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Personnel Department

Secs. 5-9-1—5-9-21.

Repealed, July 9, 1975.

Sec. 5-9-22. Employee grievance

(a) Repealed, July 9, 1975.

(b) **Personnel appeal board procedure.** (1) General. The chairman of the personnel appeal board shall assign a time and place for hearing appeals and shall send notices to all the parties concerned. Continuances or changes in time or location shall be granted at the discretion of the board. The board shall exclude from the hearing any person who engages in improper conduct. A stenographic record of all proceedings shall be kept. The stenographic notes shall be filed in the office of the personnel director and transcribed at his direction. Copies shall be furnished to the interested parties upon payment of the reasonable expense thereof. The appointing authority and the employee shall present their cases either personally or through authorized representatives. Technical rules of evidence shall not prevail as they do in courts. A panel shall at all times consist of three or more members, and a majority vote is sufficient for a decision.

(2) Order of procedure. The order in which the board shall proceed in hearing the appeal of an employee is as follows: (A) Reading of the charges by the chairman or acting chairman; (B) identification of the appointing authority, the employee or his authorized representative, the witnesses and the personnel director or his authorized representative. Swearing in all persons who are to give testimony; (C) statement by the appointing authority or his authorized representative and the personnel director or his representative of the reasons and steps leading to the action taken; (D) statement by the employee setting forth the grounds and reasons for appealing from the action of the appointing authority; (E) statements made under subparagraphs (C) and (D) shall be considered in the nature of pleadings in civil actions and shall be presented either orally or in writing; (F) only such testimony and evidence as have a direct bearing on the charges and the issues raised in the appeal shall be admitted; (G) introduction or reading of the personnel record of the employee on file in the office of the personnel director; (H) presentation of testimony and evidence in support of action taken by the appointing authority with respect to matters contested by the employee. Presentation as exhibits of reports to the appointing authority with respect to matters contested by the employee. Presentation as exhibits of reports to the appointing authority from his staff or investigating authorities, documents which pertain to the case, and the record of any preliminary investigation and hearing accorded the employee shall be in order; (I) presentation of testimony and evidence supporting the employee's appeal; (J) rebuttal and surrebuttal evidence shall be presented at the discretion of the board; (K) all witnesses shall be subject to cross examination; (L) arguments summarizing any part or all of the case shall be permitted at the discretion of the board.

(3) Board action after hearing. The decision of the personnel appeal board shall be in writing and shall be signed by each member present at the hearing. The original of such decision shall be filed with the personnel director. Copies of the board's decision shall be forwarded to the employee, the appointing authority and any other party deemed by the board to be entitled to such copy.

Sec. 5-9-23.

Repealed, October 12, 1971.

Secs. 5-9-24—5-9-32.

Repealed, July 9, 1975.

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Reimbursement of State Employees for Expenses Incurred in the Performance of Their Duties

Sec. 5-141c-1. Eligibility for reimbursement

Unless otherwise provided by statute or an applicable provision of a collective bargaining agreement, Section 5-141c-2 through 5-141c-11, inclusive, of the Regulations shall control the reimbursement of state employees for expenses incurred in the performance of their duties and these sections shall generally be known as the Standard State Travel Regulations.

(Effective November 16, 1982, amended March 9, 1998)

Sec. 5-141c-2. Definitions

As used in sections 5-141c-2 to 5-141-11, inclusive, of the Regulations of Connecticut State Agencies:

(1) "Agency head" means the appointing authority of the agency for which the employee works or the agency official designated by the appointing authority;

(2) "Official duty station" means the building or other fixed location at which an employee reports for duty;

(3) "Reimbursable expenses" mean those expenses essential to transacting official business, including travel, meals, lodging, gratuities, taxes and business costs; and

(4) "Travel" means all necessary official transportation via rail, airline, bus, taxi or car.

(Effective November 16, 1982, amended March 9, 1998, November 12, 2008)

Sec. 5-141c-3. Authority for travel

(a) All travel shall be approved by the agency head and shall be in accordance with the criteria set forth in sections 5-141c-2 to 5-141c-11, inclusive, of the Regulations of Connecticut State Agencies, policies issued by the Commissioner of Administrative Services or the Commissioner's designee and the office of the State Comptroller or the applicable statute or collective bargaining agreement.

(b) In addition to the approval required in subsection (A) of this section, travel expenses payable in whole or in part by collectively bargained funds shall also be approved in advance by the head of the agency to which the funds have been appropriated or by his or her designee.

(Effective November 16, 1982, amended March 9, 1998, November 12, 2008)

Sec. 5-141c-4. Reimbursable expenses — travel

(a) Reimbursable expenses — Travel by air, rail or bus

(1) All travel arrangements shall be made in advance in accordance with policies issued by the Office of the State Comptroller and Commissioner of Administrative Services or the Commissioner's designee. All travel shall only be authorized at the lowest reasonable rate as determined by the Commissioner of Administrative Services or the Commissioner's Designee.

(2) Unused tickets or portions thereof, shall be returned immediately to the employee's agency for possible credit or reuse. The employee's agency shall be responsible for payment of all tickets returned for which there is a penalty or for non-refundable tickets.

(3) Additional costs incurred for the personal convenience of the employee shall be the responsibility of the employee.

(b) Reimbursable expenses — Travel by state vehicle

(1) Use of state-owned vehicles may be authorized by the agency head in accordance with policies issued by the Commissioner of Administrative Services or the Commissioner's designee.

(2) Parking charges and toll charges incurred in the use of state-owned vehicles are reimbursable.

(c) Reimbursable expenses — Travel by non-state vehicle

(1) Use of privately owned vehicles may be authorized by the agency head in accordance with policies issued by the Commissioner of Administrative Services or the Commissioner’s designee.

(2) Mileage reimbursement shall be at the prevailing rate authorized by the Commissioner of Administrative Services with the approval of the Secretary of the Office of Policy and Management, or as specified in the applicable statute or collective bargaining agreement. Before mileage is reimbursed, proof of insurance with the limits required by the state shall be on file in the business office of the employee’s agency.

(3) Parking charges and toll charges incurred in the use of a privately owned vehicle are reimbursable.

(4) Charges for road service, repairs, towage and other similar expenses are not reimbursable.

(5) All vehicle rentals shall be approved by the agency head and made in accordance with the policies issued by the the Commissioner of Administrative Services or the Commissioner’s designee.

(Effective November 16, 1982, amended March 9, 1998, November 12, 2008)

Sec. 5-141c-5. Reimbursable expenses — meals

(a) In-state meals are reimbursable if there are justifiable circumstances that warrant reimbursement, and the request is approved by the agency head in advance.

(b) Official travel for which reimbursable expenses are payable begins at the time the employee leaves his or her home, official duty station, or other official state location and ends when the employee returns to his or her home, official duty station or other official state location at the conclusion of his or her trip, as appropriate.

(c) Meals taken for out-of-state travel shall be allowed according to the following time schedule.

Departure— employee must depart from home or official duty station:	To be entitled to reimbursement for:		
before 7:00 a.m.	Breakfast	Lunch	Dinner
before 11:00 a.m.		Lunch	Dinner
before 5:00 p.m.			Dinner
Return— employee must return home or to official duty station:	To be entitled to reimbursement for:		
after 9:00 a.m.	Breakfast		
after 2:00 p.m.	Breakfast	Lunch	
after 7:00 p.m.	Breakfast	Lunch	Dinner

Departure and return time shall be indicated on the request for travel and shall include the dates of anticipated full day(s) of travel status.

(d) Meal expenses will be reimbursed in accordance with the rates authorized by the Commissioner of Administrative Services with the approval of the Secretary of the Office of Policy and Management or in accordance with the applicable statute or collective bargaining agreement.

(e) Taxes on meals and gratuities are reimbursable.

(Effective November 16, 1982, amended March 9, 1998, November 12, 2008)

Sec. 5-141c-6. Reimbursable expenses — lodging

(a) When overnight accommodations are required to conduct official state business, the lodging arrangements shall be approved by the agency head and made in accordance with policies issued by the Office of the State Comptroller and the Commissioner of Administrative services or the Commissioner's designee utilizing the state purchasing card program in all instances in which the agency is a participant in the purchasing card program.

(b) Taxes on lodging, hotel fees and gratuities are reimbursable.

(c) Unused accommodations that have been reserved shall be released immediately to avoid incurring unnecessary expenses.

(Effective November 16, 1982, amended March 9, 1998, November 12, 2008)

Sec. 5-141c-7. Reimbursable expenses — telephone and other necessary business expenses

(a) Charges for telephone calls made for official state business may be reimbursed provided that proper documentation is maintained involving the number of such calls and to whom the calls were made.

(b) Other necessary business expenses, including but not limited to, photocopies, typing, facsimiles and overnight letters are reimbursable if properly documented.

(c) Expenditures for non-business related personal expenses such as theater tickets, entertainment and liquor are not reimbursable.

