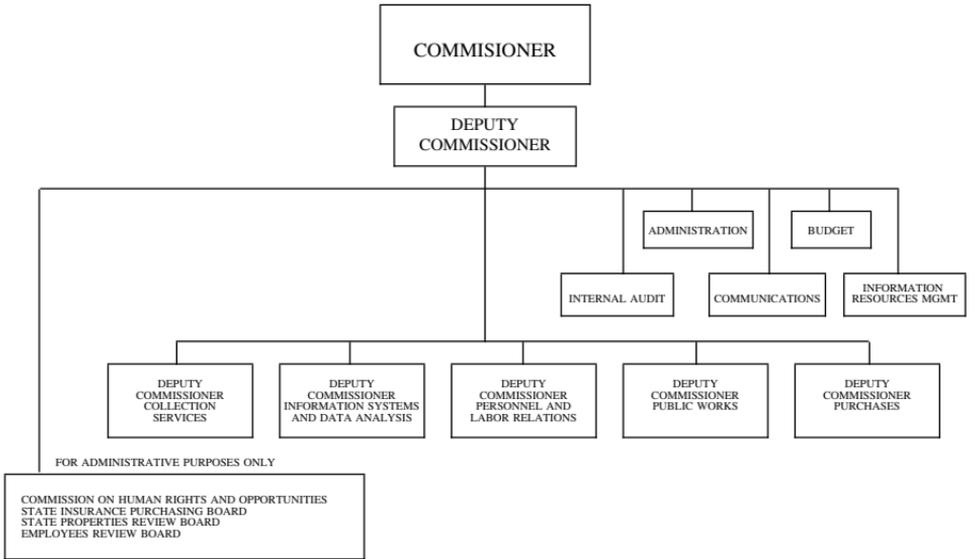


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Personal Data

Sec. 4-23b-1. Personal data—definitions

(a) Category of “personal data” means the classification of personal information set forth in the Personal Data Act, Section 4-190 (9) of the Connecticut General Statutes.

(b) “Other data” means any information which because of name, identifying number, mark or description can be readily associated with a particular person.

(c) “CSEIS” is the acronym for the automated personal data system known as the Connecticut State Employees Information System.

(d) “CONCERTS” is the acronym for the computerized system known as the Connecticut Certification System.

(e) The definition of terms used in these regulations shall be the same as those definitions of terms contained in Section 4-190, Connecticut General Statutes.

(Effective December 4, 1986)

Sec. 4-23b-2. General nature and purpose of personal data systems

The Department of Administrative Services, in the central office and in the specific Bureaus indicated, maintains the following personal data systems:

(a) Personnel Records—Department of Administrative Services

(1) All personnel records are maintained at the Department of Administrative Services, Room 504, State Office Building, Hartford, Connecticut.

(2) Personnel records are maintained in both automated and manual form.

(3) Personnel records are maintained for the purpose of retaining payroll, health, discipline and related personnel information concerning Department of Administrative Services.

(4) Personnel records are the responsibility of the Agency Personnel Administrator of the Department of Administrative Services, whose business address is: Department of Administrative Services, Room 504, State Office Building, Hartford, Connecticut. All requests for disclosure or amendment of those records should be directed to the Agency Personnel Administrator.

(5) Routine sources for information retained in personnel records include the employee, previous employers of the employee, references provided by applicants, the employee’s supervisor, the Comptroller’s Office, Department of Administrative Services, Division of Personnel and Labor Relations, and State insurance carriers.

(6) Personal data in personnel records are collected, maintained and used under authority of the State Personnel Act, Conn. Gen. Statutes, Section 5-193 et seq.

(b) Collection Services Operational Records

(1) Operational records are available at 363 Russell Road, Newington, but may, at times, be located at other sites.

(2) Operational records are maintained in both automated and manual form.

(3) These records are maintained insofar as they are relevant and necessary to accomplish the lawful purpose of the Bureau.

(4) Operational records are the responsibility of the Deputy Commissioner of the Bureau of Central Collections whose business address is 363 Russell Road, Newington, CT 06111. All requests for disclosure or amendment of these records should be addressed to the Deputy Commissioner.

(5) Routine sources for information retained in the operational records include: State agencies, their patients/clients, their family members; corporations and/or agencies dispensing benefits; persons, State agencies and/or corporations with knowledge of information necessary for the Bureau to accomplish its mission.

(6) Personal data in operational files are collected, maintained and used under the authority of Sections 4-68 et seq, 4-68c, 4-68e, 4-68h, 4-68i, 17-83f, 17-83g, 17-295 et seq, 17-300, 17-303 and 49-73, Conn. General Statutes.

(c) Information Systems and Data Processing Security Files

(1) Security files are available at 340 Capitol Avenue, Hartford, CT, Bureau of Information Systems and Data Processing.

(2) Security files are maintained in manual form.

(3) These records are maintained as per agreement with the State Police. Purpose of the data is to provide background data on prospective employees who might have access to State Police data stored at the Bureau. Such security precautions are relevant and consistent with the lawful purposes of the State Police.

(4) Security files are the responsibility of the Joint DAS State Policy Committee chairperson whose business address is 340 Capitol Avenue, Hartford. All requests for disclosure or amendment of these records should be directed to the chairperson of said committee.

(5) Routine sources of information retained in security files include: Federal, State and local criminal records.

(6) Personal data in security files are collected, maintained and used under the authority of Connecticut General Statutes governing each agency maintaining personal data in this Bureau.

(d) Personnel—Connecticut State Employees Information System (CSEIS)

(1) The input and inquiry equipment is located in Room 419, State Office Building, 165 Capitol Ave., Hartford and data storage and processing equipment at 340 Capitol Ave., Hartford, CT.

(2) CSEIS is an automated personal data system.

(3) CSEIS maintains the employment history of every state employee as well as personal data. The system is dependent upon each agency submitting changes affecting employees in a timely manner. In return the system processes mass up-dates, classification changes and provides numerous administrative reports reducing the amount of manual work at the agency level and reducing the maintenance of personnel records as well as maintaining the historical data.

(4) Requests for information concerning these records should be addressed to the Director of Personnel and Labor Relations, Personnel Bureau, Department of Administrative Services, State Office Building, 165 Capitol Ave., Hartford, CT 06106, Attention: Personnel Administration Manager.

(5) Statutory authority for the collection of personal data of state employees is contained in Section 5-200 (e) and Section 5-203, Connecticut General Statutes.

(e) Personnel—Connecticut Certification System (CONCERTS)

(1) CONCERTS is located in Room 415, State Office Building, 165 Capitol Ave., Hartford, CT.

(2) CONCERTS is an automated data system.

(3) CONCERTS is a system for expediting the merit system examination program through automated application processing, test scheduling and notification, development of an eligibility roster, notification of results and preparation of certification lists. Demographic information supplied by applicants allow comprehensive analyses for meeting Federal requirements concerning Equal Employment Opportunities.

(4) Requests for information should be addressed to the Director of Personnel and Labor Relations, Personnel Bureau, Department of Administrative Services, State Office Building, 165 Capitol Ave., Hartford, CT 06106, Attention: Personnel Administration Manager.

(5) Statutory authority for the activities covered by examinations and results is contained in Section 5-200 (a) and Section 5-216 through and including Section 5-228, Connecticut General Statutes.

(f) Personnel—Affirmative Action Complaint Files

(1) The Affirmative Action Complaint files are maintained in Rooms 239 and 241, State Office Building, Hartford, CT.

(2) The file system is manually maintained.

(3) The Affirmative Action Complaint files have two sections. The informal file is maintained to monitor progress of complaint resolution and to provide an information base in the event of formal complaint action. The formal file provides information on ongoing discrimination actions before the Commission on Human Rights and Opportunities or in law suits.

(4) Information concerning these records may be obtained by writing to the Director of Personnel and Labor Relations, Personnel Bureau, Department of Administrative Services, State Office Building, 165 Capitol Ave., Hartford, CT 06106, Attention: Director of Employment Relations.

(5) Personal data contained in these files are obtained from the complainant, the supervisor of the complainant and from agency records.

(6) Authority to gather the information in these files is contained in Sec. 5-200 (a), CGS.

(g) Personnel—Workers' Compensation Files

(1) Workers' Compensation data is located at 20 Grand St., Hartford, CT.

(2) A manual procedure is used to maintain the files.

(3) The purpose of the system is to document the circumstances of physical injury to State employees while performing their assigned duties.

(4) Requests for information concerning these records should be addressed to the Director of Personnel and Labor Relations, Personnel Bureau, Department of Administrative Services, State Office Building, 165 Capitol Ave., Hartford, CT 06106, Attention: Workers' Compensation Administrator.

(5) Statutory authority for the submission of reports of injuries is Section 5-145, Connecticut General Statutes.

(h) Personnel—Central Examination File

(1) The Central Examination file is located in Room 537, State Office Building, Hartford, CT.

(2) The file system is manually maintained.

(3) The Central Examination file contains the records of the qualifications of persons used as examiners, in order to comply with federal and professional standards on the validity of merit system examinations and to maintain information on the observed quality of performance of those who have served as examiners.

(4) Information concerning these records may be obtained by writing to the Director of Personnel and Labor Relations, Personnel Bureau, Department of Administrative Services, State Office Building, 165 Capitol Ave., Hartford, CT 06106, Attention: Chief Personnel Psychologist.

(5) Personal data contained in these files are obtained from the examiners themselves. Ratings of examiner performance are made by the personnel analyst responsible for the merit examination for which these persons have served as examiners.

(6) Authority for maintaining this information is contained in Section 5-219, CGS.

(i) Personnel—Hartford Graduate Center Masters Program

(1) Records are located in Room 405, State Office Building, 165 Capitol Ave., Hartford, CT.

(2) Records are maintained by a manual system.

(3) Information in records used to evaluate and recommend candidates for the Hartford Graduate Center Masters Program.

(4) Maintenance of these records has been delegated to the Director of Personnel and Labor Relations, Room 403, State Office Building, 165 Capitol Ave., Hartford, CT 06106. All requests for disclosure or amendment of these records should be addressed to the Director of Personnel and Labor Relations, Attention: Director of Management Relations.

(5) Personal data is obtained from candidates and their Agency Heads.

(j) Personnel—Distinguished Managerial Service Award

(1) Records are located in Room 405, State Office Building, 165 Capitol Ave., Hartford, CT.

(2) Records are maintained by a manual system.

(3) Information in records used to review nominations for Distinguished Managerial Service Awards.

(4) Maintenance of these records has been delegated to the Director of Personnel and Labor Relations, Room 403, State Office Building, 165 Capitol Ave., Hartford, CT 06106. All requests for disclosure or amendment of these records should be addressed to the Director of Personnel and Labor Relations, Attention: Director of Management Relations.

(5) Personal data is obtained through nominations, agency heads and candidates' resumes.

(k) Personnel—Senior Executive Service

(1) Records are located in Room 405, State Office Building, 165 Capitol Ave., Hartford, CT.

(2) Records are maintained by a manual system. Information in records used to review applications and reference data in evaluating Senior Executive Service candidates.

(3) Maintenance of these records has been delegated to the Director of Personnel and Labor Relations, Room 403, State Office Building, 165 Capitol Ave., Hartford, CT 06106. All requests for disclosure or amendment of these records should be addressed to the Director of Personnel and Labor Relations, Attention: Director of Management Relations.

(4) Personal data is obtained from candidates and their supervisors.

(5) Authority for the collection, maintenance and use of the personal data is Section 5-236, Connecticut General Statutes.

(Effective December 4, 1986)

Sec. 4-23b-3. Categories of personal data

(a) Department of Administrative Services Personnel Records

(1) The following categories of personal data may be maintained in personnel records:

(a) Educational records.

(b) Medical, emotional condition and/or a history.

(c) Employment records.

(d) Other reference records.

(2) Categories of other data:

(a) Marital status.

(3) Personnel records are maintained on employees of the Department of Administrative Services and applicants for employment with the Department of Administrative Services.

(b) Collection Services Operational Records

(1) The following categories of personal data may be maintained in operational records:

- (a) personal information
- (b) medical, psychiatric, psychological information
- (c) employment information
- (d) criminal/court related information
- (e) other reference records

(2) Categories of other data may be maintained in operational records:

- (a) account receivable information
- (b) probate information
- (c) Superior court information

(3) Operational records are maintained on the patients/clients of State client agencies, the legally responsible relatives of the patient/client and any person or corporation acting as fiduciary and/or representative payee.

Typical users of the data maintained by the Bureau of Collection Services include the Bureau staff, Health and Human Services, Attorney General's office, the Judicial Department, U-Conn Health Center, State Auditors, Office of Policy and Management and the Departments of Children & Youth Services, Human Resources, Income Maintenance, Mental Health and Mental Retardation.

(c) Information Systems and Data Processing Security Files

(1) The following categories of personal data may be maintained in the security files:

- (a) records of conviction and type of crime

(2) Security files kept on people applying for positions having access to State Police Data

(d) Personnel—Connecticut State Employees Information System (CSEIS)

(1) The following categories of personal data are maintained in these records:

- (a) personal information
- (b) work history
- (c) compensation

(2) Categories of other data are:

- (a) employment status
- (b) agency and classification assignment

(3) Records are maintained on all employees and officers in the State service, whether under the classified service or not.

(e) Personnel—Connecticut Certification System (CONCERTS)

(1) The following categories of personal data are maintained in these records:

- (a) personal information on job application
- (b) voluntary demographic information

(2) Categories of other data are:

- (a) examination results
- (b) prior employment experience

(3) Records are maintained on job applicants and those who successfully pass the merit system examination for the class in which they applied.

(f) Personnel—Affirmative Action Complaint Files

(1) The category of personal data involves name of the complainant and any other information submitted as identification.

(2) Categories of other data include the nature of the complaint as it affects the complainant, history of occurrences leading up to the complaint and supportive data.

(3) The categories of persons on whom records may be obtained are the complainant, the defendant and others who may be implicated by the nature of the charge.

(g) **Personnel—Workers' Compensation**

(1) The following categories of personal data are maintained in these records:

(a) personal information

(b) family information

(2) Categories of other data are:

(a) employment information

(b) type of injury and circumstances leading to injury

(3) A file record is maintained on all injuries reported as well as disposition of claim.

(h) **Personnel—Central Examination File**

(1) The category of personal data involves the name and qualifications of each person used as a merit system examiner or as a developer of examination material.

(2) Categories of other data include evaluations of performance and general information not included in the above paragraph.

(3) Records are maintained on persons used as merit system examiners and developers of examination materials.

(i) **Personnel—Hartford Graduate Center Masters Program**

(1) The following categories of personal data are maintained in these records:

(a) nomination information

(b) biographies of candidates

(c) supporting letters of recommendation

(2) Categories of other data are:

(a) lists of nominees to program

(3) Records are maintained on those managerial employees nominated to participate in this program.

(j) **Personnel—Distinguished Managerial Service Award**

(1) The following categories of personal data are maintained in these records:

(a) nomination information

(b) biographies of candidates

(c) supporting letters of recommendation

(2) Categories of other data are:

(a) lists of nominees

(b) ranking based on committee evaluation

(3) Records are maintained on those managerial employees nominated for this award.

