

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION

Robert L. Silvestri,

Complainant

against

Docket #FIC 85-227

Director, Personnel and Labor
Relations,

Respondent

July 9, 1986

the above-captioned matter was heard as a contested case on February 14, 1986 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 respondent is a public agency within the meaning of §1-18a(a), G.S.

2. By letter dated October 4, 1985 the complainant made a request of the respondent for access to all records regarding a charge of misconduct and the resulting suspension of Constantine Tsingris, Stores Supervisor, Connecticut Correctional Center. The complainant is a representative of Mr. Tsingris's collective bargaining unit.

3. By letter of complaint filed with the Commission on November 4, 1985 the complainant appealed the respondent's failure to comply with his request.

4. At hearing, the respondent moved to dismiss the appeal on the ground that the complainant's complaint was not heard within 20 days of its filing. The respondent's motion was denied, based upon the pendency of legislation which would address the Supreme Court's decision in Zoning Board of Appeals of the Town of North Haven v. Freedom of Information Commission, et al., 198 Conn. 498 (1986).

5. Mr. Tsingris's suspension is the subject of a grievance which has been submitted to arbitration as the final step in a four-step grievance procedure.

6. The respondent claims that the requested records are exempted from disclosure by §§1-19(b)(4) and 1-19(b)(9), G.S.

7. It is found that the grievance filed as a result of Mr. Tsingris's suspension is a pending claim to which the respondent is a party within the meaning of §1-19(b)(4), G.S.

8. It is found that to the extent that the records requested by the complainant pertain to strategy and negotiations with respect to Mr. Tsingris's grievance, such records are exempted from disclosure by §1-19(b)(4), G.S.


9. Records which do not pertain to strategy and negotiations with respect to Mr. Tsingris's grievance are not exempted from disclosure by §1-19(b)(4), G.S.

10. The respondent failed to prove that the records in question were records, reports and statements of strategy or negotiations with respect to collective bargaining within the meaning of §1-19(b)(9), G.S. or that they were exempted from disclosure by other state statute or federal law.

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

1. The respondent shall forthwith provide the complainant with access to inspect or copy those records regarding a charge of misconduct and the resulting suspension of Mr. Tsingris which do not pertain to strategy and negotiations with respect to Mr. Tsingris's grievance.

Approved by order of the Freedom of Information Commission at its regular meeting of July 9, 1986



Catherine Hostetter
Acting Clerk of the Commission