(Effective November 16, 1982, amended March 9, 1998, November 12, 2008)

Sec. 5-141c-8. Reimbursable expenses — conferences, workshops and seminars

State expenses related to attendance at all seminars, meetings, or conferences shall receive prior approval for reimbursement by the agency head. In addition, expenses payable in whole or in part by collectively bargained funds shall also be approved by the head of the agency to which the funds have been appropriated or by his designee. Requests should be supported by literature published by the sponsoring organization including pertinent dates and expenses. Attendance by more than one representative from any one department or agency shall be requested individually and be supported by appropriate documentation to justify the need.

(Effective November 16, 1982, amended March 9, 1998, November 12, 2008)

Sec. 5-141c-9.

Repealed, March 9, 1998.

Sec. 5-141c-10. Receipts and vouchers

(a) Receipts shall be submitted as required by section 3-117 of the Connecticut General Statutes. Receipts may also be required as directed by the agency head.

(b) All claims for reimbursement of traveling expenses shall be prepared in the specific format required by the office of the State Comptroller. Each traveler in a party shall submit a separate claim.

(c) Under no circumstances shall travel payments exceed the amount actually spent by the employee or the amount permitted under sections 5-141c-2 to 5-141c-

11 inclusive, of the Regulations of Connecticut State Agencies or the applicable statute or collective bargaining agreement.

(Effective November 16, 1982, amended March 9, 1998, November 12, 2008)

Sec. 5-141c-11. Advance of funds for travel expenses

(a) Employees traveling out-of-state on official business may be provided with a cash advance if requested by the employee and approved by the agency head to cover estimated allowable expenses. Such advances may be made from the agency's petty cash funds and in circumstances when use of the state purchasing card is not permissible or is not used by that agency.

(b) If the cash advance was less than the total expenditure, the state shall reimburse the employee within a reasonable time after receiving the proper documentation required by section 5-141c-10 of the Regulations of Connecticut State Agencies.

(c) If the cash advance was more than the total expenditure, the employee shall return the excess amount to the agency not more than five business days following return from travel.

(Effective November 16, 1982, amended March 9, 1998, November 12, 2008)

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Organization of the State Employees' Retirement Commission and Procedures Available to the Public in the Conduct of their Business with the Commission

Sec. 5-155-1. Statutory authorization

The State Employees' Retirement Commission derives its duties and authority from the following chapters of the General Statutes:

Chapter 66—State Employees' Retirement System

Chapter 65—State Police Survivor's Benefit Fund

Chapter 113, Part II—Municipal Employees' Retirement System

Chapter 104—Policemen and Firemen Survivors' Benefit Fund

Chapter 16—General Assembly Pension System

(1972, P.A. 281, Secs. 4 through 18)

Chapter 774—Probate Judges and Employees' Retirement System

Chapter 66 and 113—State Social Security Administration

(Effective July 10, 1973)

Sec. 5-155-2. Description of organization

The retirement commission has as its primary duty the administration of the following systems:

(a) **State employees' retirement system.** The State Employees' Retirement System authorized under chapter 66 of the General Statutes has as its objective providing age and disability retirement payments for eligible retirees. Upon entering state service, employees who qualify may apply for membership in the system and authorize payroll deductions.

(b) **State police survivors' benefit fund.** This fund was established in 1961 under chapter 65 of the General Statutes, and is administered by the state as an adjunct of the State Employees' Retirement System. The primary objective of the fund is to provide benefits for surviving dependents of the deceased state police. The employees contribute 1 $\frac{3}{4}$ % of their compensation, subject to a maximum of \$84 per year.

(c) **Municipal employees' retirement system.** Authorized under chapter 113, part II of the General Statutes, the Municipal Employees' Retirement System was established to prove a sound and efficient system for the payment of retirement benefits to municipal employees. On being hired by a participating municipality, municipal employees automatically become members of the system. Deductions are made by the municipality for each eligible employee, recorded in the member's account, and deposited with the state treasurer. By statute, members may purchase additional benefits for military and prior service with a participating municipality. Members may obtain a refund of contributions without interest upon resigning from municipal service.

(d) **Policemen and firemen survivors' benefit fund.** This fund was established in 1963 under chapter 104 of the General Statutes, and is administered by the state as an adjunct of the Municipal Employees' Retirement System. The primary objective of the fund is to provide benefits for surviving dependents of deceased municipal policemen and firemen. Employees contribute 1% of their yearly compensation and the municipality contributes an additional premium payment.

(e) **The general assembly pension system.** The General Assembly Pension System was established by Public Act 281 of the 1972 Session of the General Assembly (chapter 16 of the General Statutes) to provide retirement benefits to present and subsequent members of the legislature. Membership in the system is

voluntary and election may be made by written application to the retirement commission. Election must be made prior to March 1 of any year for which the member wishes to receive credit. Under section 7 of this act, current members may purchase credit for prior service at a rate of \$200.00 for each year of credit desired. Members must contribute 10% of their annual compensation during each year of credited future service, with the state contributing the balance of the cost.

(f) **State probate judges and employees' retirement system.** The retirement commission administers the Probate Judges and Employees' Retirement System authorized by chapter 774 of the General Statutes. The objective of the fund is to provide a sound and efficient method for the payment of retirement benefits to probate judges and employees of the Connecticut probate districts. To be eligible for benefits under the system, applicants must be employed by the court at least twenty hours per week and five months per year. Probate judges must be able to serve twelve years before reaching the age of 70. The retirement commission administers this system in cooperation with the judicial department and the office of the probate court administrator.

(g) **State social security administration.** Under chapters 66 and 113 of the General Statutes, the retirement commission is authorized to act as agent for the state in all matters relating to social security. Representatives of the commission provide information material to state and municipal officials concerning social security coverage of public officers and employees under the provisions of federal and state laws and regulations. Meetings are held with legislative bodies, employee groups and individual employees. Referendums among members of retirement systems are supervised. Reporting officials, payroll and personnel departments are regularly furnished information concerning changes in laws and regulations as well as reminders of coverage under their social security agreement. Guidance in maintaining records, filing reports, and making payments is provided. Quarterly state and municipal reports and adjustment reports are audited. Checks covering social security contributions of employers and employees are deposited. Reports are forwarded to the Social Security Administration, Baltimore, Maryland. Payments are forwarded to the Federal Reserve Bank of Boston.

(Effective July 10, 1973)

Sec. 5-155-3. Composition

The retirement commission consists of five retirement commissioners, one of whom is required to be the executive head of a state institution, one the executive head of a state department, and one a subordinate employee in state service. Each commissioner serves for a term of four years from the first day of July following his appointment by the governor. (Sections 5-155 (a) and 5-155 (b) of the General Statutes.) The chairman, vice-chairman, and secretary of the retirement commission are elected by the members of the commission.

(Effective July 10, 1973)

Sec. 5-155-4. Meetings and reports

Pursuant to Section 5-155 (c) of the General Statutes, the commission must meet at least quarterly and annually report to the governor as required by section 4-60 of the General Statutes.

(Effective July 10, 1973)

Sec. 5-155-5. Official address

All communications should be addressed to the State Employees' Retirement Commission, Office of the State Comptroller, 30 Trinity Street, Hartford, Connecticut 06115.

(Effective July 10, 1973)

Sec. 5-155-6. Public inspection

In addition to publication of the adoption, amendment or repeal of regulations pursuant to section 4-168 of the 1971 Supplement to the General Statutes, a compilation of all regulations, policy statements, final orders, decisions and opinions are available for public inspection at the office of the commission.

(Effective July 10, 1973)

Sec. 5-155-7. Retirement division

The execution of the directives and regulations of the commission are delegated to the retirement division of the comptroller's department. The retirement division maintains records and processes transactions in connection with the retirement system administered by the retirement commission.

(Effective July 10, 1973)

Sec. 5-155-8. Medical examining board

The medical examining board for the retirement commission conducts hearings on applications for disability retirement, health examinations for options, and reexaminations as to continuance of disability, and reports its findings to the commission. Pursuant to section 5-169 (c) of the 1971 Supplement to the General Statutes, the medical examining board is composed of seven physicians appointed by the governor to serve at his pleasure, at least two of whom must be experienced in psychiatry. Three of the members, one of whom must be the elected chairman or secretary of the board, constitute a quorum for the determination of individual cases.

(Effective July 10, 1973)

Sec. 5-155-9. Course and method of operation: Applications

(a) Applications for retirement, options, purchase of credit or any other benefits provided by law are submitted on forms supplied by the retirement division through state agencies, member municipalities, or courts.

(b) All retirement applications received by the division are reviewed for compliance with statutes and submitted for approval to the commission.

(c) Subject to any directives of the commission, all applications to purchase credit, obtain any benefit authorized by law, or refund contributions, found to meet statutory requirements or regulations, are processed by the retirement division as routine business. Those identified as restricted by the commission are submitted for individual approval.

(Effective July 10, 1973)

Sec. 5-155-10. Petition for review

(a) The state employees' retirement commission and/or medical examining board for the retirement commission will accept a petition for review of an application or benefit denied based on additional evidence or with such legal citation as may be appropriate.

(b) If such additional evidence is medical, the retirement division, with concurrence by the chairman of the medical examining board, will reestablish the claim

on the agenda of the board, at the same time advising the petitioner as to his scheduled time of appearance, if warranted. The medical examining board will review the evidence, and report to the commission.

(c) The placing of the item on the medical examining board's agenda also includes placing the same item before the retirement commission.