(k) **Personnel—Senior Executive Service**

(1) The following categories of personal data are maintained in these records:

(a) applications

(b) supporting references from supervisors and agency heads

(2) Categories of other data are:

(a) lists of qualified candidates

(3) Records are maintained on candidates and those employees appointed to the Senior Executive Service.

(Effective December 4, 1986)

Sec. 4-23b-4. Maintenance of personal data

(a) Personal data will not be maintained unless relevant and necessary to accomplish the lawful purposes of the Department of Administrative Services. All records will be maintained in accordance with the approved records retention schedule on file.

(b) All records will be collected and maintained with a maximum of accuracy and completeness.

(c) Insofar as it is consistent with the needs and mission of the Department, each Bureau shall collect personal data from authorized sources or directly from the person to whom a record pertains.

(d) All Department of Administrative Services employees involved in the operation of any data system requiring personal data will be informed of the provisions of the Personal Data Act, any regulations adopted pursuant to Section 4-196, CGS, the basic principles of the Freedom of Information Act and any other state or federal statutes or regulations pertaining to the maintenance or disclosure of personal data kept by the particular Bureau to which the employee is assigned.

(e) All Department employees shall take reasonable precautions to protect personal data under their custody from the danger of fire, theft, flood, natural disaster and other physical threats.

(f) The Department shall incorporate by reference the provisions of the Personal Data Act and regulations promulgated thereunder in all contracts, agreements or licenses for the operation of a personal data system or for research, evaluation and reporting of personal data for the Department or on its behalf.

(g) Each Bureau of the Department, when requesting and receiving personal data from other agencies, shall maintain an independent obligation to insure that the personal data is properly maintained.

(h) Only employees of each Bureau of the Department who have a specific need to review personal data records for lawful purposes of their Bureau will be entitled to access to such records under the Personal Data Act.

(i) Each Bureau will keep a written up-to-date list of individuals entitled to access to each of that Bureau's personal data systems.

(j) The Department will insure against unnecessary duplication of personal data records. In the event it is necessary to send personal data records through Interdepartmental mail such records will be sent in sealed envelopes or boxes marked "Confidential."

(k) Each Bureau of the Department will insure that all records in manual personal data systems are kept under lock and key and, to the greatest extent practical, are kept in controlled access areas.

(l) Where automated personal data systems are maintained each Bureau of the Department will:

(1) To the greatest extent practical, locate automated equipment and records in a limited access area.

(2) To the greatest extent practical, require visitors to such area to sign a visitor's log and to permit access to said area on a bona-fide need-to-enter basis only.

(3) To the greatest extent practical, insure that regular access to automated equipment is limited to operations personnel.

(4) Utilize appropriate access control mechanisms to prevent disclosure of personal data to unauthorized individuals.

(Effective December 4, 1986)

Sec. 4-23b-5. Disclosure of personal data

(a) Each Bureau of the Department of Administrative Services shall, within four business days of receipt of a written request therefore, mail or deliver a response in plain language informing him/her as to whether or not the Bureau maintains

personal data on that individual, the category and location of the personal data maintained on that individual and procedures available to review the records.

(b) Except where nondisclosure is required or specifically permitted by law, each Bureau shall disclose to any person upon written request all personal data concerning that individual which is maintained by the Bureau. The procedures for disclosure shall be in accordance with Sections 1-15 through 1-21k, CGS. If the personal data is maintained in coded form the Bureau shall transcribe the data into a commonly understandable form before disclosure.

(c) Each Bureau is responsible for verifying the identity of any person requesting access to his/her personal data.

(d) Each Bureau is responsible for ensuring that disclosure made pursuant to the Personal Data Act is conducted so as not to disclose any personal data concerning persons other than the person requesting the information.

(e) Each Bureau may refuse to disclose to a person medical, psychiatric or psychological data on that person if it is determined that such disclosure would be detrimental to that person.

(f) In any case where a Bureau refuses disclosure, it shall advise that person of his/her right to seek judicial relief pursuant to the Personal Data Act.

(g) If a Bureau refuses to disclose medical, psychiatric or psychological data to a person based on its determination that disclosure would be detrimental to that person and nondisclosure is not mandated by law, the Bureau shall, at the written request of such person, permit a qualified medical doctor to review the personal data contained in the person's record to determine if the personal data should be disclosed. If disclosure is recommended by the person's medical doctor, the Bureau shall disclose the personal data to such person; if nondisclosure is recommended by such person's medical doctor, the Bureau shall not disclose the personal data and shall inform such person of the judicial relief provided under the Personal Data Act.

(h) Each Bureau shall maintain a complete log of each person, agency or organization who has obtained access to or to whom disclosure has been made of personal data under the Personal Data Act, together with the reason for each such disclosure or access. This log must be maintained for not less than five years from the date of such disclosure or access or for the life of the personal data record, whichever is longer.

(Effective December 4, 1986)

Sec. 4-23b-6. Procedures for contesting record content

(a) Any person who believes that a Bureau of the Department of Administrative Services is maintaining inaccurate, incomplete or irrelevant data concerning him/her may file a written request with that Bureau for correction of said data.

(b) Within 30 days of receipt of such request the Bureau shall give written notice to that person that it will make the requested correction, or if the correction is not to be made as submitted, the Bureau shall state the reason for its denial of such request and notify the person of his/her right to add his/her own statement to his/her personal data records. This statement will set forth what the person believes to be an accurate, complete and relevant version of the personal data in question. Such statements shall become a permanent part of the Bureau's personal data system and shall be disclosed to any individual, agency or organization to which the disputed personal data has been disclosed.

(Effective December 4, 1986)

Sec. 4-23b-7. Uses to be made of the personal data

(a) Employees in each Bureau of the Department of Administrative Services may be assigned duties which utilize personal data in varying degrees depending upon the requirements of the Bureau's objectives and functions.

(b) Each Bureau will maintain all records and correspondence in accordance with schedules approved by and on file with the Public Records Administrator as required by Section 11-8a, CGS.

(c) When an individual is asked to supply personal data to a Bureau, the Bureau shall disclose to that individual, upon request, the name of the agency and the division within the agency which is requesting the data, the legal authority under which the Bureau is empowered to collect and maintain the personal data, the individual's rights pertaining to such records under the Personal Data Act and the Department of Administrative Service's regulations, the known consequences arising from supplying or refusing to supply the requested personal data and the proposed use to be made of the requested personal data.

(Effective December 4, 1986)

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Rules of Practice for Contested Case Proceedings under the Whistleblower Protection Act

Sec. 4-61dd-1. Definitions

As used in sections 4-61dd-1 to 4-61dd-21, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Complainant” means a person who has filed a complaint with the office of public hearings pursuant to section 4-61dd of the Connecticut General Statutes;

(2) “Complaint” means a written statement containing facts sufficient to allege a violation of section 4-61dd of the Connecticut General Statutes, and includes any amended complaint;

(3) “Contested case” means “contested case” as defined in section 4-166 of the Connecticut General Statutes;

(4) “Day” means a calendar day;

(5) “Employee” means any person employed by the state, a quasi-public agency, or a large state contractor;

(6) “Final decision” means “final decision” as defined in section 4-166 of the Connecticut General Statutes;

(7) “Intervenor” means “intervenor” as defined in section 4-166 of the Connecticut General Statutes;

(8) “Notice of hearing” means the notice required to be provided to the parties pursuant to subsections (a) and (b) of section 4-177 of the Connecticut General Statutes;

(9) “Office of public hearings” means the office of public hearings of the Commission on Human Rights and Opportunities, which consists of human rights referees appointed by the governor in accordance with section 46a-57 of the Connecticut General Statutes;

(10) “Paper” means any motion, pleading, memorandum, correspondence, or other non-evidentiary document filed with the office of public hearings;

(11) “Party” means “party” as defined in section 4-166 of the Connecticut General Statutes;

(12) “Person” means “person” as defined in section 4-166 of the Connecticut General Statutes;

(13) “Presiding officer” means the human rights referee appointed under section 46a-57 of the Connecticut General Statutes assigned by the chief human rights referee to conduct a hearing and issue a decision on a complaint;

(14) “Quasi-public agency” means “quasi-public agency” as defined in section 1-120 of the Connecticut General Statutes;

(15) “Respondent” means any person who is named as the subject of a complaint filed under section 4-61dd of the Connecticut General Statutes; and

(16) “Ruling” means a decision, order or directive of the presiding officer, other than a final decision.

(17) “Large state contractor” has the same meaning as it is defined in section 4-61dd of the Connecticut General Statutes.

(Adopted effective April 23, 2003; amended December 30, 2008)

Sec. 4-61dd-2. Applicability, purpose, construction and severability

(a) Sections 4-61dd-1 to 4-61dd-21, inclusive, of the Regulations of Connecticut State Agencies govern contested case proceedings commenced pursuant to section 4-61dd of the Connecticut General Statutes and held before a human rights referee. The purpose of sections 4-61dd-1 to 4-61dd-21, inclusive, of the Regulations of

Connecticut State Agencies is to secure the just and expeditious adjudication of a contested case.

(b) As used in sections 4-61dd-1 to 4-61dd-21, inclusive, of the Regulations of Connecticut State Agencies, words in the singular include the plural, and words in the masculine include the feminine or neuter, and vice versa, as the case may be.

(c) Nothing in sections 4-61dd-1 to 4-61dd-21, inclusive, of the Regulations of Connecticut State Agencies shall be construed to limit the ability of the presiding officer to make such orders as will aid in the just, economic, and efficient resolution of a contested case.

(d) Sections 4-61dd-1 to 4-61dd-21, inclusive, of the Regulations of Connecticut State Agencies shall apply on and after their effective date to every hearing held pursuant to section 4-61dd (b) (2) of the Connecticut General Statutes, whether such hearing commenced before or on or after such effective date, except where application to a hearing that commenced before such effective date would unavoidably result in unfairness to any party.

(e) If any provisions of sections 4-61dd-1 to 4-61dd-21, inclusive, of the Regulations of Connecticut State Agencies should be found to be unconstitutional or otherwise legally unenforceable, all other provisions of said regulations shall remain in full force and effect.

(Adopted effective April 23, 2003; amended December 30, 2008)

Sec. 4-61dd-3. Commencement of contested case proceeding

Contested case proceedings commence on the date that a complaint is filed in the office of public hearings in accordance with section 4-61dd-5 of the Regulations of Connecticut State Agencies. Contested case proceedings shall be conducted in accordance with sections 4-166 to 4-186, inclusive, of the Connecticut General Statutes and sections 4-61dd-1 to 4-61dd-21, inclusive, of the Regulations of Connecticut State Agencies, as required by section 4-61dd(b)(3) of the Connecticut General Statutes.

(Adopted effective April 23, 2003)

Sec. 4-61dd-4. The complaint

(a) The complaint shall contain sufficient information to place each respondent on notice of the claims against that respondent. The complaint shall be in writing and shall contain, at minimum, the following:

- (1) The full name, address and telephone number of the complainant;
- (2) The name and address of each respondent;
- (3) A plain and simple statement of the alleged facts, events or actions upon which the complaint is based;
- (4) The date of the alleged violation;
- (5) The location where the alleged violation occurred;
- (6) The relief sought; and
- (7) Such other information as the office of public hearings may require.

(b) A complaint may be amended in accordance with section 4-61dd-7 of the Regulations of Connecticut State Agencies.

(c) The complaint shall be filed with the office of public hearings.

(d) The complaint shall not be deemed defective solely because of the absence of one or more of the items contained in subsection (a) of this section, provided that the complaint shall be amended as directed by the presiding officer.

(e) The office of public hearings shall serve the complaint on the respondent by certified mail, return receipt requested.

(Adopted effective April 23, 2003; amended December 30, 2008)

Sec. 4-61dd-5. Filing and service

(a) The original and one copy of, the answer, and any other paper allowed or required by sections 4-61dd-1 to 4-61dd-21, inclusive, of the Regulations of Connecticut State Agencies shall be filed at the office of public hearings or at such other address as the chief human rights referee or the presiding referee may require as set forth in the notice of hearing.

(b) The date of the filing of the complaint, the answer, or any other paper shall be the date it is stamped as received in the office of public hearings.

(c) A copy of the answer, and any other paper filed with the office of public hearings shall be served upon all other parties by personal delivery, including by a document delivery service, by mail or by electronic or facsimile mail as authorized by the presiding officer. The answer, and any other paper filed shall be accompanied by a certification that copies thereof were served upon all parties.

(d) Upon motion by a party, and for good cause shown, the presiding officer may extend the time within which the answer or any other paper may be filed.

(Adopted effective April 23, 2003; amended December 30, 2008)

Sec. 4-61dd-6. Notice of hearing

(a) Upon the filing of a complaint, the chief human rights referee shall appoint a human rights referee to act as a presiding officer, and shall further issue to all parties a written notice of hearing in accordance with subsections (a) and (b) of section 4-177 of the Connecticut General Statutes. The notice of hearing shall include:

- (1) A statement of the time and place of the hearing;
- (2) A statement of the time and place of the initial conference;
- (3) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (4) A reference to the particular sections of the statutes and regulations involved;
- (5) A short and plain statement of the matters asserted;
- (6) A statement informing the respondent that respondent shall file a written answer to the complaint within ten (10) days of receipt of the complaint and the notice of hearing or such other time as may be established in the notice of hearing;
- (7) The address, facsimile mail number and telephone number of the office of public hearings; and
- (8) The address at which the answer and all original papers concerning the contested case proceeding shall be filed.

(b) The office of public hearings shall issue the notice of hearing together with the complaint by certified mail, return receipt requested not less than sixty (60) days prior to the hearing and not less than fourteen (14) days prior to the initial conference.

(Adopted effective April 23, 2003; amended December 30, 2008)

Sec. 4-61dd-7. Amendment of the complaint; consolidation

(a) Any complaint may, upon motion by the complainant, be amended after the appointment of the presiding officer. The presiding officer shall permit reasonable amendment of any complaint and shall allow the parties sufficient time to respond and to prepare their case in light of the amendment.

(b) A motion to amend the complaint by adding a respondent, along with a copy of the proposed amendment, shall be served by the complainant upon the proposed respondent, in accordance with section 4-61dd-5(c) of the Regulations of Connecticut State Agencies.

(c) If the complainant dies, the complaint may be amended not more than ninety (90) days thereafter to allow a legal representative of the complainant's estate to pursue the complaint.

(d) Upon commencement of the contested case proceeding, the presiding officer may, on his own or upon motion by a party, consolidate two or more complaints and issue appropriate orders relating thereto.

(Adopted effective April 23, 2003; amended December 30, 2008)

Sec. 4-61dd-8. The answer

(a) The respondent shall file a written answer to the complaint not more than ten (10) days after receipt of the complaint and the notice of hearing. The answer shall admit, deny or plead insufficient knowledge to each and every allegation, or portion thereof, of the complaint. The answer shall set forth any facts or claims that may constitute a defense.

(b) The answer shall contain the mailing address, telephone number and facsimile mail number of the respondent, and the mailing address, telephone number and facsimile mail number of the respondent's authorized representative.

(c) Any allegation not answered in accordance with subsection (a) of this section shall be deemed admitted.

