

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
John C. Donahue

FINAL DECISION

Complainant

Docket #FIC84-127

against

January 16, 1985

Windsor Locks Fire Commission

Respondent

The above captioned matter was heard as a contested case on September 21, 1984 at which time the complainant and the respondent appeared, stipulated as to certain facts and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record the following facts are found:

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.

2. By letter filed with the Commission on July 11, 1984, the complainant alleged that the respondent improperly met in executive session on June 12, 1984. The complainant alleged that the executive session was held to discuss his performance as a volunteer firefighter and that he had requested that the discussion be held at an open meeting.

3. The complainant further alleged that, at a meeting prior to June 12, 1984, the respondent discussed and voted on a policy concerning "cooling off periods" for accepting resignations and that the discussion and vote did not appear in the minutes of any meeting prior to June 12, 1984.

4. On April 23, 1984, a dispute occurred between the complainant and Peter Coffey during the performance of their duties as members of the Windsor Locks Fire Department. On May 4, 1984, Coffey filed a formal complaint against Donahue with the respondent.

5. At its regular meeting of June 12, 1984, the respondent met in executive session to discuss Coffey's performance in the dispute.

6. The complainant requested that the executive session concerning Coffey be held in an open meeting because it concerned the dispute that was the subject of Coffey's complaint against him. The respondent denied the request on the grounds that the executive session was for the purpose of discussing Coffey's performance as an employee.

7. Following the executive session, the respondent discussed a Grievance Board report concerning the complainant's performance in the dispute. Both the complainant and Coffey had previously testified before the Grievance Board.

8. The discussion concerning the complainant was conducted in an open meeting as he requested. In the open meeting the complainant presented testimony as to what occurred in the dispute.

9. It is concluded that the executive session of the respondent did not violate §§1-21 or 1-18a(e)(1), G.S., because the purpose of the session was to discuss the performance of an employee, Coffey, who did not request an open meeting.

10. It is noted that the statement of the reason for the executive session in the respondent's minutes for June 12, 1984 is lacking in clarity.

11. At its June 12, 1984 meeting the respondent discussed and voted on a waiting period for accepting resignations.

12. It is found that the waiting period was not discussed or voted upon at any meeting of the respondent prior to June 12, 1984.

13. Though not a part of the complaint, it is noted that the respondent failed to add the consideration of the waiting period to the agenda for the June 12, 1984 meeting by a 2/3 affirmative vote as provided in §1-21(a), G.S.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The complaint is hereby dismissed.

Approved by order of the Freedom of Information Commission at its special meeting of January 16, 1985.

  
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Mary Jo Policoeur  
Clerk of the Commission