(d) The retirement division will accept a written petition for review by the retirement commission containing a legal citation accompanied by a description of its applicability, and will reestablish the claim on the agenda of the retirement commission.

(Effective July 10, 1973)

Sec. 5-155-11. Hearing procedure

All hearings conducted in the state employees' retirement commission are conducted in accordance with the requirements of and procedures suggested in sections 4-177 through 4-182 inclusive of the 1971 Supplement to the General Statutes as the same may be amended from time to time. Conferences, interviews, and informal hearings conducted or held as a part of the administrative processes of the state employees' retirement commission are conducted on an informal basis, in accordance with standards designed to meet the purposes to be accomplished by the proceeding.

(Effective July 10, 1973)

Sec. 5-155-12.

Repealed, February 3, 1992.

Sec. 5-155-13. Petition for requesting the promulgation, amendment, or repeal of regulation

The state employees' retirement commission will accept petitions requesting the promulgation, amendment or repeal of a regulation of said commission in the following form:

(a) A petition must be in writing and include or have attached thereto a certificate indicating the manner in which and the date on which it is being filed with the state employees' retirement commission at the main office in Hartford, Connecticut.

(b) The petition shall be signed by the petitioner and shall include his address for purposes of reply.

(c) A petitioner shall serve a copy of the petition on any party who he has reason to believe may not otherwise have knowledge thereof and may fairly have an interest therein. The petition or certificate shall indicate such service therein.

(d) The petition shall clearly state the language to be promulgated, amended or repealed. The same petition may include matter to be promulgated as well as matter to be amended as well as matter to be repealed.

(e) The petition may include a statement of facts and arguments in support thereof.

Where the requirements of the paragraph have been complied with, pursuant to section 4-174 of the 1971 Supplement to the General Statutes, the state employees' retirement commission within 30 days shall either deny the petition in writing, stating its reasons therefor, or initiate regulation-making proceedings in accordance with section 4-168 of the 1971 Supplement to the General Statutes.

(Effective July 10, 1973)

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Petitions for Declaratory Ruling

Sec. 5-155a-1. Petition for declaratory ruling

(a) **Scope.** This section sets forth the commission's rules for governing the form and content of petitions for declaratory rulings, and commission proceedings on such petitions. Petitions for declaratory rulings may be filed on: (1) the validity of any regulation of the commission, and (2) the applicability to specified circumstances of a provision of the general statutes, a regulation, or a final decision (as defined in Section 4-166 (3) of the General Statutes), on a matter within the jurisdiction of the commission. Any petition for a declaratory ruling not falling in one of these two categories shall be rejected in writing by the retirement division of the comptroller's office as not being the proper subject of such a petition.

(b) **Form and Content of Petitions.**

(1) **General.** All petitions for declaratory rulings shall be addressed to the commission, and either mailed or hand delivered to the Commission at its official address: 55 Elm Street, Hartford, Connecticut 06106. All petitions shall be signed by the person filing the petition, unless represented by an attorney, in which case the attorney may sign the petition. The petition shall include the address of the person filing the petition, and the address of the attorney, if applicable.

(2) **Petitions on validity of regulation.** A petition for declaratory ruling on the validity of a regulation shall contain the following:

(A) the section number and text of the regulation;

(B) the specific basis for the claim of invalidity of the regulation; and

(C) an argument by the petitioner in support of the claim of invalidity, with suggested remedy.

(3) Any petition filed which merely requests a ruling on the validity of a regulation, without a detailed claim of invalidity, shall be rejected by the retirement division of the comptroller's office as incomplete.

(4) **Petitions on applicability of statute, regulation, or final decision.** A petition seeking a declaratory ruling on the applicability of a statute, regulation, or final decision on a matter within the jurisdiction of the commission to specified circumstances shall contain the following:

(A) the specific statute, regulation, or final decision upon which the petition is sought;

(B) a brief explanation of why the petitioner believes that the particular statute, regulation, or final decision is within the jurisdiction of the Commission;

(C) a detailed description of the specified circumstances upon which the petition is based; and

(D) an argument by the petitioner as to why the petitioner believes that the particular statute, regulation, or final decision either is or is not applicable to the specified circumstances.

(5) Any petition failing to identify the statute, regulation, or final decision in question, or failing to adequately describe the specified circumstances shall be rejected in writing by the retirement division of the comptroller's office as incomplete.

(6) **Notice.** The petitioner, or his attorney, shall append to the petition for a declaratory ruling a listing of all persons, with addresses, known to the petitioner who may have an interest in the declaratory ruling sought to be issued, and shall mail a copy of the petition to all such persons. The petitioner or his attorney shall certify that a copy of the petition was mailed to all such persons together with this

statement: “Should you wish to participate in the proceedings of this petition, or receive notice of such proceedings or the declaratory ruling issued as a result of this petition, you should contact the commission within thirty days of the date of this petition.”

(c) **Notice.** In addition to the notice required to be given by the petitioner in subsection (b) (6) above, the commission shall, within thirty days after the receipt of such petition, provide written notice of the filing of the petition (1) to all persons required by any law to receive notice; (2) to all persons who have requested notice of the filing of such petitions on the subject matter of the petition; and (3) to all persons who have requested notice of the filing of any such petitions with the commission. The notice required by this section shall not be required where the retirement division of the comptroller’s office has rejected the filing of a petition as inappropriate or incomplete in accordance with subsections (a), (b) (3), and (b) (4) above.

(d) **Rights of Persons to Proceeding.**

(1) Petitioner as party. The petitioner is automatically a party to any proceeding on the petition by virtue of having filed said petition, and need not seek designation as a party from the commission.

(2) Additional parties. Any person, whether or not he has received notice of the petition, may file a petition to become a party within forty-five days from the date of the petition. If the petition to become a party sets forth facts demonstrating that the petitioner’s legal rights, duties, or privileges will be specifically affected by the declaratory ruling to be issued, the commission shall grant the petition and designate the petitioner as a party.

(3) Intervenors. Any person, whether or not he has received notice of the petition, may file a petition to become an intervenor within forty-five days from the date of the petition. If the petition sets forth facts demonstrating that the petitioner’s participation is in the interest of justice and will not disrupt the orderly conduct of the proceedings, the commission shall grant the petition and designate the petitioner as an intervenor. The commission may define the extent of the intervenor’s participation as appropriate to the proceedings on each particular petition for declaratory ruling.

(e) **Commission Proceedings on Petitions.**

(1) Commission action. Within sixty days after the filing of a complete petition for a declaratory ruling, but, in any case, no sooner than forty-five days after the filing of the petition, the commission shall do one of the following, in writing:

(A) issue a declaratory ruling in accordance with the request in the petition containing the names of all parties to the proceeding, the particular facts upon which it is based, and the reasons for the conclusions contained therein;

(B) order that the matter be the subject of a hearing as a contested case;

(C) notify the parties that a declaratory ruling will be issued by a certain date;

(D) decide not to issue a declaratory ruling and initiate regulation making procedures; or

(E) decide not to issue a declaratory ruling, stating the reasons for its action.

(2) Notice. A copy of the commission action taken in accordance with subsection (e) (1) above shall be delivered to the petitioner and all other parties either in person, or by United States mail, certified or registered, postage prepaid, return receipt requested.

(3) Effective date, appeal date. Declaratory rulings shall be effective when personally delivered or mailed, or on such later date specified by the commission in the

ruling, except that for the purposes of any appeal from the declaratory ruling, the date of personal delivery or mailing shall control.

(4) Contested case appeals. Declaratory rulings shall have the same status and binding effect as an order in a contested case, and shall be a final decision in a contested case for the purposes of appeals in accordance with section 4-183 of the general statutes.

(5) Failure to act. If the commission does not issue a declaratory ruling on a complete petition within one hundred and eighty days after the filing of the petition, or later if agreed to by the parties, the Commission shall be deemed to have decided not to issue a ruling.

(Effective February 3, 1992)

Sec. 5-155a-2. General rules – time frames for filing claims

(a) No action at law or in equity may be brought to recover under the State Employee Retirement System (SERS) or any of the retirement systems administered, supervised or managed by the State Employees Retirement Commission (“Commission”) any benefit, Tier transfer, service credit or any other related retirement benefit or payment (including but not limited to over or under payments) or claim challenging the alleged failure of the Commission to abide by a statutory dictate after the expiration of six (6) years after the member first knew or should have known with reasonable diligence of his or her entitlement to such a benefit, Tier transfer, service credit or other related retirement benefit or payment (including but not limited to over or under payments) or any claim challenging an alleged failure of the Commission to abide by a statutory dictate. Claims not brought within this time frame shall be denied as untimely.

(b) Before pursuing legal action, a person claiming retirement benefits or seeking redress related to the retirement system(s) shall first exhaust the Commission’s claim, review and appeal procedures.

(c) A member or the member’s designated beneficiary shall file a written claim to the Commission to appeal the final decision by the Retirement Service Division (“Division”) that adversely affects the personal interest of the member or the member’s designated beneficiary within one (1) year of the date of the final decision by the Division regarding his or her claim. Claims not brought within this time frame shall be denied as untimely.