(d) The presiding officer shall, upon motion by a party, permit reasonable amendment of the answer and shall allow parties sufficient time to respond and to prepare their case in light of the amendment.

(e) The complainant's failure to file a written response to a defense shall not be deemed an admission of said defense.

(Adopted effective April 23, 2003; amended December 30, 2008)

Sec. 4-61dd-9. The initial conference

(a) The presiding officer shall conduct an initial conference not more than thirty (30) days after the filing of the complaint.

(b) The parties or their authorized representatives shall appear at the initial conference on the date and at the time and place specified in the notice of hearing. The presiding officer shall establish a schedule for all prehearing matters, and shall address such additional matters as may aid in the disposition of the complaint, including but not limited to:

(1) Delineation of the case, the respective positions of the parties and the order of presentation at the hearings;

(2) The necessity of amendments to the complaint or answer;

(3) The disclosure of documents in accordance with section 4-61dd-16 of the Regulations of Connecticut State Agencies;

(4) Motions directed to the pleadings;

(5) The exchange of witness lists and exhibit lists; and

(6) The exchange of copies of documents each party intends to or is likely to introduce at the hearing.

(c) After the initial conference, the presiding officer shall issue an order that will, unless modified thereafter by the presiding officer, control the subsequent course of the proceeding.

(Adopted effective April 23, 2003)

Sec. 4-61dd-10. Parties and intervenors

(a) The complainant and the respondent shall be parties. Other persons may petition the presiding officer to participate as parties or intervenors. The presiding

officer may grant party or intervenor status to any person meeting the standards of section 4-177a of the Connecticut General Statutes, and may limit an intervenor's participation as provided therein. Once granted such status, a party or intervenor, subject to any limitations imposed by the presiding officer, shall be treated like any other party to the proceedings, with the same rights and obligations attendant thereto.

(b) Any party may object to the participation of another person as a party or intervenor by filing, at or before the commencement of a hearing, a written objection and serving a copy of the objection upon the person seeking such status and upon all other parties of record in accordance with section 4-61dd-5(c) of the Regulations of Connecticut State Agencies and section 4-177a of the Connecticut General Statutes.

(Adopted effective April 23, 2003)

Sec. 4-61dd-11. Representation; appearances; withdrawals

(a) The parties may appear pro se or through an attorney or other duly authorized representative, as provided by law.

(b) An attorney may appear by filing an appearance or document containing the name of the case, the docket number, the name of the party or parties which the attorney is representing, the attorney's juris number if the attorney is admitted to practice in Connecticut, and the attorney's address, telephone number, facsimile mail number and electronic mail number. Any document constituting an appearance shall be personally signed by the attorney filing the appearance.

(c) A law firm may appear by filing its juris number only if it also appears by naming an individual attorney associated with the firm who will be responsible for the firm's representation and providing the juris number of that individual attorney. Delivery or mailing of documents to that individual will constitute delivery to the law firm. Law firms that appear are responsible for keeping the office of public hearings informed of the individual attorney responsible for the client's representation.

(d) Upon written motion, counsel in good standing from jurisdictions other than Connecticut and law student interns may request and, for good cause shown, be allowed to appear in specific proceedings, provided counsel admitted to practice in Connecticut is present during all of the proceedings and signs all pleadings and other papers filed therein and agrees to take full responsibility for the conduct of the attorney or law student intern and the representation of the case.

(e) An attorney who wishes to withdraw an appearance shall file written notice with the office of public hearings and concurrently serve copies of the notice upon his or her client and upon all other parties. The notice shall include the following information: the name of the case; the case number; the name of the party represented; and the withdrawing attorney's name, address, telephone and facsimile mail numbers, and juris number. The attorney shall include a certification that a copy of the notice was mailed to the client and to all other parties. The certification shall include the name of each person served, the address at which service was made, and the dates copies were served. A withdrawal of appearance form is available from the office of public hearings, and it may be used in lieu of the written notice.

(Adopted effective April 23, 2003; amended December 30, 2008)

Sec. 4-61dd-12. Powers and duties of presiding officer

(a) The presiding officer shall control all proceedings to ensure a fair and impartial hearing, ensure that the relevant facts are fully elicited, adjudicate issues of law

and fact, and prevent delay and harassment. In addition to any other powers provided by law, the presiding officer shall have the power to:

- (1) Determine the scope of the hearing;
- (2) Rule on requests and motions;
- (3) Make all necessary or appropriate rulings with regard to evidentiary matters;
- (4) Administer oaths and affirmations;
- (5) Issue subpoenas and compel the attendance and testimony of witnesses for the purposes of providing testimony or producing physical evidence;
- (6) Examine witnesses and control the examination of witnesses;
- (7) Consolidate proceedings or portions thereof; and
- (8) Issue a final decision and order.

(b) The presiding officer may, on his own or upon motion by a party, continue a hearing or conference from day to day or adjourn it to a later date or to a different place by announcement thereof at the hearing or by other appropriate notice. Such notice shall be posted on the door of the hearing room if the change is made within twenty-four (24) hours of the scheduled hearing.

(Adopted effective April 23, 2003; amended December 30, 2008)

Sec. 4-61dd-13. Conduct of hearings

(a) All hearings shall be conducted by a presiding officer and shall be open to the public, unless otherwise provided by law.

(b) Each party shall be afforded the opportunity to call, examine and cross-examine witnesses and introduce evidence into the record of the hearing, subject to the ruling of the presiding officer and as otherwise provided in sections 4-61dd-1 to 4-61dd-21, inclusive, of the Regulations of Connecticut State Agencies and in the Connecticut General Statutes. Witnesses at all hearings shall testify orally, under oath or affirmation. The presiding officer may examine witnesses to ensure a full inquiry into all contested facts and to ensure a fair determination of the issues.

(c) The presiding officer, in the exercise of reasonable discretion, may exclude from the hearing room any witness not testifying, and may exclude from attendance or from participation in the hearing any person who engages in improper conduct during the hearing.

(d) With the written consent of the parties, the presiding officer may, without holding a hearing, make findings of fact and conclusions of law upon stipulated facts or admissions.

(Adopted effective April 23, 2003)

Sec. 4-61dd-14. Motions, objections and waiver

(a) Except as otherwise permitted by the presiding officer, all motions shall be in writing, stating briefly the grounds for such motion and the order or relief sought. Motions shall be filed in accordance with section 4-61dd-5 of the Regulations of Connecticut State Agencies. When time is essential, motions may be made by telephonic conference call, provided that all parties have an opportunity to participate.

(b) Except as otherwise permitted by the presiding officer, objections or other responses to written motions shall be in writing, stating briefly the basis of the objection or response, and shall be filed not more than ten (10) days after the filing of the motion. Responses to motions shall be filed in accordance with section 4-61dd-5 of the Regulations of Connecticut State Agencies.

(c) The presiding officer may decide all motions without oral argument. If the presiding officer, on his own or upon motion by a party, orders oral argument, the presiding officer shall notify the parties of the time and place for such argument.

Parties not present shall be deemed to have waived their right to participate at oral argument.

(d) Any objection not duly and timely made may be deemed waived.

(Adopted effective April 23, 2003; amended December 30, 2008)

Sec. 4-61dd-15. Default and dismissal; insufficiency of pleadings; hearing in damages

(a) The presiding officer may, on his own or upon motion by a party, enter an order of default against a respondent if the respondent:

(1) Fails to file a written answer as provided for in section 4-61dd-8 of the Regulations of Connecticut State Agencies; or (2) Fails to appear at a lawfully noticed conference or hearing without good cause.

(b) Upon entering an order of default, the presiding officer may take evidence and issue such orders as may be necessary. The office of public hearings shall issue to the parties notice of the entry of the default and of the date, time and place for a hearing in damages. The hearing shall be limited to the relief necessary to make the complainant whole. Service of the notice of entry of default and hearing in damages shall be made upon the respondent by certified mail, return receipt requested.

(c) The presiding officer may, on his own or upon motion by a party, dismiss a complaint or a portion thereof if the complainant:

(1) Fails to establish subject matter jurisdiction or personal jurisdiction;

(2) Fails to appear at a lawfully noticed conference or hearing without good cause; or

(3) Fails to sustain his or her burden after presentation of evidence.

(d) Whenever a respondent alleges that the complaint fails to state a claim for which relief can be granted, the respondent may file a motion to strike. The motion shall be accompanied by a memorandum of law citing the legal authorities relied on and shall distinctly specify the reason or reasons for the claimed insufficiency. Unless otherwise ordered by the presiding officer, the complainant shall file a response to the motion within fifteen days of the filing of the motion. If the motion is granted by the presiding officer, the complainant shall, within the time ordered by the presiding officer, file a revised complaint complying with the ruling. Failure to file a revised complaint may result in the dismissal of the case.

(e) Whenever a complainant alleges the legal insufficiency of an answer, part of an answer or special defense, the complainant may file a motion to strike the contested pleading or part thereof. Unless otherwise ordered by the presiding officer, the respondent shall file a response to the motion within fifteen days of the filing of the motion.

(f) Upon the entry of an order of dismissal of the entire case, the office of public hearings shall notify the parties as provided in section 4-180(c) of the Connecticut General Statutes.

(Adopted effective April 23, 2003; amended December 30, 2008)

Sec. 4-61dd-16. Disclosure of documents

(a) Each party shall be afforded the opportunity to inspect and copy relevant and material records, papers and documents not in the possession of the party, except as otherwise provided by applicable state or federal law.

(b) If a party fails to comply with an order of the presiding officer regarding a request for disclosure or production, the presiding officer may issue a non-monetary order, including but not limited to:

(1) An order finding that the matters that are the subject of the request for production or disclosure are established in accordance with the claim of the party requesting such order;

(2) An order prohibiting the party who has failed to comply from introducing designated matters into evidence; and

(3) An order limiting the participation of such party with regard to issues or facts relating to the disclosure sought.

(Adopted effective April 23, 2003)

Sec. 4-61dd-17. Sanctions

In addition to those sanctions allowed under sections 4-61dd-15 and 4-61dd-16 of the Regulations of Connecticut State Agencies, if a party or the attorney or other representative of a party fails to comply with sections 4-61dd-1 to 4-61dd-21 of the Regulations of Connecticut State Agencies or with a ruling of the presiding officer, the presiding officer may impose such non-monetary sanctions as he or she deems just and appropriate under the circumstances, including but not limited to continuance of the proceeding, exclusion of testimony or other evidence, and the drawing of an adverse inference against the noncomplying party or attorney or representative of a party.

(Adopted effective April 23, 2003)

Sec. 4-61dd-18. Closing arguments and briefs

At the close of evidence, the presiding officer may, on his own or upon motion, permit the parties to present final arguments on the facts and issues of the case orally and may require the filing of briefs upon such terms and with such time as the presiding officer determines. The presiding officer may require the parties to submit proposed findings of fact and conclusions of law. The presiding officer may deem the failure to brief any claim to be a waiver of such claim.

(Adopted effective April 23, 2003; amended December 30, 2008)

Sec. 4-61dd-19. Final decisions; modifications

(a) The presiding officer shall issue a written final decision not more than ninety (90) days following the close of evidence or the due date for the filing of briefs, whichever is later, in accordance with section 4-180 of the Connecticut General Statutes.

(b) Final decisions shall contain the names and addresses of the parties, findings of fact, conclusions of law, analysis by the presiding officer and an appropriate order, and shall satisfy any and all requirements contained in section 4-180 of the Connecticut General Statutes.

(c) The presiding officer may, without further proceedings, modify a final decision to correct clerical errors in accordance with section 4-181a (c) of the Connecticut General Statutes.

(d) The presiding officer shall enter appropriate orders with respect to each respondent.

(e) The office of public hearings shall serve a copy of the final decision and order on all parties and their representatives in accordance with section 4-180 of the Connecticut General Statutes.

(Adopted effective April 23, 2003; amended December 30, 2008)

Sec. 4-61dd-20. Reconsideration, reversal or modification of final decision

The final decision and order of the presiding officer may be reconsidered, reversed or modified in accordance with section 4-181a of the Connecticut General Statutes.

(Adopted effective April 23, 2003)

Sec. 4-61dd-21. Record of proceedings

In addition to the items specified in section 4-177(d) of the Connecticut General Statutes, the record of a contested case proceeding shall include, but not be limited to: the complaint and any amended complaint, the answer and any amended answer, briefs and other legal memoranda, and any correspondence between the presiding officer and any party or other person concerning the contested case proceeding. The office of public hearings shall maintain and, whenever necessary, certify the official record of all hearings in accordance with chapter 54 and other applicable provisions of the Connecticut General Statutes.

(Adopted effective April 23, 2003)

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Personal Data

Sec. 4-65a-1. Personal data

(a) **Definitions.**

(1) The following definitions shall apply to these regulations:

(A) “Category of Personal Data” means the classification of personal information set forth in the Personal Data Act, Conn. Gen. Stat. Sec. 4-190 (9).

(B) “Other Data” means any information which because of name, identifying number, mark or description can be readily associated with a particular person.

(2) Terms defined in Conn. Gen. Stat. Sec. 4-190 shall apply to these regulations.

(b) **General Nature and Purpose of Personal Data Systems.**

(1) The Office of Policy and Management maintains the following personal data systems:

(A) Personnel Records

(i) All personnel records are maintained at the Office of Policy and Management, 80 Washington Street, Hartford, Connecticut.

(ii) Personnel records are maintained in both automated and manual form.

(iii) Personnel records are maintained for the purposes of providing a history of payroll, promotion, discipline and related personnel information concerning Office of Policy and Management employees.

(iv) Personnel records are the responsibility of the Personnel Officer whose business address is the Office of Policy and Management, 80 Washington Street, Hartford, Connecticut. All requests for disclosure or amendment of these records should be directed to the Personnel Officer.

(v) Routine sources for information retained in personnel records are generally the employee, previous employers of the employee, references provided by applicants for employment, the employee’s supervisor, the Comptroller’s Office, Department of Administrative Services, Division of Personnel and Labor Relations, and State insurance carriers.

(vi) Personal data in personnel records are collected, maintained and used under the authority of the State Personnel Act, Conn. Gen. Stat. Sec. 5-193 et seq.

(B) Examination and Certification Applications of Revaluation Company Employees.

(i) Examination and certification applications of revaluation company employees are maintained with the Board of Assessment Advisers, Intergovernmental Relations Division, 80 Washington Street, Hartford, Connecticut.

(ii) Examination and certification applications of revaluation company employees are maintained in manual form.

(iii) Examination and certification applications of revaluation company employees are maintained for the purpose of determining the qualifications of applicants for certification to perform property valuations for a municipality for assessment purposes.

(iv) Examination and certification applications of revaluation company employees are maintained with the Administrator of Program Management, Intergovernmental Relations Division, 80 Washington Street, Hartford, Connecticut.

All requests for disclosure or amendment of these records should be directed to the Administrator.

(v) Routine sources of information retained in examination and certification applications of revaluation company employees include applicants for certification and professional references provided by applicants.

(vi) Personal data in examination and certification applications of revaluation company employees are collected, maintained and used under the authority of Conn. Gen. Stat. Secs. 12-2b and 12-2c.

(C) Applications for Additional Property Tax Exemption for Veterans.

