

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
Leo F. Smith, Complainant) Report of Hearing Officer

against) Docket #FIC76-123

Town of East Hartford and Personnel) September 2 , 1976
Director of the Town of East)
Hartford, Respondents)

The above captioned matter was heard as a contested case on August 19, 1976, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondents are public agencies as defined in §1(a) of P.A. 75-342.

2. By letter dated July 12, 1976, the complainant requested the name of each full-time and part-time employee of the respondent town since January 1, 1969. The complainant also requested access to inspect the respondents' records containing such information.

3. By letter dated July 15, 1976, the respondent personnel director denied the request to inspect the records described in paragraph 2, above. He also enclosed a form stating the respondent town's fees for copying documents and an estimated bill amounting to \$24.00 for producing the information herein requested. Upon the pre-payment of the estimated bill, the respondents represented that they would provide the complainant with the information requested.

4. On July 16, 1976, the complainant appealed to this Commission from the denial of his request to inspect the aforesaid records and from the alleged excessive charge for producing the information requested.

5. The information requested is available in a document entitled the "Earnings Record". This record is bound on an annual basis in book form. It contains the name of each town employee, his social security number and, among other items, deductions for income tax, social security, credit union loans and wage executions.

6. It is found that the Earnings Records contain information which is exempt from disclosure under §2(b) of P.A. 75-342 and that such records are not reasonably

amenable to public disclosure by covering the exempt material. Therefore, production of the information requested, if at all required, must be accomplished by some process of abstraction. The respondents have agreed to undertake this process on behalf of the complainant.


7. In the Earnings Record for 1969 alone, 994 employees are listed. On the basis of a time-cost study, the respondents contend that it would require 8½ hours of personnel time to produce the information requested. Using their most efficient employee, who earns \$5.56 per hour, the cost of compiling and typing the information requested would amount to \$47.26.

8. It is found that a fee of \$47.26 is reasonable and does not exceed the cost to the respondents for producing the information requested herein.

9. There is no need in this case for this Commission to consider the respondent town's fee schedule for copying documents, as stated on the form enclosed with the respondent personnel director's letter of July 15, 1976, since such fees were not used in determining the final charge for complying with the request herein.

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

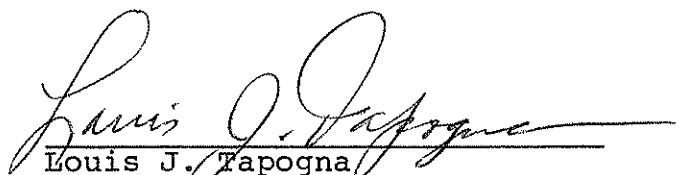
1. Upon the pre-payment of \$47.26, the respondents shall forthwith provide the complainant with the information requested herein.



Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on September 8, 1976.



Louis J. Tapogna
Clerk of the Commission