(d) The Division, on behalf of the Medical Examining Board (“Board”), shall accept applications for disability retirement or petitions for service connected disability retirement with appropriate medical documentation. The time period for filing an application for disability retirement benefits or petition for service connected disability retirement shall begin on the day after the applicant’s last day of paid employment by the State of Connecticut and shall end at close of business on the date that is twenty-four months after the applicant’s last day of paid employment.

(e) If the Board requires additional medical or other evidence in order to make a determination on an application for disability retirement benefits or petition for service connected disability retirement, the member shall have one (1) calendar year from the date of the letter requesting such information to provide it to the Board. If the requested information is not provided within this one (1) calendar year limitation, the application shall be denied. The decision of denial shall be brought before the Commission for its approval as administratively denied.

(f) The member shall have one (1) calendar year from the date of the Board’s decision of denial to seek reconsideration of said decision. If the member does not seek reconsideration of the Board’s decision of denial within said one (1) calendar

year, the Board's initial decision of denial shall stand. The decision of denial shall be brought before the Commission for its approval as administratively denied.

(g) The member shall have one year from the date he or she sought reconsideration to: (1) submit the requested records (if any); and (2) submit additional material facts concerning his or her medical condition at the date of termination of employment; and (3) explain in writing why such material facts were not available to the member at the time of his or her original application to the Board. If the member does not provide the above information within one (1) calendar year of the date of seeking reconsideration, the Board's initial decision of denial shall stand. The decision of denial shall be brought before the Commission for its approval as administratively denied.

(h) If the last day of any filing period or period for submission of information as set out above is a Saturday, Sunday, or state or federal holiday, then the application shall be valid if received by the Division by the close of the next business day following the Saturday, Sunday or holiday.

(i) The Commission, in its sole discretion and after hearing held by it, may allow equitable tolling of any of the time periods set out in this regulation and thus extend the time period for filing a claim. In order to equitably toll all or a portion of said time period, a petitioner shall show that extraordinary circumstances prevented him or her from filing his or her petition within the specified time period. The hearing before the Commission shall be held solely on the issue of whether extraordinary circumstances prevented the petitioner from filing a claim during the period of time at issue and shall not concern the merits of any such claim. Upon good cause shown, the Commission may extend the time frame for filing to a final and specific date certain.

(Effective April 27, 2012)

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Criteria for Waiver of Overpayment

Sec. 5-156c-1. Criteria for waiver of overpayment

(a) Section 5-156c of the General Statutes permits the Commission to waive all or part of the repayment of an overpayment when: the one to whom it was made (the "Recipient") could not reasonably have been expected to detect the error; the Commission believes that such repayment will cause hardship; and the overpayment was through no fault of the Recipient. Acting under the authority of said section the Commission will waive in whole or in part such repayment when it appears to the Commission's reasonable satisfaction that:

(1) the Recipient could not reasonably have been expected to detect the error; and

(2) the Recipient as not "at fault," that is, did not directly or indirectly falsify any information which led to the making, authorizing, or approval of overpayment(s); and

(3) the repayment by the Recipient would reduce his or her over-all income from all sources to a level that would cause hardship and would not, therefore, in good conscience and in equity, permit the repayment of the overpayment.

(b) When the Recipient wishes the Commission to waive repayment of some or all of the overpayment, on the basis of hardship, the Recipient will be required to produce his or her last two years income tax returns and the current balances of all bank accounts, unless the overpayments amounted to more than \$10,000, in which case, the Commission reserves the right to require additional information.

(c) A one time overpayment may be treated differently from overpayments made over a long period.

(d) The Commission encourages the Recipient to submit any other evidence that the Recipient feels may establish hardship. De minimus overpayments totaling \$100 or less will not be subject to recovery because, in the judgment of the Commission, such recovery would impede the efficient and effective administration of the statute.

(Effective December 21, 1987)

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Payment of Retirement Contributions by Employees Who Elect Plan "C"**Sec. 5-158b-1. Payroll deductions**

If an amount payable by a state employee to the state employees' retirement system under the provisions of section 5-158b or 5-158c of the 1969 supplement to the general statutes is equal to or in excess of two hundred dollars, and if the employee so elects in writing to the state employees' retirement commission, such amount may be paid by equal deductions from each regular payment of salary or wages provided each such payroll deduction shall be at least ten dollars and the total contributions due shall be paid over a period not to exceed thirty-six months.

(Effective October 5, 1971)

Sec. 5-158b-2. Death of employee prior to completion of deductions

If an employee who has made the election provided under section 5-158b-1 dies before completion of the deductions under such election, and if he has in effect a husband and wife option as provided by section 5-165 of the general statutes which has been approved by the retirement commission, his spouse may complete, within ninety days from the death of the employee, the payment of the amount due. Upon such completion, such spouse shall be entitled to the same retirement salary, commencing at the death of the employee, as if the state had not made contributions on the salary of the employee under the social security agreement.

(Effective October 22, 1968)

Sec. 5-158b-3. Status of employee prior to completion of payments

For the purpose of section 5-158g of the 1969 supplement to the general statutes, a state employee shall not be deemed to have elected to contribute to both social security and full part A of the state employees retirement system until he has completed the payments required by section 5-158b or 5-158c, as the case may be, either by payment in one sum or in the manner provided by section 5-158b-1. Until he has so completed payments, he shall not be allowed to cancel or reduce an option providing for his spouse, except as provided in section 5-165-1 of these regulations.

(Effective October 22, 1968)

Sec. 5-158b-4. Application to become a Part A member

A state employee who has obligated himself to convert from Plan B to Plan C and who has received an invoice showing the conversion cost must pay such conversion cost in a lump sum payment within 60 days of the mailing of such invoice by the retirement division. If at the end of this 60 days the employee has not made lump sum payment, the agency payroll clerk will, without further authorization or notification, begin payroll deductions based on the invoiced conversion cost, unless the employee has already initiated payroll deductions for such amounts. Full payment of the cost of converting to Plan C must be completed prior to the effective date of retirement.

(Effective November 5, 1975)

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Election of Optional Form of Retirement Salary for State Employees

Sec. 5-165-1. Election of optional form of retirement salary

(a) An employee desiring to elect an optional form of retirement salary shall file with the retirement commission, before the commencement of his retirement salary, a written election on a form to be provided by the retirement commission.

(b) An election shall be approved immediately if the employee passes a health examination satisfactory to the retirement commission. Such health examination shall be made, without expense to the state, on a form to be provided by the retirement commission, by a physician legally licensed to practice medicine in the state of Connecticut.

(c) In other cases, the option application shall automatically be deemed to have been approved by the retirement commission three years after filing.

(d) After an election has been approved by the Retirement Commission it may not be revoked except upon the divorce of the employee and his spouse before the commencement of the retirement salary, and the fraction which the spouse is to receive may not be changed except upon the consent of the Commission, which will consider whether the proposed revocation or change would be detrimental to the State or to the Retirement Fund, and shall require evidence as to the health of the employee and/or his spouse, and may require the consent of the spouse, before making its decision. If an employee submits application for a fraction change, before approval of original application, the new application must be on file three years before the commission deems it to have been approved, or becomes effective immediately if the employee and/or spouse passes a health examination satisfactory to the retirement commission.

(e) The employee may, if he so elects, provide that the optional form shall not take effect if he is retired on account of disability.

(f) If the spouse shall die before the employee's retirement date, the election shall be void.

(Effective November 5, 1975)

Sec. 5-165-2. Conditions under which employee's spouse will receive retirement salary and amount of same

(a) If an employee retires after his election has been approved by the retirement commission and is outlived by his spouse, such spouse shall be entitled to a retirement salary commencing at the employee's death. In the case of an employee who did not participate in social security or who was a member of part A of the state employees retirement system with or without participation in social security, the amount of each payment to the spouse shall be the (reduced) amount which would have been payable if the employee were living at the time of such payment, or such fraction thereof as the employee shall have specified in his election. In the case of an employee who did participate in social security, but was not a member of said part A, the income payable to the spouse prior to the spouse's sixty-second birthday shall be the same as if the employee were not participating in social security, and the income thereafter shall be the same as that to which the employee was entitled, or to which he would have been entitled on or after his sixty-fifth birthday or such fraction thereof as the employee shall have specified in his election.

(b) If the employee shall die before his retirement date, the election shall be void, but the spouse shall be entitled to such income, if any, as is payable under the spouse option provided by section 5-16a of the 1969 supplement to the general statutes.