(i) Applications for additional property tax exemptions for veterans are maintained with the Intergovernmental Relations Division, 80 Washington Street, Hartford, Connecticut.

(ii) Applications for additional property tax exemptions for veterans are maintained in both automated and manual forms.

(iii) Applications for additional property tax exemptions for veterans are maintained for the purposes of reimbursing municipalities for the revenue loss represented by the additional property tax exemptions and auditing and making necessary adjustments to municipal claims for reimbursement.

(iv) Applications for additional property tax exemptions for veterans are maintained with the Administrator of Program Management, Intergovernmental Relations Division, 80 Washington Street, Hartford, Connecticut. All requests for disclosure or amendment of these records should be directed to the Administrator.

(v) Routine sources of information retained in applications for additional property tax exemptions for veterans include applicants for the exemption and municipal assessors.

(vi) Personal data in applications for additional property tax exemptions for veterans are collected, maintained and used under the authority of Conn. Gen. Stat. Sec. 12-81g.

(D) Applications for Tax Relief for Elderly Renters and Totally Disabled Persons.

(i) Applications for tax relief for elderly renters and totally disabled persons are maintained with the Intergovernmental Relations Division, 80 Washington Street, Hartford, Connecticut.

(ii) Applications for tax relief for elderly renters and totally disabled persons are maintained in both automated and manual form.

(iii) Applications for tax relief for elderly renters and totally disabled persons are maintained for the purposes of providing a State grant in refund of utility and rent bills of income-eligible elderly renters and totally disabled persons.

(iv) Applications for tax relief for elderly renters and totally disabled persons are maintained with the Administrator of Program Management, Intergovernmental Relations Division, 80 Washington Street, Hartford, Connecticut. All requests for disclosure or amendment of these records should be directed to the Administrator.

(v) Routine sources of information retained in applications for tax relief for elderly renters and totally disabled persons include applicants for the tax relief, municipal assessors and municipal agents for the elderly.

(vi) Personal data in applications for tax relief for elderly renters and totally disabled persons are collected, maintained and used under the authority of Conn. Gen. Stat. Secs. 12-170d to 12-170g, inclusive.

(E) Applications for Tax Credits for Elderly Homeowners and Totally Disabled Persons.

(i) Applications for tax credits for elderly homeowners and totally disabled persons are maintained with the Intergovernmental Relations Division, 80 Washington Street, Hartford, Connecticut.

(ii) Applications for tax credits for elderly homeowners and totally disabled persons are maintained in both automated and manual forms.

(iii) Applications for tax credits for elderly homeowners and totally disabled persons are maintained for the purposes of reimbursing municipalities for the revenue loss represented by the tax credits provided to eligible elderly homeowners and totally disabled persons and auditing and making adjustments to municipal claims for reimbursement.

(iv) Applications for tax credits for elderly homeowners and totally disabled persons are maintained with the Administrator of Program Management, Intergovernmental Relations Division, 80 Washington Street, Hartford, Connecticut. All requests for disclosure or amendment of these records should be directed to the Administrator.

(v) Routine sources of information retained in applications for tax credits for elderly homeowners and totally disabled persons include the applicant for tax credits, municipal assessors and municipal agents for the elderly.

(vi) Personal data in applications for tax credits for elderly homeowners and totally disabled persons are collected, maintained and used under the authority of Conn. Gen. Stat. Secs. 12-129b to 12-129d, inclusive, and Secs. 12-170aa to 12-170cc, inclusive.

(F) Real Property Sales Data.

(i) Real property sales data are maintained with the Intergovernmental Relations Division, 80 Washington Street, Hartford, Connecticut.

(ii) Real property sales data are maintained in both automatic and manual form.

(iii) Real property sales data are maintained for the purposes of determining the sales-assessment ratio for each town in order to calculate the equalized net grand list for each such town.

(iv) Real property sales data are maintained with the Administrator of Program Management, Intergovernmental Relations Division, 80 Washington Street, Hartford, Connecticut.

(v) Routine sources of information retained in real property sales data include town clerks, town assessors and Sales Ratio Assessment personnel in the Office of Policy and Management.

(vi) Real property sales data are collected, maintained and used under the authority of Conn. Gen. Stat. Sec. 10-261b.

(c) Categories of Personal Data.

(1) Personnel Records

(A) The following categories of personal data are maintained in personnel records:

(i) Educational records.

(ii) Medical or emotional condition or history.

(iii) Employment records.

(iv) Marital status.

(v) Other reference records.

(B) The following categories of other data may be maintained in personnel records:

(i) Addresses.

(ii) Telephone numbers.

(C) Personnel records are maintained on employees of the Office of Policy and Management and applicants for employment with the Office of Policy and Management.

(2) Records of Examination and Certification Applications of Revaluation Company Employees.

(A) The following categories of personal data are maintained in the records of examination and certification applications of revaluation company employees:

(i) Educational records.

(ii) Employment records.

(B) The following categories of other data may be maintained in the records of examination and certification applications of revaluation company employees:

(i) Addresses.

(ii) Telephone number.

(C) Records of examination and certification applications are maintained on certified revaluation company employees and applicants for certification.

(3) Records of Applications for Additional Property Tax Exemption for Veterans.

(A) The following categories of personal data are maintained in the records of applications for additional property tax exemption for veterans:

(i) Medical or emotional condition or history.

(ii) Finances.

(iii) Marital status.

(B) The following categories of other data may be maintained in the records of applications for additional property tax exemption for veterans:

(i) Addresses.

(ii) Telephone numbers.

(C) Records of applications for the additional property tax exemptions for veterans are maintained on applicants for such exemption.

(4) Records of Applications for Tax Relief for Elderly Renters and Totally Disabled Persons.

(A) The following categories of personal data are maintained in the records of applications for tax relief for elderly renters and totally disabled persons:

(i) Medical or emotional condition or history.

(ii) Finances.

(iii) Marital status.

(B) The following categories of other data are maintained in records of applications for tax credits for elderly homeowners and totally disabled persons:

(i) Addresses.

(ii) Telephone numbers.

(C) Records of applications for tax credits for elderly homeowners and totally disabled persons are maintained on applicants for such tax credits.

(5) Real Property Sales Data Records.

(A) The following categories of personal data are maintained in the records of real property sales:

(i) Finances.

(B) The following categories of other data may be maintained in the records of real property sales:

(i) Addresses.

(C) Records of real property sales are maintained on grantors and grantees of real property transactions.

(d) **Maintenance of Personal Data-general.**

(1) Personal data will not be maintained by the Office of Policy and Management unless relevant and necessary to accomplish the lawful purposes of the agency. Where the agency finds irrelevant or unnecessary public records in its possession, the agency shall dispose of the records in accordance with its records retention schedule and with the approval of the Public Records Administrator as per Conn. Gen. Stat. Sec. 11-8a, or, if the records are not disposable under the records retention

schedule, request permission from the Public Records Administrator to dispose of the records under Conn. Gen. Stat. Sec. 11-8a.

(2) The Office of Policy and Management will collect and maintain all records with accurateness and completeness.

(3) Insofar as it is consistent with the needs and mission of the Office of Policy and Management, the Office, wherever practical, shall collect personal data directly from the persons to whom a records pertains.

(4) Employees of the Office of Policy and Management involved in the operations of the agency's personal data systems will be informed of the provisions of the (i) Personal Data Act, (ii) the agency's regulations adopted pursuant to Sec. 4-196, (iii) the Freedom of Information Act and (iv) any other state or federal statute or regulations concerning maintenance or disclosure of personal data kept by the agency.

(5) All employees of the Office of Policy and Management shall take reasonable precautions to protect personal data under their custody from the danger of fire, theft, flood, natural disaster and other physical threats.

(6) The Office of Policy and Management shall incorporate by reference the provisions of the Personal Data Act and regulations promulgated thereunder in all contracts, agreements or licenses for the operation of a personal data system or for research, evaluation and reporting of personal data for the agency or on its behalf.

(7) The Office of Policy and Management shall have an independent obligation to insure that personal data requested from any other state agency is properly maintained.

(8) Only employees of the Office of Policy and Management who have a specific need to review personal data records for lawful purposes of the agency will be entitled to access to such records under the Personal Data Act.

(9) The Office of Policy and Management will keep a written up-to-date list of individuals entitled to access to each of the agency's personal data systems.

(10) The Office of Policy and Management will insure against unnecessary duplication of personal data records. In the event it is necessary to send personal data records through interdepartmental mail, such records will be sent in envelopes or boxes sealed and marked "confidential."

(11) The Office of Policy and Management will insure that all records in manual personal data systems are kept under lock and key and, to the greatest extent practical, are kept in controlled access areas.

(e) Maintenance of Personal Data-automated Systems.

(1) To the greatest extent practical, automated equipment and records shall be located in a limited access area.

(2) To the greatest extent practical, the Office of Policy and Management shall require visitors to such limited access area to sign a visitor's log and permit access to said area on a bona-fide need-to-enter basis only.

(3) To the greatest extent practical, the Office of Policy and Management will insure that regular access to automated equipment is limited to operations personnel.

(4) The Office of Policy and Management shall utilize appropriate access control mechanisms to prevent disclosure of personal data to unauthorized individuals.

(f) Maintenance of Personal Data-disclosure.

(1) Within four business days of receipt of a written request therefor, the Office of Policy and Management shall mail or deliver to the requesting individual a written response in plain language, informing him/her as to whether or not the Office

maintains personal data on that individual, the category and location of the personal data maintained on that individual and procedures available to review the records.

(2) Except where nondisclosure is required or permitted by law, the Office of Policy and Management shall disclose to any person upon written request all personal data concerning that individual which is maintained by the Office. The procedures for disclosure shall be in accordance with Conn. Gen. Stat. Secs. 1-15 through 1-21k. If the personal data is maintained in coded form, the Office shall transcribe the data into a commonly understandable form before disclosure.

(3) The Office of Policy and Management is responsible for verifying the identity of any person requesting access to his/her own personal data.

(4) The Office of Policy and Management is responsible for ensuring that disclosure made pursuant to the Personal Data Act is conducted so as not to disclose any personal data concerning persons other than the person requesting the information.

(5) The Office of Policy and Management may refuse to disclose to a person medical, psychiatric or psychological data on that person if the Office determines that such disclosure would be detrimental to that person. The Office may also refuse to disclose to a person personal data pertaining to that person if such nondisclosure is otherwise permitted or required by law. In either case, the Office shall advise that person of his/her right to seek judicial relief pursuant to the Personal Data Act.

(6) If the Office of Policy and Management refuses to disclose medical, psychiatric or psychological data to a person based on its determination that disclosure would be detrimental to that person and nondisclosure is not mandated by law, the Office shall, at the written request of such person, permit a qualified medical doctor to review the personal data contained in the person's records to determine if the personal data should be disclosed. If disclosure is recommended by the person's medical doctor, the Office shall disclose the personal data to such person; if nondisclosure is recommended by such person's medical doctor, the Office shall not disclose the personal data and shall inform such person of the judicial relief provided under the Personal Data Act.

(7) The Office of Policy and Management shall maintain a complete log of each person, individual, agency or organization who has obtained access to, or to whom disclosure has been made of, personal data under the Personal Data Act, together with the reason for each such disclosure or access. This log shall be maintained for not less than five years from the date of such disclosure or access or for the life of the personal data record, whichever is longer.

(g) Contesting the Content of Personal Data Records

(1) Any person who believes that the Office of Policy and Management is maintaining inaccurate, incomplete or irrelevant personal data concerning him/her may file a written request with the Office for correction of said personal data.

(2) Within 30 days of receipt of such request, the Office of Policy and Management shall give written notice to that person that it will make the requested correction, or if the correction is not to be made as submitted, the Office shall state the reason for its denial of such request and notify the person of his/her right to add his/her own statement to his/her personal data records.

(3) Following such denial by the Office of Policy and Management, the person requesting such correction shall be permitted to add a statement to his or her personal data record setting forth what that person believes to be an accurate, complete and relevant version of the personal data in question. Such statements shall become a permanent part of the Office's personal data system and shall be disclosed to any individual, agency or organization to which the disputed personal data is disclosed.

(h) Uses To Be Made of the Personal Data**(1) Personnel Records.**

(A) Employees of the Office of Policy and Management who are assigned personnel and payroll responsibilities use that personal data contained in the Office's personnel records in processing promotions, reclassifications, transfers to another agency, retirement and other personnel actions. Managers and supervisors use the personal data when promotion, career counseling, or disciplinary action against such employee is contemplated, and for other employment-related purposes.

(B) Personnel records are retained in accordance with a records retention schedule adopted pursuant to Conn. Gen. Stat. Sec. 11-8a, a copy of which is available from the Administrative Office, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut.

(2) Records of Examination and Certification Applications of Revaluation Company Employees.

(A) Records of examination and certification applications of revaluation company employees are used for the purposes of determining the qualifications of applicants for certification to perform property valuations for a municipality for assessment purposes. Users include members of the Board of Assessment Advisers, Intergovernmental Relations Division, and others where permitted or required by law.

(B) Records of examination and certification applications of revaluation company employees are retained in accordance with a records retention schedule adopted pursuant to Conn. Gen. Stat. Sec. 11-8a, a copy of which is available from the Intergovernmental Relations Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut.

(3) Records of Applications for Additional Property Tax Exemption for Veterans.

(A) Records of applications for additional property tax exemption for veterans are maintained for the purposes of reimbursing municipalities for the revenue loss represented by the additional property tax exemptions and for auditing and making necessary adjustments to municipal claims for such reimbursement. Users include employees of the Intergovernmental Relations Division, and others where permitted or required by law.

(B) Records of applications for additional property tax exemption for veterans are retained in accordance with a records retention schedule adopted pursuant to Conn. Gen. Stat. Sec. 11-8a, a copy of which is available from the Intergovernmental Relations Division, 80 Washington Street, Hartford, Connecticut.

(4) Records of Applications for Tax Relief for Elderly Renters and Totally Disabled Persons.

(A) Records of applications for tax relief for elderly renters and totally disabled persons are maintained for the purpose of providing a State grant in refund of utility and rent bills of income-eligible elderly renters and totally disabled persons. Users include employees of the Intergovernmental Relations Division, and others where permitted or required by law.

(B) Records of applications for tax relief for elderly renters and totally disabled persons are retained in accordance with a records retention schedule adopted pursuant to Conn. Gen. Stat. Sec. 11-8a, a copy of which is available from the Intergovernmental Relations Division, 80 Washington Street, Hartford, Connecticut.

(5) Records of Applications for Tax Credits for Elderly Homeowners and Totally Disabled Persons.

(A) Records of applications for tax credits for elderly homeowners and totally disabled persons are maintained for the purposes of reimbursing municipalities for

the revenue loss represented by the tax credits provided to eligible elderly homeowners and totally disabled persons and for auditing and making necessary adjustments to municipal claims for such reimbursement. Users include employees of the Intergovernmental Relations Division, and others where permitted or required by law.

(B) Records of applications for tax credits for elderly homeowners and totally disabled persons are retained in accordance with a records retention schedule adopted pursuant to Conn. Gen. Stat. Sec. 11-8a, a copy of which is available from the Intergovernmental Relations Division, 80 Washington Street, Hartford, Connecticut.

