

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION

Phyllis A. Williams,

Complainant

against

Docket #FIC 85-176

Warden of the Cheshire Correctional
Institute, Personnel Director of the
Cheshire Correctional Institute and
Personnel Manager of the Cheshire
Correctional Institute,

Respondents

October 8, 1986

The above-captioned matter was heard as a contested case on December 2, 1985, December 19, 1985, and April 25, 1986, at which times the complainant and 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 within the meaning of §1-18a(a), G.S.
2. By letter filed with the Commission August 9, 1985, the complainant alleged that she had been denied her rights of access to public records by virtue of the failure of the respondents to provide her with specified personnel records which were relevant to certain grievances filed by her.
3. The complainant had requested the records on July 10, 1985, and on July 25, 1985.
4. By the time of the hearings in these matters, the complainant had received the records requested by her.
5. The complainant claimed, however, that the failure of the respondents to provide investigatory reports to her "promptly" as required by §1-15 and §1-19 (a), G.S. had deprived her of due process at certain of her grievance hearings, and that this Commission should order an appropriate remedy.
6. It is found that the records were not provided to the complainant promptly.

7. The practice of the respondents prior to the filing of this complaint, carried out with the implied if not actual consent of the union, was to treat investigatory reports as records which were exempt to disclosure.

8. The respondents now understand, and the complainant's union now concurs in the understanding, that the investigatory reports are public records.

9. The complainant asserts that this Commission should invalidate the results of her grievance hearings because her lack of access to the investigative reports prevented her from being able to show inconsistencies between those reports and other evidence which was submitted at the grievance hearings.

10. It is found that the complainant failed to show that her lack of access to the investigative reports affected the outcome of the grievance hearings.


11. It is further found that because the investigatory records have been provided to her, the complainant will be able to use the investigatory reports when, in accordance with the union contract, her grievances are heard de novo at an arbitration hearing.

12. It is found that it is not appropriate in this case to declare null and void any action taken at any of the complainant's earlier grievance hearings.

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

1. The respondents shall henceforth provide access to records promptly as required by §§1-15, and 1-19(a), G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of October 8, 1986.


Catherine I. Hostetter
Acting Clerk of the Commission