(Effective July 1, 1969)

Sec. 5-165-3. Amount of reduced retirement salary payable to employee if election of optional retirement salary approved

(a) The reduced retirement salary payable to the employee shall be a percentage of the retirement salary that would have been payable if an optional form of retirement salary had not been elected. In the case of (1) an employee not participating in social security, (2) an employee who was a member of part A of the state employees retirement system with or without participation in social security, or (3) an employee who retires or dies on or after his sixty-fifth birthday, and whose spouse has attained the age of sixty-two, the percentage shall be uniform. Otherwise there shall be two such percentages. The first shall be the same as if the employee were not participating in social security, and shall apply (1) to the total retirement salary that would have been payable to the employee prior to his sixty-fifth birthday, or prior to his becoming eligible for a social security disability insurance benefit if that shall occur earlier, and (2) to that part of the retirement salary that would have been payable thereafter arising from base salary in excess of the amount on which social security taxes were payable, if an optional form of retirement salary had not been elected. The second percentage shall apply to the remainder of the retirement salary that would have been so payable. The first and second percentages will be so computed that the resulting reduced retirement salary under this section and subsection (a) of section 5-165-2 shall be the actuarial equivalent, as determined by the retirement commission, of the retirement salary that would be payable were it not for the election of this option. If the second percentage would otherwise exceed one hundred per cent, it will be taken as one hundred per cent, and the first percentage increased accordingly. When a second percentage has become effective, and the age of either the employee or the spouse at which the second percentage becomes effective is changed by law or regulations, a new second percentage shall be appropriately calculated and shall apply after the effective date of such change. If an employee to whom a second percentage applies, after becoming entitled to social security disability insurance benefits, ceases to be so entitled before his sixty-fifth birthday, the first percentage will again apply, and the second percentage shall be appropriately recalculated.

(b) If the spouse shall have died before the employee shall have retired, the employee (on retirement) shall be entitled to the same retirement salary as if an optional form of retirement salary had not been elected.

(Effective July 1, 1969)

Sec. 5-165-4. Payment to beneficiary if election of optional retirement salary approved

If a retirement salary becomes payable either to the employee or to the spouse, the payment to the beneficiary provided for in sections 5-168 and 45-266 of the general statutes shall be made only after the death of the survivor of the employee and his spouse, and shall then be made in an amount equal to the excess, if any, of the employee's contributions to the retirement fund over the aggregate of the retirement salary payments made to him and to his spouse. The spouse shall have no right to name or change a beneficiary either before or after the death of the employee. If no named beneficiary survives the employee and his spouse, payments shall be made to the executor or administrator of the employee, except that, if the amount is less than one thousand dollars, the refund may, at the option of the comptroller, be made in accordance with the terms of section 45-266 of the general statutes.

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Payment of Retirement Contributions by Reemployed Members for Prior Service

Sec. 5-167-1. Payroll deductions

If an amount payable for retirement fund contributions by a state employee to the state employees' retirement system under the provisions of section 5-167 of the general statutes is equal to or in excess of two hundred dollars, and if the employee so elects in writing to the state employees' retirement commission, such amount may be paid by equal deductions from each regular payment of salary or wages provided each such payroll deduction shall be at least ten dollars and the total contributions due shall be paid over a period not to exceed thirty-six months.

(Effective October 5, 1971)

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for Military Service**

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Payment of Retirement Contributions by Employees for Military Service

Sec. 5-180-1. Payroll deductions

If an amount payable for retirement fund contributions by a state employee to the state employees' retirement system under the provisions of section 5-180 of the general statutes is equal to or in excess of two hundred dollars, and if the employee so elects in writing to the state employees' retirement commission, such amount may be paid by equal deductions from each regular payment of salary or wages provided each such payroll deduction shall be at least ten dollars and the total contributions due shall be paid over a period not to exceed thirty-six months.

(Effective October 5, 1971)

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**Payment of Retirement Contributions by Active
Employees for Prior Service**

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**Payment of Retirement Contributions by Active
Employees for Prior Service**

Sec. 5-181-1. Payroll deductions

If an amount payable for retirement fund contributions by a state employee to the state employees' retirement system under the provisions of section 5-181 of the general statutes is equal to or in excess of two hundred dollars, and if the employee so elects in writing to the state employees' retirement commission, such amount may be paid by equal deductions from each regular payment of salary or wages provided each such payroll deduction shall be at least ten dollars and the total contributions due shall be paid over a period not to exceed thirty-six months.

(Effective October 5, 1971)

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Positions and Compensation

Sec. 5-200-1. Classes of positions

Classes of positions established by the Commissioner of Administrative Services for employees holding positions in the unclassified service shall be as nearly equal as possible to classes of positions established for employees holding positions in the classified service.

(Effective January 18, 1984)

Sec. 5-200-2. Compensation schedules

Compensation schedules established by the Commissioner of Administrative Services pertaining to classes of positions for employees of the judicial and legislative departments shall be as nearly equal as possible to compensation schedules established for similar classes in the classified service.

(Effective January 18, 1984)

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Assignment and Termination of State Housing

Sec. 5-200 (k)-1. Definitions

(a) "Residence" is defined as a set of rooms located in either a detached building or apartment-type building and equipped with individual kitchen or kitchenette facilities.

(b) "Quarters" are defined as one or more rooms containing no kitchen or kitchenette.

(c) "Housing" is either a residence or quarters.

(d) "Employee" is either an employee or an officer as defined by Sections 5-196 (i) and 5-196 (p) of the General Statutes respectively.

(e) "Housing agreement" means the written document in which the State and the employee agree on the terms governing the employee's use and occupancy of housing.

(Effective August 31, 1987)

Sec. 5-200 (k)-2. Eligibility for housing

(a) The following regulations apply to housing provided to state employees not covered by collective bargaining agreements except for housing provided under Connecticut General Statutes Sections 10a-72 (a), 10a-81 (b), 10a-89 (a), 10a-108 and 26-3.

(b) Housing may be authorized for any employee where the Commissioner of Administrative Services or designee determines that authorization for housing would be in the best interests of the State for one or more of the following reasons.

(1) State housing would facilitate the employee's ability to direct, manage or maintain the health, safety and welfare of clients, patients, inmates, students or other employees where such responsibilities are a part of the employee's duties.

(2) State housing would expand the employee's ability to protect, safeguard or conserve facilities and/or equipment where such responsibilities are a part of the employee's duties.

(3) State housing would aid in the recruitment or retention of employees in those specific job classes or positions approved for housing inducements for recruitment or retention by the Commissioner of Administrative Services or designee.

(c) Employees occupying housing prior to June 1, 1981 may continue to occupy the same premises unless such housing assignment is terminated in accordance with the housing termination provisions contained herein.

(Effective August 31, 1987)

Sec. 5-200 (k)-3. Termination of housing assignment

(a) Housing assignments will be terminated:

(1) if the employee violates the terms of the housing agreement;

(2) at cessation of employment;

(3) if the employing agency determines that a facility is no longer needed for housing or is needed for other agency or state purposes;

(4) if the employee changes job assignment or otherwise becomes ineligible for housing.

(b) The agency may allow an employee whose housing assignment has been terminated for any reason under Section 5-200 (k)-3 (a) of these regulations a grace period of up to six months to secure alternate housing.

(Effective August 31, 1987)

Sec. 5-200 (k)-4. Certification requirements

(a) Before any employee is allowed to occupy state housing the agency head or his/her designee shall certify to the Commissioner of Administrative Services, on a form designated by the Department, that the employee is eligible to occupy such housing in accordance with Section 5-200 (k)-2 of these regulations and shall obtain approval from said Commissioner or designee of such certification.

(b) No employee shall certify his/her own housing assignment.
(Effective August 31, 1987)

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Procedure for Hearing Appeals

Secs. 5-201-1—5-201-3.

Repealed, July 23, 1993.

Secs. 5-201-4—5-201-9. Reserved

Organization and Operation

Sec. 5-201-10. Definitions

For the purposes of Section 5-201-10 through 5-201-17, inclusive, of the Regulations of Connecticut State Agencies:

(1) "Board" means the Employees' Review Board established by section 5-201 of the Connecticut General Statutes;

(2) "Employee" means any employee of the State of Connecticut who is not included in any collective bargaining unit of state employees established pursuant to section 5-275 of the Connecticut General Statutes, and who has achieved a permanent appointment to a position in the classified service following successful completion of a working test period. "Employee" does not include employees in collective bargaining units, persons appointed to state offices established by statute, persons holding positions in the unclassified service, including all officers and employees of the judicial and legislative department, persons in provisional, temporary, emergency and intermittent appointments, or persons in working test periods;

(3) "Intervenor" means any person who has been granted status as an intervenor in accordance with section 4-177a(b) of the Connecticut General Statutes;

(4) "Quasi-Public Agency Employee" means any employee of a quasi-public agency, as defined in section 1-120 of the Connecticut General Statutes, who is not included in any collective bargaining unit. "Quasi-Public Agency Employee" does not include employees in collective bargaining units, or officers or directors of a quasi-public agency;

(5) "Panel" means a hearing panel that hears and acts upon an appeal, consisting of either the full Board or any three of its members designated by the Board or, with the authorization of the Board, by the chairperson of the Board;

(6) "Parties" mean any employee filing an appeal, his or her appointing authority, the Secretary of the Office of Policy and Management, the Office of Labor Relations, and any other interested person granted party status in accordance with section 4-177a of the Connecticut General Statutes, or sections 5-201-10 through 5-202-17, inclusive, of the Regulations of Connecticut State Agencies; and

(7) "Secretary" means the Secretary of the Office of Policy and Management or the Secretary's authorized designee.

(Effective July 23, 1993; amended November 12, 2008)

Sec. 5-201-11. Description of organization

(a) The Board consists of seven members appointed by the Governor in accordance with Conn. Gen. Stat. Sec. 5-201, one of whom is designated by the governor as Chairperson.