(6) Real Property Sales Data.

(A) Records of real property sales data are maintained for the purposes of determining the sales-assessment ratio for each town in order to calculate the equalized net grant list for each such town. Users include employees of the Intergovernmental Relations Division, and others where permitted or required by law.

(B) Records of real property sales data are retained in accordance with a records retention schedule adopted pursuant to Conn. Gen. Stat. Sec. 11-8a, a copy of which is available from the Intergovernmental Relations Division, 80 Washington Street, Hartford, Connecticut.

(7) When an individual is asked to supply personal data to the Office of Policy and Management, the Office shall disclose to that individual, upon request, the name of the agency which is requesting the data, the legal authority under which the agency is empowered to collect and maintain the personal data, the individual's rights pertaining to such records under the Personal Data Act and the agency's regulations, the known consequences arising from supplying or refusing to supply the requested personal data, and the proposed use to be made of the requested personal data.

(Effective January 3, 1989)

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Employment and Training Opportunities for Women in Connecticut's Work Force

Sec. 4-66-1. Scope and purpose

This regulation sets forth the procedures and policies to be followed by the Secretary of the Office of Policy and Management, and applicants, and program operators in carrying out the provisions of Special Act 79-71.

(Effective January 17, 1980)

Sec. 4-66-2. Definitions

For the purposes of this regulation:

(a) "act" means Special Act 79-71.

(b) "Secretary" means the Secretary of the Office of Policy and Management or his designee.

(c) "pilot program" means any program set up under the provisions of Special Act 79-71.

(d) "essential support services" may include services which assist participants in obtaining and maintaining employment.

(e) "skilled industrial jobs" may include, but need not be limited to, occupations employing mechanics, repairers, craftspersons and technicians in the machine trades, construction, printing, health, computer technology, and air transportation.

(Effective January 17, 1980)

Sec. 4-66-3. Authority

The authority for the adoption and implementation of these procedures is vested in the Secretary under Special Act 79-71.

(Effective January 17, 1980)

Sec. 4-66-4. Application procedures

Any unit of local government, state agency, community-based organization, educational institution, or subdivision of any of the above, or any person, is eligible to apply to operate a pilot program. Emphasis will be on giving consideration to proposals from those applicants who have a demonstrated capability to provide a full range of employment services to women.

Eligible organizations or persons shall submit applications to the Secretary on forms prepared by the Secretary and at such times and in such manner as the Secretary shall prescribe.

All applications shall include:

(a) a description of the proposed pilot program and how it will fulfill the provisions of Section 1 of SA 79-71.

(b) a program budget including, but not limited to, administrative costs and other essential support, outreach, and training costs.

(c) specific dates for the beginning and completion of the program.

(d) references, or other documentation of the applicant's ability to recruit and train women for skilled industrial jobs.

(e) a description of the geographic area, population, and labor market to be served.

(Effective January 17, 1980)

Sec. 4-66-5. Selection procedures

All proposals submitted will be reviewed by the Secretary who shall select an applicant or applicants to operate a pilot program. All applicants shall be notified

of the Secretary's decision within sixty days of the deadline for submission of applications.

Selection shall be made on the basis of the following criteria:

1. The degree to which the program provides employment and training services which will prepare women for skilled industrial jobs and which may include the following components:

A. outreach and recruiting,

B. counseling and essential support services,

C. workshops on job-seeking skills, including, but not limited to, resume writing, math, science, tool recognition, oral and written communications, and industrial procedures.

D. efforts to inform teachers and counselors of the increased opportunities for women in skilled industrial jobs, and efforts to inform employers, unions, and policy planners of the increased ability of women to obtain and maintain employment in skilled industrial jobs,

E. placement,

F. provisions for follow-up services for employers and employees with assistance to employers and unions in the promotion of a productive workplace setting for women in skilled industrial jobs.

2. The degree to which the proposal can be replicated in other regions or on a state-wide basis.

3. The degree to which the applicant has demonstrated the administrative capability to operate the program.

4. The degree to which the program has encouraged the use of existing state and local resources, both in the public and private sectors.

5. The degree to which the applicant has demonstrated an ability to reach those women who face major obstacles in entering the labor market.

(Effective January 17, 1980)

Sec. 4-66-6. Obligation of recipients

Upon acceptance of an application and proper notification of the organization, the Secretary shall prepare a written agreement to be signed by both parties. Such agreement shall contain an indication of the organization's intention to provide a written report of its activities to the Secretary upon completion of the project and any other information the Secretary may require.

(Effective January 17, 1980)

Sec. 4-66-7. Responsibility of the secretary

The Secretary shall monitor the program and prepare a final report to be made available to all interested parties upon request.

(Effective January 17, 1980)

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Urban Act Program

Sec. 4-66c-1. Application review

In reviewing and approving applications pursuant to Subdivision 1 of Subsection (b) of Section 4-66c of the General Statutes, received from eligible municipalities, the Commissioner of Economic Development shall consider the following:

- (a) impact of the project on the local neighborhood, region and/or the state;
 - (b) long term economic benefit of the program;
 - (c) impact on the local tax base;
 - (d) potential for job creation and retention;
 - (e) potential for private investments;
 - (f) applicant's financial committment to the project;
 - (g) applicant's ability to implement the project in a timely manner;
 - (h) the relative need for the project and the extent to which the project will advance the purposes set forth in Sec. 4-66b.
- (Effective October 25, 1984)

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Uniform Contribution Scale, Manner of Determination, and Waiver

Sec. 4-68a-1. Definitions

For the purposes of these regulations:

(a) "Bureau" means the Bureau of Collection Services, a unit of the Department of Administrative Services.

(b) "client" means any person receiving or who has received State care or assistance.

(c) "commissioner" means the Commissioner of the Department of Administrative Services.

(d) "contribution" means an amount of money determined to be due and payable from a legally liable relative.

(e) "department" means the Department of Administrative Services.

(f) "exemption scale" means an amount equal to two hundred per cent of the latest Federal poverty income guidelines adjusted by family size, to be subtracted from the taxable income of a legally liable relative in determining an ability to pay.

(g) "father" means natural or adoptive parent of any person receiving or who has received State care or assistance while under eighteen years of age.

(h) "legally liable relative" means the husband or wife of any person receiving or who has received State care or assistance, and the father and mother of any such person receiving or who has received State care or assistance while under the age of eighteen years.

(i) "mother" means natural or adoptive parent of any person receiving or who has received assistance while under eighteen years of age.

(j) "patient" means any person receiving or who has received State care or assistance.

(k) "per diem" means a charge for each day of care or assistance.

(l) "per visit" means each instance of day care, group therapy and/or outpatient service.

(m) "uniform contribution scale" means the method used for assessing a contribution from a legally liable relative.

(Effective May 27, 1988)

Sec. 4-68a-2. Contribution scale

The uniform contribution scale is herein established, wherein the assessment of liability is determined by subtracting two hundred per cent of the amount of the Federal poverty income guidelines, adjusted for family size, as published in the Federal Register, from the taxable income of the legally liable relative, and then assessing twenty-five per cent of the sum representing the difference as the contribution due from the legally liable relative.

(Effective May 27, 1988)

Sec. 4-68a-3. Exemption scale

The Department shall periodically make available, but not less than once a year, to anyone who requests it, an exemption scale which shall be two hundred per cent of the Federal poverty income guidelines adjusted for family size which will be used for any billing determinations which for the calendar year 1987 is as follows:

<i>Number of Exemptions Claimed on Federal Income Tax Return</i>	<i>Annual Exemption (200% of Federal Poverty Income)</i>
1	\$11,000
2	14,800
3	18,600
4	22,400
5	26,200
6	30,000
7	33,800
8	37,600

adding \$3,800 for each additional member for family units with more than 8 members, and which for the following calendar years will be incorporated by reference to the applicable Federal poverty income guidelines as published in the Federal Register for those future years. The billing determination for care and assistance in any year will be established using the previous year's federal income tax return and the corresponding Federal poverty income guidelines for that same year as the federal income tax return. A copy of the exemption scale will be provided to the main library of each town in the State.

(Effective May 27, 1988)

Sec. 4-68a-4. Per diem or per visit billing

The legally liable relative's contribution shall be billed monthly on a per diem and/or per visit charge, whichever is applicable, from the date aid or care began.

(Effective May 27, 1988)

Sec. 4-68a-5. Maximum liability

The legally liable relative's liability shall not exceed the per capita cost of care or the actual amount of assistance.

(Effective May 27, 1988)

Sec. 4-68a-6. Liability of legally liable relative. Insurance

The financial liability of legally liable relatives shall be determined in the absence of insurance coverage, or to assess a financial contribution to pay the difference between insurance coverage and the actual cost of care or assistance.

(Effective May 27, 1988)

Sec. 4-68a-7. Court ordered liability

Whenever a legally liable relative is divorced or legally separated, and is under a court order for support for the client/patient, then the amount of the court order for support determines the liability of the legally liable relative.

(Effective May 27, 1988)

Sec. 4-68a-8. Court order referencing statutory liability

Whenever a divorce agreement/order of a legally liable relative references C.G.S. 4-68a, a financial review of that legally liable relative's ability shall be made, and billing using the uniform contribution scale shall be established by the Bureau.

(Effective May 27, 1988)

Sec. 4-68a-9. Modification of court order

Whenever a divorce agreement/order does not reference C.G.S. 4-68a and if a financial determination discloses a greater ability to contribute than the court ordered support, a modification of the support order may be pursued by the Bureau.

(Effective May 27, 1988)

Sec. 4-68a-10. Liability of divorced or separated and remarried relative

Where the mother and father who are legally liable are divorced and neither one of them is under a court order for support for the client/patient and one or both have remarried, then the following applies: the mother's/father's portion of the taxable income is prorated out of the new family's joint federal income tax return. The number of dependents from the new family households, to be used for the exempt income, are also prorated. If the current spouse of the legally liable relative has a taxable income of less than a single poverty level exemption as found in Sec. 4-68a-2 and 4-68a-3 of these regulations, then that spouse is included in the family dependent count for the exempt income calculation. The twenty-five per cent contribution assessment, resulting after the subtraction of the combined prorated exempt incomes for the combined prorated taxable incomes shall be prorated according to the specific share of the taxable income of each individually liable relative.

(Effective May 27, 1988)

Sec. 4-68a-11. Investigation of liable relative

The Commissioner through the Bureau shall conduct an investigation of a legally liable relative to determine his ability to pay. This investigation may include but is not limited to contact with the legally liable relative for a copy of his complete Federal income tax return and such other information as determined by the Bureau as necessary to the investigation. In cases where the federal income tax return is not made available to the Bureau, such as when no return has been filed or when the legally liable relative refuses to grant permission to the Bureau to review his return, the Bureau may calculate the equivalent amount of federal taxable income from such other sources as may become available, such as but not limited to information concerning wages, salaries, commissions, etc., provided by employers.

(Effective May 27, 1988)

Sec. 4-68a-12. Investigation of sources other than legally liable relative

The Bureau may seek information from sources other than the legally liable relative in order to conduct its investigation.

(Effective May 27, 1988)

Sec. 4-68a-13. Disclosure of information

The Bureau may compel disclosure of information from any person having knowledge of the financial circumstances of a legally liable relative pursuant to Sec. 17-303 of the Connecticut General Statutes.

(Effective May 27, 1988)

Sec. 4-68a-14. Contribution review conference

After a determination of a legally liable relative's ability to pay has been made and the legally liable relative has been notified of his expected contribution, the legally liable relative may request a conference with a Bureau representative to review such determination.

(Effective May 27, 1988)

Sec. 4-68a-15. Periodic review of contribution

Periodic review will be made of each determination. Such review will occur not less than once a year, and whenever requested by the legally liable relative if prompted by significant changes affecting the determination of his ability to pay.
(Effective May 27, 1988)

Sec. 4-68a-16. Reassessment of contribution

Whenever the Bureau determines upon review that a reassessment is warranted, it shall notify the affected legally liable relative and change its billing accordingly. Reassessments may result in higher or lower monthly contributions.
(Effective May 27, 1988)

Sec. 4-68a-17. Administrative feasibility of billing

Billing will be established to any individual legally liable relative whose ability to pay has been determined according to the uniform contribution scale to result in a contribution of \$10 or more per month. It shall be considered administratively feasible to bill and collect contributions which equal or exceed ten dollars per month.
(Effective May 27, 1988)

Sec. 4-68a-18. Authority to waive contribution

The Commissioner or his designee, upon proper investigation and determination may waive a contribution, or any portion thereof, by a legally liable relative if it is found that the contribution would impose a significant financial hardship upon the legally liable relative.
(Effective May 27, 1988)

Sec. 4-68a-19. Determination of waiver

The Commissioner or his designee, may consider one or more of the following in making a determination of a full or partial waiver of charges to a legally liable relative: Loss of gainful employment by a legally liable relative, an increase in the number of family dependents from the federal income tax reporting year, expenses resulting from a catastrophic event or other items of a similar nature. It shall be the responsibility of the requesting legally liable relative to submit documentation acceptable to the Department to support the request for waiver.
(Effective May 27, 1988)

Sec. 4-68a-20. Notice of decision on waiver

The Commissioner or his designee, will review the materials submitted for a waiver and will notify the legally liable relative in writing of his decision.
(Effective May 27, 1988)

Sec. 4-68a-21. Request for hearing

A legally liable relative who has requested a waiver who is aggrieved by the Commissioner's decision on a waiver shall request a hearing in writing within thirty days of the mailing of the notice of the decision.
(Effective May 27, 1988)

Sec. 4-68a-22. Administrative agency hearing

The Commissioner or his designee shall hold a hearing within thirty days of the receipt of a request from an aggrieved legally liable relative and shall, at least ten days prior to the date of such hearing, mail a notice, giving the time and place of

the hearing to the aggrieved legally liable relative. A reasonable period of continuance may be granted for good cause.

(1) The aggrieved legally liable relative shall appear personally at the hearing and may be represented by an attorney or other authorized representative.

(2) A record shall be made of each hearing, but need not be transcribed except in the event of an appeal from the decision of the hearing officer.

(3) The Commissioner or his designee shall have the power to administer oaths and take testimony under oath relative to the matter of the hearing.

(Effective May 27, 1988)

Sec. 4-68a-23. Decision on hearing. Notice. Right of appeal

The Commissioner or his designee shall render a final decision within sixty days, after the close of the hearing, based upon all the evidence introduced before him and applying all pertinent provisions of law, regulations and departmental policy. Notice of the final decision shall be given to the aggrieved legally liable relative by the Commissioner or his designee, by mailing, via certified mail, a copy of the decision to the aggrieved legally liable relative. The aggrieved legally liable relative shall have the right to appeal this decision to the Superior Court in accordance with Connecticut General Statutes Sec. 4-183.

(Effective May 27, 1988)

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Contract Compliance

(See § 46a-68j)

Secs. 4-114a-1—4-114a-18.

Transferred, July 20, 1989.

<i>From</i>	<i>To</i>
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4-114a-7	46a-68j-7
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Art Work in State Buildings Open to Public Use

Sec. 4-131a-1. Purpose

The purpose of these regulations is to implement the provisions of Section 4-131a of the General Statutes, in order to provide the citizens of Connecticut with an improved public environment through the enhancement of state buildings with quality works of art by living professional artists and craftsmen.

