

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Joseph N. Marci

FINAL DECISION

Complainant

Docket #FIC 84-183

against

March 13, 1985

New Haven Service Delivery Area  
Private Industry Council, Inc.

Respondent

The above captioned matter was heard as a contested case on December 27, 1984 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. The order to show cause in the instant case named the city clerk of New Haven as one of the respondents herein.

2. It is found that the city clerk of the city of New Haven is not a proper party to this complaint.

3. By letter dated July 10, 1984 the complainant requested copies of records concerning the budget and the employees of the respondent.

4. The respondent moved to dismiss the case because it claimed it was not a public agency.

5. The respondent was created pursuant to 29 U.S.C. §1501 et seq., the Job Training Partnership Act.

6. The respondent is incorporated as a non-profit corporation with a board of trustees composed primarily of persons who work for corporations in the private sector.

7. §1501 states the purpose of the Job Training Partnership Act is to "establish programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment, who are in special need of such training to obtain productive employment."

8. Under the act, states which comply with certain requirements including the establishment of service delivery areas and the development of job training plans receive federal funds.

9. 29 U.S.C. §1514 permits federal funds to be appropriated for only those service delivery areas which prepare a job training plan for two program years in accordance with 29 U.S.C. §1513.

10. The governor of Connecticut has designated nine service delivery areas in Connecticut

11. The service delivery area which the respondent serves consists of fourteen towns.

12. Under the act, the respondent private industry council has a key role in that it provides policy guidance and oversight with respect to activities under the job training plan.

13. Pursuant to 29 U.S.C. §1513 the respondent private industry council works in partnership with the mayoral council composed of mayors of the fourteen towns of the service delivery area.

14. The job training plan is submitted to the governor jointly by the mayoral council and the respondent.

15. Once gubernatorial approval has been obtained, as has occurred in this case, the state disburses money it has received from the federal government to the comptroller of the city of New Haven who disburses the money to the respondent.

16. The amount of job training funds allocated to the New Haven Service Delivery Area is approximately three million dollars per annum.

17. Pursuant to 29 U.S.C. §1513 the mayoral council has designated Mayor Biagio DiLieto of New Haven its representative.

18. The Mayor of New Haven must approve applications for these funds which are submitted to him by the respondent.

19. The respondent dispenses the money it receives on a weekly basis to employers, schools, and industries which it has designated to receive funds for job training.

20. In addition to the federal monies which are disbursed to the respondent by the city of New Haven, the respondent receives money from the State for job training for high technology jobs.

21. If after audit costs of the respondent are disallowed, the City of New Haven is liable for those costs except in the case of fraud.

22. The respondent purchases insurance with funds obtained from non-governmental sources to protect it and the board of trustees against liability for fraud.

23. Ninety-seven to ninety-eight percent of the funds of the respondent are received pursuant to the Job Training Partnership Act.

24. Approximately two and one-half percent of the funds of the respondent come from the state.

25. It is found that despite the fact of its incorporation as a non-profit corporation, the respondent would not exist but for federal job training legislation.

26. It is found that since the primary function of the respondent is to provide oversight and planning for job training under the Job Training Partnership Act that it is performing a governmental function.

27. It is found that nearly one hundred percent of the funding of the activities of the respondent come from governmental sources both state and federal.

28. It is found that the respondent is substantially regulated and controlled by the mayoral council, the mayor of the city of New Haven and the governor of the state of Connecticut.

29. It is concluded that the respondent is a public agency within the meaning of §1-18a(a) G.S., and that the Commission has jurisdiction over the complaint.

30. The records requested by the complainant were provided to him except for copies of records showing the name, position, and annual salary data, of the employees of the respondent.

31. The respondent failed to prove that the records requested by the complainant were exempt from disclosure.

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

1. The respondent shall provide the complainant with copies of the records showing the name, position, and annual salary data of its employees.

Approved by order of the Freedom of Information Commission at its regular meeting of March 13, 1985.

  
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Mary Jo Jolicœur  
Clerk of the Commission