(b) The Board is in the Department of Administrative Services for administrative purposes only.

(c) A quorum of the Board shall consist of three members.

(d) The Board, or any three members designated by the Board, may serve as a hearing panel to hear an appeal.

(Effective July 23, 1993)

Sec. 5-201-12. Address; public access

(a) The Board is located at 165 Capitol Avenue, Hartford, CT 06106.

(b) Correspondence to the Board should be addressed to Chairperson, Employees' Review Board, 165 Capitol Avenue, Hartford, CT 06106.

(c) Any member of the public may obtain information to make inquiries or requests to the Board by mailing a letter to the Board at the above address, or by appearing in person at the office of the Board from 8:30 A.M. to 4:30 P.M. Monday through Friday excepting State holidays.

(d) A member of the public seeking copies of public records maintained by the Board shall submit the request to the Board in writing, and specify the document or documents desired, and whether or not a plain or certified copy is needed. The fee for the plain copies shall not exceed twenty-five cents per page. If the fee for such copies exceeds ten dollars, the Board may require prepayment. The fee for certifying copies shall be one dollar for the first page and fifty cents for each additional page. The board shall waive fees in accordance with section 1-212(d) of the Connecticut General Statutes.

(Effective July 23, 1993; amended November 12, 2008)

Sec. 5-201-13. Powers of the board

The Board or any panel shall have the following powers:

- (1) to administer oaths and affirmations;
- (2) to certify to all official acts of the Board;
- (3) to issue subpoenas and compel the attendance and testimony of witnesses and the production of records, papers and documents;
- (4) to make investigations and hold hearings concerning the appeal presented to the Board; and
- (5) to make decisions on any appeal presented to the Board.

(Effective July 23, 1993; amended November 12, 2008)

Sec. 5-201-14. Jurisdiction of the board

(a) The Board has the power to hear appeals from individual employees in the following cases:

- (1) When an employee has received an unsatisfactory performance evaluation;
- (2) When an employee is demoted;
- (3) When an employee is suspended;
- (4) When an employee is dismissed;
- (5) When an employee is aggrieved by alleged discrimination, except where an appeal has been filed with the Commission on Human Rights and Opportunities;
- (6) When an employee is aggrieved by alleged unsafe or unhealthy working conditions;
- (7) When an employee is aggrieved as a result of alleged violations involving the interpretation and application of a specific state personnel statute or regulation;
- (8) When an employee who is laid off or dismissed by reason of economy, lack of work, insufficient appropriation, change in department organization or abolition of position claims that the order of layoff or dismissal was not determined in accordance with section 5-241 of the Connecticut General Statutes;
- (9) When an employee claims that a personnel action has been taken or threatened against such employee in violation of section 4-61dd(b)(1) of the Connecticut General Statutes; and

(10) When an employee has been subjected to disciplinary action by his or her appointing authority based upon a finding that he knowingly and maliciously made false charges under section 4-61dd(c) of the Connecticut General Statutes.

(b) The Board shall not hear or consider appeals from employees or groups of employees in the following cases:

(1) Any claim arising from being laid off or dismissed by reason of economy, lack of work, insufficient appropriation, change in department organization or abolition of position other than one based on a claim that the order of layoff or dismissal was not determined in accordance with section 5-241 of the Connecticut General Statutes;

(2) Matters involving examinations, including application, rejection, type of examination and results;

(3) Matters involving compensation for class or classes;

(4) Matters involving the establishment of a new class or classes;

(5) Matters involving the classification of a position, occupational group or career progression level;

(6) Matters involving compliance with health and safety standards and the Connecticut Occupational Safety and Health Act; or

(7) Any claim based on alleged discrimination where an appeal has been filed with the Commission on Human Rights and Opportunities.

(c) The Board has the power to hear appeals from a group of employees in the following cases:

(1) When a group of employees is laid off or dismissed for reasons other than economy, lack of work, insufficient appropriation, change in departmental organization or abolition of positions, provided that each member of such group is appealing the same or a similar issue, as determined by the Board;

(2) When a group of employees is laid off or dismissed because of economy, lack of work, insufficient appropriation, change in departmental organization or abolition of positions and claim that the order of layoff or dismissal was not determined in accordance with section 5-241 of the Connecticut General Statutes, provided that each member of such group is appealing the same or a similar issue, as determined by the Board;

(3) When a group of employees is aggrieved as a result of alleged discrimination, provided that an appeal has not been filed with the Commission on Human Rights and Opportunities and that each member of such group is appealing the same or a similar issue, as determined by the Board;

(4) When a group of employees is aggrieved as a result of unsafe or unhealthy working conditions, provided that each member of such group is appealing the same or a similar issue, as determined by the Board; and

(5) When a group of employees is aggrieved as a result of violations involving the interpretation and application of a specific state personnel statute, regulation or rule, provided that each member of such group is appealing the same or a similar issue, as determined by the Board.

(d) The Board has the authority to hear appeals from an individual quasi-public agency employee in the following cases:

(1) When a quasi-public employee alleges that a personnel action has been taken or threatened against such quasi-public agency employee in violation of section 4-61dd of the Connecticut General Statutes; and

(2) When a quasi-public agency employee has been subjected to disciplinary action by his or her appointing authority based upon a finding that he knowingly

and maliciously made false charges under section 4-61dd of the Connecticut General Statutes.

(Effective July 23, 1993; amended November 12, 2008)

Sec. 5-201-15. Method of and time limits for filing appeals

(a) In cases brought by an individual employee under section 5-202 of the Connecticut General Statutes other than cases of dismissal, demotion or suspension, and cases brought by an individual employee or a quasi-public employee under 4-61dd(c) of the Connecticut General Statutes other than cases of dismissal, demotion or suspension.

(1) First Level

(A) Any employee or quasi-public employee wishing to appeal shall present his or her grievance in writing to his or her supervisor or department chief or other employee as designated by his or her appointing authority not later than thirty calendar days after the date of the alleged violation. The grievance shall be submitted on a form designated by the Board and shall state the date of the violation, and the relief sought by the grievant.

(B) Not later than seven calendar days after the submission of the grievance, the First Level designee shall either respond to the grievance, or convene a meeting for the purpose of reviewing the grievance. If a meeting is convened, the First Level designee shall respond to the grievance not later than seven calendar days after the meeting.

(2) Second Level

(A) If the grievant is dissatisfied with the response at the First Level, he or she may present his or her grievance to his or her appointing authority or designated representative not later than seven calendar days after the response given at the First Level. The original grievance form containing the First Level response shall be used.

(B) Not later than seven calendar days after the submission of the grievance, the Second Level designee shall either respond to the grievance or convene a meeting for the purpose of reviewing the grievance. If a meeting is convened, the Second Level designee shall respond to the grievance not later than seven calendar days after the meeting.

(3) Third Level

(A) If the grievant is dissatisfied with the response at the Second Level, he or she may present his or her grievance to the secretary not later than seven calendar days after the response given at the Second Level. The original grievance form containing the First and Second Level responses shall be used.

(B) Not later than thirty calendar days after the submission of the grievance, the secretary shall either respond to the grievance or convene a meeting for the purpose of reviewing the grievance. If a meeting is convened, the secretary shall respond to the grievance not later than fifteen calendar days after the date of meeting.

(4) Board Appeal

(A) If the grievant is dissatisfied with the response at the Third Level, he or she may appeal the action to the Board not later than thirty calendar days after the completion of the Third Level review procedure.

(B) The grievant shall file a completed Grievance and Appeal packet with the Board and one copy with the Office of Labor Relations. Blank packets may be obtained from the grievant's appointing authority's personnel office or from the Board.

(b) In cases of dismissal, demotion or suspension brought by an individual employee under section 5-202 of the Connecticut General Statutes and cases of dismissal, demotion or suspension brought by an individual employee or a quasi-public employee under section 4-61dd(c) of the Connecticut General Statutes.

(1) Preliminary Review

(A) Any employee or quasi-public employee subject to dismissal, demotion or suspension wishing to appeal shall file a grievance with the secretary not later than thirty calendar days after the effective date of such action. The grievance shall be submitted on a form designated by the Board.

(B) The secretary shall respond to the grievance or convene a meeting to discuss the grievance not later than thirty calendar days after its receipt. In the event a meeting is held, the secretary shall respond to the grievance not later than fifteen calendar days after the date of the meeting.

(2) Board Appeal

(A) If a grievant is dissatisfied with the response from the preliminary review proceeding on a dismissal, demotion or suspension, he or she may appeal the action to the Board not later than thirty calendar days after the completion of the review proceeding.

(B) The grievant shall file a completed Grievance and Appeal packet with the Board and one copy with the Office of Labor Relations. Blank packets may be obtained from the employee's appointing authority's personnel office or from the Board.

(C) In the preliminary review proceedings and Board appeal, grievants are entitled to representation of their own choosing. No verbatim records shall be required in preliminary review proceedings, and no oaths or affirmations shall be administered at preliminary proceedings.

(D) The Board may consolidate appeals filed by different grievants involving the same or similar issues, provided each grievant may present evidence and argument. The Board may join multiple appeals filed by the same grievant.