(Effective October 30, 1979)

Sec. 4-131a-2. Definitions

For the purposes of sections 4-131a-3 through 4-131a-13, the following definitions shall apply:

(a) **Agency:** the state agency to receive the work of art, upon completion of established procedures for construction, reconstruction, or remodeling.

(b) **Allocated Funds:** not less than one per cent (1%) of the proceeds of state bonds for purposes of construction, reconstruction, or remodeling of any state building (as defined herein), to be determined with respect to the total estimated cost of the project, exclusive of

(i) the cost of any land acquisition,

(ii) any nonconstruction costs including the cost of such work of art, and

(iii) any augmentations to such costs.

(c) **Architect:** the licensed person or firm that has contracted to design any project which is subject to the provisions of Section 4-131a of the General Statutes and to these regulations.

(d) **Artist:** a practitioner in the visual or plastic arts whose objective is to create original works of art. As used herein "artist" means the same as "artisan" and "craftsperson."

(e) **State building:** any building or facility owned or leased by the State of Connecticut and open to the public or intended for such use, exclusive of any shed, warehouse, garage or building of a temporary nature.

(f) **Work of Art:** art work which is to be an integrated part of a state building, including but not limited to, fresco, mosaic, sculpture and other architectural embellishment or functional art created by a professional artist, artisan, or craftsperson, and any work of visual art which is not to be an integrated part of a state building, including but not limited to, a drawing, painting, sculpture, mosaic, photograph, work of calligraphy or work of graphic art or mixed media. Work of art does not mean landscape architecture or landscape gardening.

(Effective October 30, 1979)

Sec. 4-131a-3. Request for allocation

The Commissioner of Administrative Services or his Deputy Commissioner for Public Works shall, with respect to each project for the construction, reconstruction, or remodeling of a state building, request the State Bond Commission to allocate funds for the provision and placement of works of art. Funds may be requested for allocation in whole or part, at the design stage or other project stage, as required for purposes of design, planning, and contractual arrangement with the artist.

(Effective October 30, 1979)

Sec. 4-131a-4. Use of allocated funds

Allocated funds may be expended for any of the following purposes:

(1) Direct costs of purchase and installation of an existing work of art by an artist.

(2) The costs of the production and installation of new works of art, including but not limited to, the following:

- (a) the professional fees of the artist or artists
 - (b) labor of assistants, materials, and contracted services required for production of the work of art
 - (c) studio and operating costs
 - (d) travel expenses of the artist for site visitation and research
 - (e) transportation of the work of art to the site
 - (f) installation of the completed work of art
 - (g) all necessary insurance required by contract
- (3) Plaques and labels identifying the work of art.
- (4) Costs of mechanical, electrical, plumbing and other devices which are an integral component of the work of art, specifically excluding service and utility costs and charges for such devices.

(5) Frames, mats, pedestals, or other support or framing systems which are necessary for the proper presentation of the work of art.

(Effective October 30, 1979)

Sec. 4-131a-5. Allocated fund, restrictions

Allocated funds may be expended only for works of art, in accordance with the immediately preceding regulation, and may not be expended for any of the following:

- (1) Reproductions, by mechanical or other means, of original works of art, unless mechanical means of reproduction are an integral part of the creative process.
- (2) Decorative, ornamental, or functional elements which are designed by the building architect or consultants of the architect.
- (3) Art objects which are mass produced or of a standard commercial design, such as playground sculpture or fountains, except in such cases where these production methods are an essential part of the original work of art.
- (4) Directional, or other functional elements, such as supergraphics, signage, and color coding, except where these elements are an integral part of the original work of art.

(5) Fees for changes required to construction contract documents by architect.

(6) Costs of electrical, mechanical, plumbing, and other services and utilities which are needed to operate the work of art after it has been installed.

(Effective October 30, 1979)

Sec. 4-131a-6. Selection of artist

Artists shall be selected to provide works of art by the Commissioner of Administrative Services or his Deputy Commissioner for Public Works, upon the recommendation of the State Commission on the Arts. The procedure of selection shall be as follows: The Commission shall be informed by the Department of Administrative Services of pending and future state building projects that have been designated to receive works of art, and it shall make public announcements concerning all eligible projects. In its public announcements the Commission shall indicate whether it shall recommend artists on the basis of

- (a) open competition among artists,
- (b) direct selection, with a minimum of three artists considered, or
- (c) limited competition, among three or more artists invited to submit proposals.

The Commission shall proceed to furnish the names of at least two artists with respect to each eligible project. Final selection from among the artists recommended shall be made by the Commissioner, except that, in the event the Commissioner

declines to appoint any of the artists whose names have been furnished, he shall direct the Commission on the Arts to invite new proposals or conduct new competition.
(Effective October 30, 1979)

Sec. 4-131a-7. Selection panel

For the purpose of recommendation of artists the Commission on the Arts may appoint a selection panel comprised of artists and of other persons with knowledge in the art field. Membership on the selection panel, the number of members, frequency of meetings, and other duties and responsibilities of the panel shall be as determined by the Commission. An artist who is a member of the selection panel shall not be permitted or authorized to submit any proposal or enter into any contract to provide a work of art for a state building.

(Effective October 30, 1979)

Sec. 4-131a-8. Contract with artist

The Commissioner of Administrative Services or his Deputy Commissioner for Public Works shall be the sole person authorized to enter into contracts with artists for works of art for state buildings. All contracts shall be in writing and shall include terms and provisions whereby the artist shall agree as follows:

- (1) To provide a preliminary design and cost breakdown for the work of art, subject to the approval of the Commissioner.
- (2) To provide a final design and cost breakdown for the work of art, subject to the approval of the Commissioner.
- (3) To maintain a close working relationship with the architect.
- (4) To provide for the delivery and supervision of the installation of the work of art and its presentation to the agency.

The written contract shall include such other terms and provisions as may be agreed upon or required by law, and shall be subject to the approval of the Attorney General.
(Effective October 30, 1979)

Sec. 4-131a-9. Duties of architect

In addition to other duties established by contract, the architect shall:

- (1) Recommend specific sites for works of art and the scale and type of work he or she deems most appropriate.
- (2) Consult with the selection panel on art type and location.
- (3) Maintain a close working relationship with the artist.
- (4) Oversee and approve the installation of the work of art.
- (5) Assure that all service requirements for the work of art are met in the design documents and that the work may be installed efficiently and expeditiously.

(Effective October 30, 1979)

Sec. 4-131a-10. Agency responsibilities

On notification by the Commissioner of Administrative Services of its eligibility to receive a work of art in a State building over which it has control, a State agency shall consult together with the Commissioner and with the Commission on the Arts for the purpose of determining the type and specific location of the work of art. The agency shall make necessary provisions to receive the work of art; shall be responsible for necessary repairs, maintenance, and security; and shall notify the Commission on the Arts in advance of any proposed relocation of the work of art.

(Effective October 30, 1979)

Sec. 4-131a-11. Ownership

The State of Connecticut shall be the sole owner of all works of art in State buildings open to public use. Title shall vest in the State on completion of installation and final acceptance of the work of art.

(Effective October 30, 1979)

Sec. 4-131a-12. Inventory

The Commission on the Arts shall keep and maintain an up-to-date inventory of all works of art in State buildings open to public use.

(Effective October 30, 1979)

Sec. 4-131a-13. Loans

Any work of art which has become the property of the State may be loaned by the State agency involved, on a temporary basis, to any person or group for the purpose of making the work more visible to the public. All loans shall be subject to the approval of the Commissioner and the Commission on the Arts, and shall be at the risk and expense of the borrower. If requested, the borrower shall insure the work of art against damage, loss, and theft, with the State named as an additional insured party.

(Effective October 30, 1979)

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Parking Areas on the Grounds of the State Capitol and State Office Building**Sec. 4-133-1. Use of parking areas**

All parking areas on the grounds of the state capitol and state office building, except areas clearly designated as "Reserved for Public on State Business" and areas excepted in section 4-133-5, shall be restricted for elected state officials and state employees.

Sec. 4-133-2. Time limit on use of public parking areas

Parking in spaces designated as "Reserved for Public on State Business" shall be limited to periods of two-hour duration and users of such areas may be required to disclose the department with which they are engaged in state business.

Sec. 4-133-3. Night, weekend and holiday parking

Sections 4-133-1 and 4-133-2 shall be in effect daily from 7 a.m. to 6 p.m. Parking at night and on Saturdays, Sundays and holidays shall be permitted unless posted to the contrary.

Sec. 4-133-4. Parking during general assembly sessions

During the convening of the general assembly, parking areas on the grounds of the state capitol shall be restricted for members of the general assembly, elected state officials and designated state officials.

Sec. 4-133-5. Parking prohibited on certain state property

There shall be no parking at any time without the permission of the public works commissioner on the following properties owned by the state of Connecticut in the city of Hartford:

(1) Parcel of land situated on the north side of Capitol Avenue opposite the state office building annex;

(2) Parcel of land situated on the south side of Buckingham Street south of the original state office building grounds;

(3) Parcel of land within the area bounded north by Capitol Avenue, east by West Street, south by Buckingham Street and west by the original grounds of the state office building;

(4) Parcel of land situated on the southwest corner of Capitol Avenue and Oak Street;

(5) Parcel of land situated on the southeast corner of Trinity Street and Elm Street;

(6) Parcel of land on the north side of Asylum Avenue known as 748 Asylum Avenue.

(Effective November 27, 1962)

Camping, Demonstrations and Other Related Activities on the Grounds of the State Capitol**Sec. 4-133-6. Occupancy**

Unless otherwise authorized by statute, no person or group of persons shall camp on, sleep on or otherwise occupy the grounds of the state capitol between the hours of 11:00 p.m. and 8:00 a.m.

(Effective December 7, 1971)

Sec. 4-133-7. Structures

No person or group of persons shall erect any tent, shelter, privy, stage, platform or other temporary structure on the grounds of the state capitol without the prior written approval of the public works commissioner.

(Effective December 7, 1971)

Sec. 4-133-8. Fire

No person shall set or cause to be set any fire on the grounds of the state capitol.

(Effective December 7, 1971)

Sec. 4-133-9. Refuse

No person shall deposit or abandon paper, glass, garbage or other refuse on the grounds of the state capitol except in receptacles provided therefor.

(Effective December 7, 1971)

Sec. 4-133-10. Amplifying devices

No person shall use any electronic loudspeaker, bullhorn or other amplifying device on the grounds of the state capitol without the prior written permission of the public works commissioner.

(Effective December 7, 1971)

Sec. 4-133-11. Penalty

Any person violating any provision of sections 4-133-6 to 4-133-10, inclusive, is subject to a fine of not more than fifty dollars as provided in section 4-133 of the general statutes.

(Effective December 7, 1971)

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Selection of Design Professional Firms

Sec. 4-134e-1. Purpose

The purpose of this regulation is to implement the provisions of Public Act No. 79-450, in order to provide for the selection of design professional firms whose services are required in the planning and construction of capital improvements undertaken by the State, as provided by Section 4-126 of the General Statutes, as amended, and to prescribe the advance notice required for, the manner of submission, conditions and requirements of responses to public invitations for design professional services. This regulation is authorized by Public Act No. 79-450, Sections 4(a) and 6. (Effective April 11, 1980)

Sec. 4-134e-2. Advertising

After capital funds have been approved for purposes of design of any State project, as defined in accordance with Public Act No. 79-450, the Commissioner of the Department of Administrative Services shall invite responses from design professional firms by advertisements inserted at least once in one or more newspapers having a circulation in each county of the State. Advertising in this manner also shall be required whenever design professional services are needed for other State programs which do not qualify as projects.

(Effective April 11, 1980)

Sec. 4-134e-3. Time of responses

Responses shall be received within fourteen (14) days from the last date on which the advertisement is published, unless additional time is specifically authorized by the Commissioner.

(Effective April 11, 1980)

Sec. 4-134e-4. Submission, conditions and requirements of responses

Each response to perform design professional services shall include:

- (a) a synopsis of the scope of services performed by the respondent;
- (b) submission of completed forms provided by the Commissioner;
- (c) completed federal forms 254 and 255;

(d) a statement of the date of completion of the design professional firm's most recent contract, if any, with the Department of Administrative Services; and

(e) a statement of any and all contracts with the Department of Administrative Services which are currently being performed and a statement whether the design professional firm performed services under any name other than the one appearing in the response.

(Effective April 11, 1980)

Sec. 4-134e-5. Design professional services selection panel

The design professional services selection panel for the selection of design professional firms shall consist of six (6) members, five (5) of whom shall be employees of the Department of Administrative Services, and the remaining member who shall be appointed by the head or acting head of the user agency and shall serve only for deliberations involving the project for which he was appointed. The employees of the Department of Administrative Services appointed by the Commissioner will be an employee of the Bureau of Public Works with management responsibilities or his delegate, who shall serve as chairperson of the panel at its meetings; at least one (1) employee from the Construction Section of the Bureau of Public Works and such engineers or architects representing other units of the department or their

delegates to make up the required number of members. A delegate shall represent and vote in the stead of the appointee for whom he is substituting provided such delegate is first approved by the Commissioner.

(Effective April 11, 1980)

Sec. 4-134e-6. Meetings

Meetings of the panel may be called any time during normal working hours by the chairperson, and the presence of five (5) members or their delegates shall constitute a quorum for the purpose of rendering a decision. All motions and decisions shall require for passage the affirmative vote of at least three (3) of the members present.

(Effective April 11, 1980)

Sec. 4-134e-7. Review of responses

The panel shall screen all responses submitted for a project in proper form, and shall select five (5) design professional firms for further consideration for appointment and award of contract. If fewer than five (5) responses are received, all responses shall be considered as eligible for further consideration.

(Effective April 11, 1980)

Sec. 4-134e-8. Criteria of selection

In making its initial review of responses and in all further steps of the selection process, the panel shall be guided by the following objective criteria:

(a) specialized design and technical competence of the design professional firm regarding the types of service required;

(b) capacity and capability of the firm to perform the work, including any specialized services, within the time limitations;

(c) past record of performance on contracts with the State and other clients with respect to such factors as control of costs, quality of work, conformance with program, cooperation with client and supervision of construction;

(d) proximity to and familiarity with the area in which the project is located; and

(e) the volume of work previously awarded to the firm by the Department of Administrative Services with the objective of effecting an equitable distribution of contracts among qualified firms and of assuring that the interest of the public in having available a substantial number of qualified firms is protected; provided, however, that the principle of selection of the most highly qualified firms is not violated.

The panel may also reduce the list by (a) considering the last time each design professional firm received a contract from the Department of Administrative Services starting with the design professional firm with the most recent contract and working backwards chronologically; (b) by considering the volume of work, either by number of contracts or dollar amounts, previously awarded to a design professional firm by the Department of Administrative Services with the objective of achieving an equitable distribution of contracts. In both instances, the design professional firms so adjudged for selection must be the most qualified.