(E) Any grievant alleging that any state officer, employee or appointing authority has taken or threatened to take any personnel action against any state employee in retaliation for the employee either filing an appeal with the Board, or a grievance in the preliminary review proceeding, may file an appeal with the Board within thirty days of knowledge of the specific incident giving rise to such claim.

(c) In cases brought by groups of employees.

(1) Any group of employees alleging that they have been laid off, dismissed or aggrieved as a result of alleged discrimination, unsafe or unhealthy working conditions or violations involving the interpretation and application of a specific state personnel statute, regulation or rule shall file an appeal with the board not later than thirty calendar days after the specific incident or effective date of action giving rise to such appeal.

(2) The group of employees shall file a completed grievance and appeal packet with the Board and one copy with the Office of Labor Relations. Blank packets may be obtained from the employees' personnel offices or from the Board.

(d) In cases brought under section 4-61dd(b)(4) of the Connecticut General Statutes.

(1) Any employee or quasi-public agency employee alleging that a personnel action has been threatened or taken against him in violation of section 4-61dd(b)(1) of the Connecticut General Statutes shall file an appeal with the Board not later

than thirty calendar days after the date he or she learned of the specific incident giving rise to such claim.

(2) The employee or quasi-public agency employee shall file a completed grievance and appeal packet with the Board and one copy with the Office of Labor Relations. Blank packets may be obtained from his or her personnel office or from the Board.

(Effective July 23, 1993; amended November 12, 2008)

Sec. 5-201-16. Hearings

(a) Notice of Hearing

(1) Upon receiving an appeal, the Board shall issue a notice of hearing to the parties at least twenty-one calendar days before the hearing containing the following information:

(A) The time and place of the hearing;

(B) The Third Level (secretary) action forming the basis for the appeal;

(C) A citation to sections 5-201 and 5-202 of the Connecticut General Statutes as authority for the proceeding; and

(D) Whether the hearing is to be conducted by the full Board or a three member hearing panel, with the names of the members.

(2) Any party may request a postponement which shall be received at the Office of the Board no later than seven calendar days before the date of the hearing, except that the presiding officer will consider requests filed later than seven calendar days in extraordinary circumstances.

(3) Any panel member who believes that his or her participation in a Board appeal might create a conflict of interest or appearance of impropriety shall immediately notify the Chairperson who shall appoint a replacement member to serve on the panel.

(4) Any party may challenge and seek the disqualification of any panel member by filing such challenge at the office of the Board no later than ten calendar days before the hearing. For good cause shown, the panel or the Chairperson may extend such period. The members of the panel shall vote on the challenge. If the member of the panel is disqualified, the hearing shall be adjourned, the Chairperson shall appoint a replacement member, and a new notice shall be issued.

(5) The Chairperson shall replace any panel member who becomes unable to act on an appeal.

(b) Conduct of Hearing

(1) The Chairperson shall designate a member of the panel as presiding officer who shall be responsible for issuing subpoenas, determining admissibility of documentary and physical evidence, ruling on objections, and administering oaths. A party may appeal an evidentiary ruling of the presiding officer and request a vote of the panel. Such appeal must be made immediately after the ruling of the presiding officer.

(2) Hearings shall be open to the public, except that a panel may conduct a closed hearing upon the request of the employee or quasi-public employee who has taken the appeal to the Board. Appellants are entitled to representation of their own choosing.

(3) The panel shall cause a recording or stenographic record of any appeal to be made. The appellant shall, upon request, be furnished with a transcript of the proceedings produced from the recording or stenographic record, and shall pay the cost of such transcript as established by the Chairperson. In the event a tape recording is made, appellant may obtain a copy of the recording on blank tapes furnished by the appellant.

(4) Each party shall be afforded the opportunity:

(A) To inspect and copy relevant and material papers and documents; and

(B) To respond, to cross-examine, and to present evidence and arguments.

(5) The panel shall not be bound by any formal rules of evidence, and may receive any oral or documentary evidence but shall exclude irrelevant, immaterial or unduly repetitious evidence. Witnesses may be sequestered on the motion of the panel or at the request of any party. The panel has the right to inspect and copy all relevant materials, papers and documents, and examine witnesses.

(6) The panel may conduct on-site inspections of the premises involved in an appeal. The parties shall be afforded the opportunity to be present at such inspection.

(7) The order of presentation at hearings shall be as follows:

(A) Where the state raises issues of timeliness of filing, the state shall go first.

(B) Where the appellant raises issues of timeliness of the state's responses, the appellant shall go first.

(C) On jurisdictional issues, the party raising the issue shall go first.

(D) In cases involving employee discipline, the state shall go first.

(E) In cases other than those involving discipline, the appellant shall go first.

(F) The panel may alter the order of presentation where appropriate.

(8) A hearing may proceed in the absence of any party who has received due notice and who has not obtained a continuance. The appearing party shall present such evidence as is required by the panel to render a decision in the matter.

(9) The panel may require or grant requests for permission for the filing of briefs and reply briefs after the hearing.

(10) At the request of either party for good cause shown, or the panel, the record may be reopened prior to the issuance of the final decision, to receive new evidence or relevant argument.

(11) The chairperson shall designate the rights of any intervenor in the proceedings.

(c) Final Decision of Panel

(1) The panel shall render its final decision on the appeal not later than sixty calendar days after the close of evidence or the last due date for filing of briefs, whichever is later.

(2) The decision shall be based solely on the official record, shall be in writing and shall separately state the panel's findings of fact and conclusions of law necessary to the decision. The decision shall be signed by all panel members indicating concurrence or dissent. Any member may dissent with or without opinion.

(3) The final decision shall be delivered to all parties, or their authorized representatives, personally or by United States mail, certified or registered, postage prepaid, return receipt requested.

(4) Unless the action appealed from was arbitrary or taken without reasonable cause, the appeal shall be denied.

(5) If the appeal is sustained, the panel shall direct appropriate remedial action taking into consideration just and equitable relief to the employee and the best interests and effectiveness of state service. The appointing authority shall take such measures to comply with the remedial action not later than ten calendar days after the issuance date of the decision, unless the appointing authority appeals the decision in accordance with section 4-183 of the Connecticut General Statutes.

(6) A party may file with the Board a petition for reconsideration of the final decision not later than fifteen calendar days after personal delivery or mailing. Such petition must comply with the requirements of, and the Board shall handle such petition as set forth in section 4-181a of the Connecticut General Statutes.

(7) Either the appointing authority or the appellant aggrieved by a final decision of the panel may appeal therefrom in accordance with section 4-183 of the Connecticut

General Statutes. Any appellant who prevails in a decision of the Board shall be entitled to recover court costs and reasonable attorney's fees if such decision is appealed by the state and affirmed by the court in such appeal.

(d) Record of Hearing

The following documents shall constitute the record in any appeal:

- (1) Written notices;
- (2) Petitions, pleadings, notices and rulings;
- (3) Evidence received and considered;
- (4) Questions and offers of proof, objections and rulings thereon;
- (5) The official transcript, or recording or stenographic record of the proceeding; and
- (6) The final decision of the panel or Board.
(Effective July 23, 1993; amended November 12, 2008)

Sec. 5-201-17. Declaratory rulings

(a) Scope

Petitions for declaratory rulings may be filed on: (1) the validity of any regulation of the Board, and (2) the applicability to specified circumstances of a provision of the general statutes, a regulation, or a final decision (as defined in subsection (3) of section 4-166 of the Connecticut General Statutes) on a matter within the jurisdiction of the Board. Any petition for a declaratory ruling not falling in one of these two categories will be rejected in writing by the Board as not being the proper subject for a petition for a declaratory ruling.

(b) Form and Content of Petitions.

(1) General. All petitions for declaratory ruling shall be addressed to the Board and either mailed or hand delivered to the Board at its office. All petitions shall be signed by the person filing the petition, unless represented by an attorney, in which case the attorney may sign the petition. The petition shall include the address of the person filing the petition, and the address of the attorney, if applicable.

(2) Petitions on Validity of Regulation. A petition for declaratory ruling on the validity of a regulation shall contain the following: (A) the section number and text of the regulation; (B) the specific basis for the claim of invalidity of the regulation; and (C) any argument by the petitioner in support of the claim of invalidity, with suggested remedy. Any petition filed which merely requests a ruling on the validity of the regulation, without a detailed claim of invalidity, will be rejected by the agency as incomplete.

(3) Petitions on Applicability of Statute, Regulation, or Final Decision to Specific Circumstances. A petition seeking a declaratory ruling on the applicability of a statute, regulation, or final decision on a matter within the jurisdiction of the Board to specified circumstances shall contain the following: (A) the specific statute, regulation, or final decision upon which the petition is sought; (B) a brief explanation of why the petitioner believes that the particular statute, regulation, or final decision is within the jurisdiction of the Board; (C) a detailed description of the specified circumstances upon which the petition is based; and (D) any argument by the petitioner as to why the petitioner believes that the particular statute, regulation, or final order either is or is not applicable to the specified circumstances. Any petition failing to identify the statute, regulation or final decision in question, or failing to adequately describe the specific circumstances will be rejected in writing by the Board as incomplete.