(Effective April 11, 1980)

Sec. 4-134e-9. Interviews

The panel shall conduct interviews with the five (5) design professional firms selected for further consideration for the purpose of reducing that number to three (3) design professional firms for presentation to the Commissioner. If only four (4)

responses are received, the panel shall conduct interviews with the four (4) design professional firms responding for the purpose of reducing that number to three (3) design professional firms for presentation to the Commissioner. If less than four (4) responses are received, the panel shall present the names of all the design professional firms responding to the Commissioner.

(Effective April 11, 1980)

Sec. 4-134e-10. Furnishing of list

The panel shall proceed to furnish a certified list of the three (3) remaining, most qualified design professional firms to the Commissioner. If fewer than three (3) responses for a project are received, the panel's list shall include the names of all the design professional firms submitting responses.

(Effective April 11, 1980)

Sec. 4-134e-11. Selection

The Commissioner shall negotiate a contract for design professional services with the most qualified design professional firm from among the list of firms submitted by the panel. If a fair and reasonable contract with any of the design professional firms recommended by the panel cannot be negotiated, the Commissioner shall negotiate with such design professional firms which he determines to be most qualified to render the particular design professional services under consideration.

(Effective April 11, 1980)

Sec. 4-134e-12. Notification

The Commissioner shall notify the panel and other appropriate staff personnel of the Bureau of Public Works of his final selection of a design professional firm, and a formal, written contract shall be prepared for execution prior to submission of the final selection for the approval of the State Properties Review Board, in accordance with Section 4-26b(i) of the General Statutes, as amended. Subsequent to the approval of the Board, the contract shall be executed and submitted for the approval of the Attorney General.

(Effective April 11, 1980)

Sec. 4-134e-13. Other services required

In all cases where design professional services are required for State programs other than projects, the Commissioner shall receive all proper responses to advertising and shall proceed to negotiate a contract with the design professional firm most qualified, in his judgment, at compensation which the Commissioner determines is both fair and reasonable.

(Effective April 11, 1980)

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Rules of Procedure

Sec. 4-157-1. Notice of claims

All notices of claims shall be filed with the clerk and contain the information prescribed in section 4-147 of the General Statutes.

(Effective November 11, 1969)

Sec. 4-157-2. Hearings

All hearings shall be conducted in accordance with the procedural rules prescribed in section 4-151 of the General Statutes.

(Effective November 11, 1969)

Sec. 4-157-3. Filing of claims

(a) Claims of less than \$750.00 must be accompanied by a statement concerning insurance coverage and an affidavit or supporting copy of policy which would indicate amount and types of coverage.

(b) The claims commissioner shall deny any claim not filed in a timely fashion without the need of filing of special defenses by the attorney general.

(Effective November 20, 1981)

Sec. 4-157-4. Amendments

The notice of complaint may be amended as a matter of right within ninety (90) days of the filing of the notice with the office of the claims commissioner except that an extension beyond ninety (90) days may be granted upon request made at the time of the filing of the notice of claim. Such request must set forth the reasons why it is anticipated that an extension of time beyond the ninety (90) days is required.

(Effective November 20, 1981)

Sec. 4-157-5. Motions prior to hearing

Prior to the hearing on the merits, appropriate motions, including motions concerning discovery, inspection and disclosure of books, papers, records or documents, may be filed by the claimant or the attorney general and unless the parties request oral argument or testimony in conjunction with the motion, the claims commissioner shall decide the motion upon the written presentation. The claimant and the attorney general may submit memoranda in support of their respective positions.

(Effective November 20, 1981)

Sec. 4-157-6. Pre-hearing conference

Either party may request a pre-hearing conference and such request shall contain the reasons for such request. The commissioner may order a pre-hearing conference and as a result of the conference may issue orders in aid of the proceedings.

(Effective November 20, 1981)

Sec. 4-157-7. Requirements for practice before the claims commissioner

All claims against the state of Connecticut are defended by the office of the attorney general. A claimant need not be represented by an attorney. No person shall be permitted to represent a claimant except attorneys admitted to practice law before the courts of the state of Connecticut and who are in good standing before those courts. Student interns with the counsel of the claimant or the attorney general's office may be permitted to appear before the claims commissioner in any

hearing or motion before the claims commissioner, but his representation must be accompanied by an attorney duly authorized and qualified.

(Effective November 20, 1981)

Sec. 4-157-8. Filing appearances

All attorneys representing clients before the state shall state their name, address, telephone number and juris number. Attorneys shall file their written appearance by filing the superior court appearance form, in use at that time, or facsimile in the office of the claims commissioner. Any substitute counsel shall file his appearance in the same manner and require of the claimant a statement that he has discharged his prior attorney.

(Effective November 20, 1981)

Sec. 4-157-9. Notice of hearing

The notice of hearing shall state the time and place of hearing which shall be not less than fourteen (14) days from the date of the notice. Notice of the hearing shall be given to the claimant and the attorney general.

(Effective November 20, 1981)

Sec. 4-157-10. Powers and duties of the claims commissioner

The claims commissioner shall have full authority to control the procedure of a hearing; to admit or exclude testimony or other evidence; and to rule upon all motions and objections. He shall make full inquiry into all facts at issue and shall obtain a full and complete record of all facts necessary for a fair determination of the issues. The claims commissioner may call and examine witnesses, direct the production of papers and documents and introduce the same into the record of the proceedings.

(Effective November 20, 1981)

Sec. 4-157-11. Motions and objections at hearings

Motions made during a hearing and objections with respect to the conduct of a hearing, including objections to the introduction of evidence, shall be stated orally and shall, with the ruling of the commissioner be included in the stenographic report of the hearing.

(Effective November 20, 1981)

Sec. 4-157-12. Joinder of proceedings

Two or more proceedings may be heard together by the commissioner in his discretion.

(Effective November 20, 1981)

Sec. 4-157-13. Stipulations

Stipulations with regard to matters and issues made with the consent of the commissioner may be introduced in evidence.

(Effective November 20, 1981)

Sec. 4-157-14. Rights of parties at hearings

All parties to a hearing may call, examine and cross-examine witnesses and introduce papers, documents and other evidence into the record of the proceedings subject to the ruling of the commissioner.

(Effective November 20, 1981)

Sec. 4-157-15. Continuation of hearings

The commissioner may continue a hearing from day to day or adjourn it to a later date or to a different place by announcement thereof at the hearing or by appropriate notice.

(Effective November 20, 1981)

Sec. 4-157-16. Oral arguments and briefs

The commissioner shall permit the parties to submit oral arguments before him and to file briefs within such time limits as the commissioner may determine.

(Effective November 20, 1981)

Sec. 4-157-17. Evidence in contested claims

In contested claims

(a) any oral or documentary evidence may be received, but the commissioner shall, as a matter of policy, exclude irrelevant, immaterial or unduly repetitious evidence. The commissioner shall give effect to the rules of privilege recognized by the law. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

(b) documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon requests, parties shall be given an opportunity to compare the copy with the original;

(c) a party may conduct cross-examinations required for a full and true disclosure of the facts;

(d) notice may be taken of judicially cognizable facts.

(Effective November 20, 1981)

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State Single Audits

Secs. 4-236-1—4-236-17.

Repealed, April 2, 2001.

Sec. 4-236-18. Definitions

(a) As used in sections 4-236-18 through 4-236-30, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Auditee” means any nonstate entity, which is required to be audited pursuant to section 4-231 of the Connecticut General Statutes;

(2) “Questioned cost” means a cost that is questioned by the independent auditor because of an audit finding: (1) Which resulted from a violation or possible violation of a provision of law, regulation, contract, grant, or other agreement or document governing the use of State financial assistance, including funds used to match state financial assistance; (2) Where the costs, at the time of the audit, are not supported by adequate documentation; or (3) Where the costs incurred appear unreasonable, unrelated, or do not reflect the actions a prudent person would take in the circumstances; and

(3) “Working papers” has the same meaning as in Generally Accepted Government Auditing Standards (GAGAS).

(b) For the purpose of said sections 4-236-18 through 4-236-30, inclusive, the definitions in section 4-230 of the Connecticut General Statutes are also applicable.

(Adopted effective April 2, 2001)

Sec. 4-236-19. Applicability

(a) Any financial report involving an audit of a state financial assistance program shall be made pursuant to sections 4-230 through 4-236, inclusive, of the Connecticut General Statutes.

(b) Each independent auditor selected to provide audit services, pursuant to section 4-232 of the Connecticut General Statutes, shall issue an audit report in accordance with sections 4-236-23 through 4-236-30, inclusive of the Regulations of Connecticut State Agencies.

(Adopted effective April 2, 2001)

Sec. 4-236-20. Responsibilities of the secretary of the office of policy and management

The secretary shall, after consulting with applicable state agencies and representatives of nonstate entities, publish a Compliance Supplement disclosing statutory and regulatory requirements applicable to state financial assistance programs. The Compliance Supplement shall contain requirements for compliance with laws and regulations and suggested audit procedures for state financial assistance programs, and shall be updated periodically for program changes.

(Adopted effective April 2, 2001)

Sec. 4-236-21. Responsibilities of cognizant agencies, state agencies and non-state entities

(a) A cognizant agency shall:

(1) Provide technical advice and liaison to nonstate entities and independent auditors;

(2) Promptly inform other affected state agencies and appropriate state and local law enforcement officials of any direct reporting by the auditee or its auditor of irregularities or illegal acts, as required by GAGAS or laws and regulations;

(3) Advise the independent auditor and, where appropriate, the auditee of any deficiencies found in an audit report when the deficiencies require corrective action by the independent auditor. When advised of deficiencies, the auditee shall work with the independent auditor to take corrective action. If corrective action is not taken, the cognizant agency shall notify the independent auditor, the auditee, each agency having provided state financial assistance and each pass-through entity of the facts and make recommendations for follow-up action. In cases involving repetitive substandard performance or major inadequacies, the independent auditor may be referred to appropriate state and professional bodies for disciplinary action;

(4) Obtain or conduct quality control reviews of selected audits made by independent auditors of nonstate entities, at its discretion;

(5) Ensure the resolution of audit findings that affect the programs of more than one state agency;

(6) Coordinate, to the extent practical, audits or reviews made by or for state agencies that are in addition to the audits made pursuant to sections 4-236-23 and 4-236-26 of the Regulations of Connecticut State Agencies, so that the additional audits or reviews build upon audits performed in accordance with this part; and

(7) Inform a state awarding agency of an extension granted to an auditee for report submission.

(b) A state agency that provides state financial assistance shall:

(1) At the time of awarding state financial assistance to a nonstate entity, identify each state award made by informing the nonstate entity of the State Program Identification Number, award name, contract number, and award year. When some of this information is not available at the time the award is made, the State agency shall provide information necessary to clearly describe the State award;

(2) Advise nonstate entities of requirements imposed on them by state laws, regulations, and the provisions of contracts or grant agreements;

(3) Work with the cognizant agency to ensure that audits are completed and reports are received in a timely manner;

(4) Promptly notify the cognizant agency if audit reports are not submitted by the due date;

(5) Provide program related technical advice and counsel to nonstate entities and independent auditors as requested;

(6) Follow up on audit findings affecting a state agency's programs and ensure that the auditee takes appropriate and timely corrective action; and

(7) Assign a person the responsibility of providing annual updates of the Compliance Supplement to the secretary.

(c) A nonstate entity that is subject to the audit requirements of sections 4-230 through 4-236, inclusive, of the Connecticut General Statutes shall:

(1) Identify, in its records, any state financial assistance received, the program under which it is authorized, and the amounts expended. State program identification shall include, as applicable, the State Program Identification Number and program name, the contract number and year, the name of the state agency having awarded the assistance, and the name of the pass-through entity;

(2) Maintain internal control over state programs that provides reasonable assurance that the nonstate entity is managing state financial assistance in compliance with laws, regulations and the provisions of contracts or grant agreements that could have a material effect on each of its state programs;

(3) Comply with laws, regulations, and the provisions of contracts or grant agreements related to each state program;

(4) Prepare appropriate financial statements, including a schedule of expenditures of state financial assistance, in accordance with section 4-236-23(a)(4) of the Regulations of Connecticut State Agencies;

(5) Ensure that each audit required by section 4-231 of the Connecticut General Statutes is properly performed and that each audit report is submitted when due;

(6) When notified of an extension to an audit report submission due date, promptly notify each applicable pass-through entity of the extension;

(7) Follow up on audit findings, prepare a corrective action plan and a schedule of prior audit findings in accordance with section 4-236-24 of the Regulations of Connecticut State Agencies and take corrective action as necessary; and

(8) Promptly notify the cognizant agency and law enforcement officials of any violation of law including illegal acts and irregularities.

(Adopted effective April 2, 2001; amended December 29, 2010)

Sec. 4-236-22. Basis for determining state financial assistance expended

Except in the case of an exempt program, the determination of when state financial assistance is expended shall be based on when the related program activity occurs. Generally, such an activity is one that a nonstate entity is required to take in order to comply with applicable laws, regulations and the provisions of contracts or grant agreements. Examples of such activities include expenditure/expense transactions associated with grants, cost-reimbursement contracts, direct appropriations or the use of loan proceeds, the disbursement of funds passed through to a subrecipient or the receipt or use of program income. State financial assistance which does not specify a required use and which cannot be described by any of the examples provided in this section shall be considered fully expended in the fiscal year in which the state financial assistance is paid by the State agency. Loans payable, the proceeds of which were received and expended in a year prior to that which an audit covers are not considered state financial assistance expended for purposes of this section.

(Adopted effective April 2, 2001)

Sec. 4-236-23. Audit scope and reporting

(a) Audits will be conducted based on the year-end of the nonstate entity. The independent auditor's report may be in the form of either combined or separate reports and may be organized differently from the manner presented in this section. The independent auditor's report shall state that the audit was conducted in accordance with this section and shall include the following:

(1) An opinion or disclaimer of opinion as to whether the financial statements are presented fairly in all material respects in conformity with generally accepted accounting principles and an opinion or disclaimer of opinion as to whether the schedule of expenditures of state financial assistance is presented fairly in all material respects in relation to the financial statements taken as a whole;

(2) A report on internal control related to the financial statements and on compliance with applicable laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements. This report shall describe the scope of the testing of internal control and the results of the tests. Where applicable, the report shall refer to the separate schedule of findings and questioned costs described in subdivision (5) of this subsection;

(3) A report on compliance with requirements applicable to each major program and internal control over compliance requirements in accordance with section 4-

233 of the Connecticut General Statutes. This report shall include an opinion or disclaimer of opinion as to whether the auditee complied with applicable laws, regulations, and the provisions of contracts or grant agreements which could have a direct and material effect on each major program. When appropriate, the report shall refer to the separate schedule of findings and questioned costs described in subdivision (5) of this subsection;

(4) A schedule of expenditures of state financial assistance. Such schedule, which shall be based on the fiscal year used for the nonstate entity's financial statements, shall include the following minimum information:

(A) A list of individual programs grouped by state agency;

(B) The total state financial assistance expended for each state program identified by State Program Identification Number. If the State Program Identification Number is not available, the contract number shall be used to identify the program;

(i) The auditee may include additional information. For example, when a state program has multiple award years, the auditee may list the amount of state financial assistance expended for each award year separately.

(C) A listing of exempt programs and the amounts expended for each exempt program;

(D) To the extent practical, pass-through entities should identify in the schedule the total amount provided to subrecipients from each state program;

(E) The name of the pass-through entity and identifying number assigned by the pass-through-entity shall be included; and

(F) Notes that describe the significant accounting policies used in preparing the schedule. Such notes shall include the amount of loans and loan guarantees and shall disclose any changes in loan activity during the period being audited.

(5) A schedule of findings and questioned costs which shall include the following three components:

(A) A summary of the auditor's results which shall include:

(i) The type of report the auditor issued on the financial statements of the auditee (i.e., unqualified opinion, qualified opinion, adverse opinion, or disclaimer of opinion);

(ii) Where applicable, a statement that significant deficiencies in internal control were disclosed by the audit of the financial statements and whether any such deficiencies were material weaknesses;

(iii) A statement as to whether the audit disclosed any noncompliance which is material to the financial statements of the auditee;

(iv) Where applicable, a statement that significant deficiencies in internal control over major programs were disclosed by the audit and whether any such deficiencies were material weaknesses;

(v) The type of report the auditor issued on compliance for major programs (i.e., unqualified opinion, qualified opinion, adverse opinion, or disclaimer of opinion);

(vi) A statement as to whether the audit disclosed any audit findings, which the auditor is required to report under section 4-236-24 of the Regulations of Connecticut State Agencies;

(vii) An identification of major programs, including programs tested in accordance with section 4-233 of the Connecticut General Statutes; and

(viii) the dollar threshold used to distinguish between type A and type B programs as provided under the risk-based approach used in determining major state programs.

(B) Findings relating to the financial statements which are required to be reported in accordance with GAGAS; and

(C) Findings and questioned costs related to state financial assistance, including those set forth in subsection (a) of section 4-236-24 of the Regulations of Connecticut State Agencies.

(i) Audit findings that relate to the same issue (e.g., internal control findings, compliance findings, questioned costs, or fraud) should be presented as a single audit finding.

(ii) Audit findings that relate to both the financial statements and state financial assistance, as reported in subparagraphs (B) and (C) of this subdivision, should be reported in each appropriate section of the schedule. However, a report in one section of the schedule may be in summary form with a reference to the more detailed report in another section of the schedule.

(b) When internal control over some or all of the compliance requirements for a major program are likely to be ineffective in preventing or detecting noncompliance, the planning and performing of testing described in section 4-233 of the Connecticut General Statutes is not required for those compliance requirements. However, the independent auditor shall report a significant deficiency (including whether any such deficiency is a material weakness) in accordance with section 4-236-24 of the Regulations of Connecticut State Agencies, assess the related control risk at the maximum, and consider whether additional compliance tests are required because of ineffective internal control.

(1) The compliance requirements of various state programs may be ascertained by referring to the Compliance Supplement for state financial assistance programs.

(2) For those state programs not covered in the Compliance Supplement, the independent auditor shall use the types of compliance requirements contained in the Compliance Supplement as guidance for identifying the types of compliance requirements to test, and determine the requirements governing the state program by reviewing the provisions of contracts and grant agreements and the laws and regulations referred to in such contracts and grant agreements.

(3) The independent auditor may consider the Compliance Supplement a “safe harbor” for identification of compliance requirements to be tested for the programs included therein if, the independent auditor: (A) Performs reasonable procedures to ensure that the requirements in the Compliance Supplement are current and to determine whether there are any additional provisions of contract and grant agreements that should be covered by an audit in accordance with sections 4-236-18 through 4-236-30 of the Regulations of Connecticut State Agencies, inclusive, and (B) updates or augments the requirements contained in the Compliance Supplement, as appropriate.

(4) The compliance testing shall include tests of transactions and such other auditing procedures necessary to provide the independent auditor sufficient evidence to support an opinion on compliance.

(c) The independent auditor shall follow up on audit findings, perform procedures to assess the reasonableness of the summary schedule of prior audit findings prepared by the auditee, and report as a current year finding, when the auditor concludes that the summary schedule materially misrepresents the status of any prior year audit finding. The independent auditor shall perform follow-up procedures regardless of whether a prior year audit finding relates to a major state program in the current year.

(Adopted effective April 2, 2001; amended December 29, 2010)

Sec. 4-236-24. Audit findings

(a) The independent auditor shall report the following as audit findings in a schedule of findings and questioned costs:

(1) Significant deficiencies in internal control over major programs. The independent auditor's determination of whether a deficiency in internal control is a significant deficiency for the purpose of reporting an audit finding is in relation to a type of compliance requirement for a major program or an audit objective identified in the Compliance Supplement. The independent auditor shall identify significant deficiencies, which are individually or cumulatively material weaknesses;

(2) Material noncompliance with the provisions of laws, regulations, contracts, or grant agreements related to a major program. The independent auditor's determination of whether a noncompliance with the provisions of laws, regulations, contracts, or grant agreements is material for the purpose of reporting an audit finding is in relation to a type of compliance requirement for a major program or an audit objective identified in the Compliance Supplement;

(3) Known questioned costs which are greater than \$1,000 for a type of compliance requirement for a major program. Known questioned costs are those specifically identified by the auditor. In evaluating the effect of questioned costs on the determination of compliance, the auditor shall consider the best estimate of total costs questioned (likely questioned costs), not just the questioned costs specifically identified (known questioned costs). The auditor shall also report known questioned costs when likely questioned costs are greater than \$1,000 for a type of compliance requirement for a major program. In reporting questioned costs, the auditor shall include information to provide proper perspective for judging the prevalence and consequences of the questioned costs;

(4) Known questioned costs which are greater than \$1,000 for a state program which is not audited as a major program. Except for audit follow-up, the auditor is not required under this section to perform audit procedures for such a state program; therefore, the auditor will normally not find questioned costs for a program which is not audited as a major program. However, if the auditor does become aware of questioned costs for a state program which is not audited as a major program (e.g., as part of audit follow-up or other audit procedures) and the known questioned costs are greater than \$1,000, then the auditor shall report this as an audit finding;

(5) The circumstances concerning why the independent auditor's report on compliance for major programs is other than an unqualified opinion, unless such circumstances are otherwise reported as audit findings in the schedule of findings and questioned costs for state financial assistance;

(6) Known fraud affecting state financial assistance, unless such fraud is otherwise reported as an audit finding in the schedule of findings and questioned costs for state financial assistance. This subdivision does not require the independent auditor to make an additional reporting when the independent auditor confirms that the fraud was reported outside of the independent auditor's report under the direct reporting requirements of GAGAS; and

(7) Instances where the results of audit follow-up procedures reveals that the summary of prior audit findings prepared by the auditee materially misrepresents the status of any prior audit finding.

(b) Audit findings shall be presented in sufficient detail for the auditee to prepare a corrective action plan and take corrective action and for state agencies and pass-through entities to arrive at a management decision in response to such findings. The following specific information, as applicable, shall be included in audit findings, which shall be numbered or otherwise separately identified in order to allow for ease of reference during follow-up:

(1) State Program Name and specific State Program Identification Number, name of state agency, and name of the applicable pass-through entity. When such informa-

tion is not available, the independent auditor shall use the best information available to describe the state award;

(2) The criteria or specific requirements upon which the audit findings are based, including statutory, regulatory, or other citations;

(3) The condition found, including facts that support the deficiency identified in the audit findings;

(4) Identification of questioned costs and how they were computed;

(5) Information to provide proper perspective for judging the prevalence and consequences of the audit findings, such as whether they represent an isolated instance or a systemic problem. Instances identified shall be related to the universe and the number of cases examined, and shall be quantified in terms of dollar value;

(6) The possible asserted effect to provide sufficient information to the auditee and state agency, or pass-through entity in the case of a subrecipient, to permit them to determine the cause and effect to facilitate prompt and proper corrective action;

(7) Recommendations to prevent future occurrences of the deficiency identified in the audit findings; and

(8) Views of responsible officials of the auditee when there is disagreement with the audit findings, to the extent practical.

(c) The auditee is responsible for follow-up and corrective action on all audit findings. As part of this responsibility, the auditee, upon completion of the audit, shall prepare a corrective action plan to address each audit finding included in the current year independent auditor's report. The corrective action plan shall provide the name(s) of the contact person(s) responsible for corrective action, the corrective action planned, and the anticipated completion date. If the auditee does not agree with the audit findings or believes corrective action is not required, then the corrective action plan shall include a statement to that effect and specific reasons in support of such opinion. Said plan shall be included in the State Single Audit Reporting package. In addition, the auditee is responsible for preparing a schedule of prior audit findings which shall report the status of audit findings reported in the prior year's audit report.

(Adopted effective April 2, 2001; amended December 29, 2010)

Sec. 4-236-25. Submission of reports

(a) The reporting package shall include audited financial statements, state single audit reports, including the applicable schedule(s) required under these regulations, reports prepared in accordance with GAGAS, a corrective action plan and a separately issued management letter, if applicable.

(b) Reports, including program audit reports, prepared in accordance with sections 4-236-23 and 4-236-26 of the Regulations of Connecticut State Agencies shall be submitted by the auditee to the cognizant agency and, if applicable, state grantor agencies and pass-through entities. Reports shall be submitted no later than six months after the end of the period under audit, pursuant to section 4-232 of the Connecticut General Statutes.

(c) The cognizant agency may authorize extensions in the filing due date in accordance with section 4-232 of the Connecticut General Statutes. At no time may the extension exceed six months. The cognizant agency shall notify those state agencies providing state financial assistance to the nonstate entity of the extension.

(Adopted effective April 2, 2001; amended December 29, 2010)

Sec. 4-236-26. Program specific audits

(a) In some cases, a program-specific audit guide will be available to provide specific guidance to the independent auditor with respect to internal control, compli-

ance requirements, suggested audit procedures, and audit reporting requirements. The independent auditor shall contact the state agency awarding the funds to determine whether such a guide is available. When a current program-specific audit guide is available, the independent auditor shall follow GAGAS and the guide when performing a program-specific audit. Report submissions shall follow the requirements identified in the program-specific audit guide.

(b) When a program-specific audit guide is not available, the auditee and independent auditor shall have basically the same responsibilities for the state program as they would have for an audit of a major program in a single audit of state financial assistance. In such cases the following is required:

(1) The auditee shall prepare the financial statement(s) for the state program that includes, at a minimum, a schedule of expenditures of state financial assistance for the program and notes that describe the significant accounting policies used in preparing the schedule, a summary schedule of prior audit findings and a corrective action plan consistent with the requirements of section 4-236-24(c) of the Regulations of Connecticut State Agencies.

(2) The independent auditor shall:

(A) Perform an audit of the financial statement(s) for the state program in accordance with GAGAS;

(B) Obtain an understanding of internal control and perform tests of internal control over the state program consistent with the requirements of section 4-233 of the Connecticut General Statutes, for a major program;

(C) Perform procedures to determine whether the nonstate entity has complied with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on the state program consistent with the requirements of section 4-233 of the Connecticut General Statutes; and

(D) Prepare report(s) in the form of either combined or separate reports, which may be organized differently from the manner presented in this section. The independent auditor's report(s) shall state that the audit was conducted in accordance with this section and shall include the following:

(i) An opinion (or disclaimer of opinion) as to whether the financial statement(s) of the state program is presented fairly in all material respects in conformity with the stated accounting policies;

(ii) A report on internal control related to the state program, which shall describe the scope of testing of internal control and the results of the tests;

(iii) A report on compliance which includes an opinion (or disclaimer of opinion) as to whether the nonstate entity complied with laws, regulations, and the provisions of contracts or grant agreements which could have a direct and material effect on the state program; and

(iv) A schedule of findings and questioned costs for the state program that includes a summary of the independent auditor's results relative to the state program consistent with the requirements of section 4-236-23 of the Regulations of Connecticut State Agencies.

(c) The reports identified in this section shall be submitted in accordance with the provisions of section 4-236-25 of the Regulations of Connecticut State Agencies.

(Adopted effective April 2, 2001; amended December 29, 2010)

Sec. 4-236-27. Illegal acts

If, during or in connection with an audit of a nonstate entity, the independent auditor becomes aware of illegal acts or irregularities, such acts shall be reported in accordance with the provisions of GAGAS.

(Adopted effective April 2, 2001)

Sec. 4-236-28. Penalty for noncompliance

No audit costs shall be charged to state programs when audits required by the State Single Audit Act have not been made or have been made but not in accordance with sections 4-236-23 and 4-236-26 of the Regulations of Connecticut State Agencies. In cases of continued inability or unwillingness to have a proper audit conducted in accordance with sections 4-236-23 and 4-236-26 of the Regulations of Connecticut State Agencies, state agencies shall consider appropriate sanctions including, but not limited to: (1) Withholding a percentage of financial assistance until the audit is completed satisfactorily; (2) Withholding or disallowing overhead costs; or (3) suspending state financial assistance until the audit is completed.

(Adopted effective April 2, 2001)

Sec. 4-236-29. Audit resolution and recovery of state program funds based on audit findings

(a) As provided in section 4-236-21 of the Regulations of Connecticut State Agencies, the cognizant agency shall be responsible for ensuring the resolution of audit findings that affect the programs of more than one state agency. Resolution of findings that relate to the programs of a single state agency shall be the responsibility of the recipient and the agency. Alternate arrangements may be made on a case-by-case basis by agreement among the agencies concerned.

(b) After the audit report is accepted by the cognizant agency, the grantor state agencies shall review the audit report including the audit findings relating to the agencies' programs and the auditee's corrective action plans. Pass-through entities are also responsible for reviewing the audit reports of their subrecipients.

(c) State grantor agencies shall follow up on audit findings to ensure proper resolution. Follow up procedures regarding a current year or prior year audit finding may include, but are not limited to, communication with the nonstate entity and review of the nonstate entity's records. Pass-through entities shall work with state grantor agencies and develop a course of action to resolve audit findings relating to state financial assistance provided to subrecipients.

(d) Agencies shall determine whether to "allow" or "disallow" the reported expenditures in findings involving questioned costs.

(1) If the state grantor agency decides the expenditures were proper (i.e., the independent auditor's questioned costs are not sustained), they are "allowed costs" and no further action is required.

(2) If the state grantor agency decides the expenditures were improper (i.e., the independent auditor's findings are sustained), the nonstate entity shall consider the questioned costs to be ineligible; they are "disallowed costs".

(3) The state grantor agency shall notify the nonstate entity of any disallowed costs, and, unless successfully appealed to the executive authority of the agency, the state financial assistance received with respect to such disallowed costs shall be returned to the applicable state government agency. The state agencies shall also establish an accounting record of the debt, require other necessary corrective actions, and follow-up on corrective actions to ensure compliance.

(Adopted effective April 2, 2001)

Sec. 4-236-30. Retention of working papers and reports

The independent auditor shall document in the working papers the risk analysis process used in determining major state programs. Following completion of an audit, the independent auditor shall make available working papers, upon request, to the cognizant agency, its designee, the Auditors of Public Accounts and awarding

agencies. Awarding agencies shall notify the cognizant agency of their intent to review working papers. The independent auditor shall retain working papers and reports for a minimum of five years from the date of filing a certified copy of the audit report with the cognizant agency, unless the independent auditor is notified in writing by the cognizant agency to extend the retention period.

(Adopted effective April 2, 2001; amended December 29, 2010)