(4) Notice. Not later than thirty calendar days after the receipt of such petition, the Board shall provide written notice of the filing of the petition (A) to all persons

required by any law to receive notice, (B) to all persons who have requested notice of the filing of such petitions on the subject matter of the petition, and (C) to all persons who have requested notice of the filing of any such petitions with the Board. The notice required by this section shall not be required where the agency has rejected the filing of a petition as inappropriate or incomplete in accordance with subsection (a), subsection (b)(2) or subsection (b)(3) of this section.

(c) Rights of Persons to Proceeding.

(1) Petitioner as Party. The petitioner is automatically a party to any proceeding on the petition by virtue of having filed said petition, and need not seek designation as a party from the Board.

(2) Additional Parties. Any person, whether or not they have received notice of the petition, may file a petition to be made a party not later than forty-five calendar days after the date of filing of the petition. If the petition to become a party sets forth facts demonstrating that the petitioner's legal rights, duties or privileges will be specifically affected by the declaratory ruling to be issued, the Board shall grant the petition and designate the petitioner as a party.

(3) Intervenors. Any person, whether or not they have received notice of the petition, may file a petition to become an intervenor not later than forty-five calendar days after the date of filing of the petition. If the petition sets forth facts demonstrating that the petitioner's participation is in the interest of justice and will not disrupt the orderly conduct of the proceedings, the Board shall grant the petition and designate the petitioner as an intervenor. In addition, any person who files a petition for party status who fails to make the requisite demonstration for party status may be granted intervenor status.

(d) Board Proceedings on Petitions.

(1) Board Action. Not later than sixty calendar days after the filing of a complete petition for a declaratory ruling, the Board shall do one of the following:

(A) Issue a declaratory ruling in accordance with the request in the petition containing the names of all parties to the proceeding, the particular facts upon which it is based and the reasons for the conclusions contained therein;

(B) Order that the matter be the subject of a hearing as a contested case;

(C) Notify the parties that a declaratory ruling will be issued by a date certain;

(D) Decide not to issue a declaratory ruling and initiate regulation making proceedings; or

(E) Decide not to issue a declaratory ruling, stating the reasons for its action.

(2) Notice. A copy of the Board action taken in accordance with subdivision (1) of this subsection shall be delivered to the petitioner and all other parties either in person, or by United States mail, certified or registered, postage prepaid, return receipt requested.

(3) Hearing. Any hearing ordered pursuant to subparagraph (B) of subdivision (1) of this subsection shall be conducted in accordance with the procedures set forth in subsection (b) of section 5-201-16 of the Regulations of Connecticut State Agencies and a final decision shall be rendered in accordance with the provisions of subsection (b) of section 5-201-16 of the Regulations of Connecticut State Agencies.

(4) Effective Date, Appeal Date. Declaratory rulings shall be effective when personally delivered or mailed, or on such later date specified by the agency in the ruling, except that for the purposes of any appeal from the declaratory ruling, the date of personal delivery or mail shall control.

(5) Contested Case Appeals. Declaratory Rulings shall have the same status and binding effect as an order in a contested case, and shall be a final decision in a

contested case for the purposes of appeals in accordance with section 4-183 of the Connecticut General Statutes.

(6) Failure to Act. If the Board does not issue a declaratory ruling on a complete petition within 180 days after the filing of the petition, or later if agreed to by the parties, the Board shall be deemed to have decided not to issue a ruling.

(Effective July 23, 1993; amended November 12, 2008)

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Appeals and Grievances

Secs. 5-202-1—5-202-3.

Repealed, August 21, 1981.

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Reclassifications

Sec. 5-206-1. Reclassifications

(a) No reclassification by the Commissioner of Administrative Services of a position to a lower salary group shall become final until the employee affected has been given a reasonable opportunity to be heard by said Commissioner or his authorized representative. Whenever said Commissioner proposes to issue an order of such downward reclassification, he shall first furnish a copy of the proposed order to each employee who may be affected thereby and shall notify such employee of the time and manner in which such employee may be heard prior to the issuance of such order.

(b) No employee whose position has been reclassified downward shall be reduced in compensation for that reason alone.

(Effective January 18, 1984)

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Repealed. 5-211-1

Outstandingly Meritorious Service Award

Sec. 5-211-1.

Repealed, March 25, 1982.

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Longevity Payment

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Longevity Payment

Sec. 5-213-1. Longevity payment

When an employee is on a leave of absence without pay on a date when he would otherwise be entitled to a longevity payment under Section 5-213 of the General Statutes, such payment shall be made to him within sixty (60) days after he is reinstated to service in a pay status.

(Effective July 9, 1975)

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Waiver of Appointment

Sec. 5-216-1. Waiver of appointment

(a) An applicant may be deemed to have waived appointment if he (1) fails to appear for a scheduled interview; or (2) fails to indicate acceptance of appointment within the time specified by the appointing authority, which shall be not less than 3 working days; or (3) fails to report to work as specified by the appointing authority; or (4) agrees to waive appointment.

(Effective July 9, 1975)

Sec. 5-216-2. Failure to reply

(a) An applicant may be deemed to have failed to reply to notification of availability of a position if he fails to reply to such notification within the time specified by the appointing authority, which shall be not less than 3 working days. (See Sec. 5-229 and Regulation 5-229-1.)

(Effective July 9, 1975)

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Volunteer Experience

Sec. 5-219a-1. Volunteer experience as qualifications for admittance to examinations

(a) Applicants desiring an evaluation of their volunteer experience as qualification for employment for all state jobs which have as a requirement specific training and experience shall present documentation verifying this experience. Applicants for competitive appointment shall present the requested documentation to the Director of Personnel and Labor Relations and for non-competitive appointments to the Appointing Authority. Such documentation shall include the organization's name, address, the volunteer's job title, years of volunteer service, description of the duties performed and the name and address of the organization's representative to be contacted regarding verification.

(b) The Director of Personnel and Labor Relations or the Appointing Authority shall request, where necessary, the assistance of the Governor's Council on Voluntary Action, to investigate and authenticate the credentials submitted and to make recommendations as to their applicability to the experience requirements of the position. The decision as to the appropriateness of the qualifications presented for competitive appointment will rest with the Director of Personnel and Labor Relations and for non-competitive appointment with the appointing authority to be reviewed by the Director of Personnel and Labor Relations.

(c) The volunteer experience accepted shall be directly related to the position requirements, the level of such experience must be at least equivalent to that which would be gained through paid employment and the cumulative amount of volunteer service time will be prorated to a full-time equivalency.

(d) Due to the special nature of volunteer experience, a supplemental application form shall be requested if areas such as the type of work, the level of responsibility, scope of authority in decision making and degree and duration of supervisory experience are not clearly defined on the initial application.

(Effective March 21, 1980)

Sec. 5-219a-2. Appeal procedure

(a) Candidates reporting volunteer experience who are not admitted to an examination shall have the same recourse of appeal used by other applicants provided by Section 5-221a, C.G.S.

(Effective March 21, 1980)

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Application Rejection Appeal Process

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Application Rejection Appeal Process

Sec. 5-221a-1. General

(a) An applicant who is being rejected for admission to an examination or to any part of an examination will be given written notice of such rejection. Said notice will inform the applicant of his or her right to appeal such rejection, within seven (7) days of receipt of said notice, to the commissioner of administrative services through the director of personnel and labor relations.

(b) Applicants permanently employed in a class are not eligible to compete in examinations for the same class. Applications may be returned to applicants in the following instances: applications received beyond the closing date; and applications for promotional examinations where the individual does not have current permanent status in accordance with regulation 5-228-1. Applications returned shall be accompanied by an explanatory letter indicating the reason the application is not being accepted.

(c) The director of personnel and labor relations shall appoint an appeal panel consisting of personnel officers from each of three agencies with a minimum of 100 employees, one of whom shall be designated as chairperson.

(d) The panel shall consist of three members and a majority vote will be sufficient for a decision. Said panel shall hear, decide and report on the appeal within sixty (60) working days from the date the appeal was received at the office of the director of personnel and labor relations.

(e) Continuances or changes in scheduled hearings shall be granted by the panel chairperson only for good cause but must be rescheduled within thirty (30) calendar days from the date of the originally scheduled hearing. If the hearing of appeals for a particular classification has been commenced, the same panel, if possible, will hear any continuances or rescheduled hearings, relating to such classification. The applicant may withdraw the appeal at any time prior to the hearing by contacting either the personnel division or the panel chairperson.

(f) The applicant may have representative of his or her choice at the hearing, providing such representative shall have a professional interest in the hearing, such as a union representative, steward or attorney. In no case shall an incumbent in the direct line of supervision or any other individual that may have a conflict of interest serve as a direct representative of the applicant. The panel chairperson must be notified of the name and title of any representative prior to the day of the hearing.

(g) Each hearing will be closed to the public, unless the appellant requests that the hearing be open. Witnesses may be sequestered at the discretion of the panel. The panel chairperson may exclude any person who engages in improper conduct, including individuals directly involved with the hearing.

(h) All hearings will be tape recorded. Tapes of the hearings will be retained by the director of personnel and labor relations for a period of sixty (60) calendar days following the hearing. The director of personnel and labor relations will release transcripts of the tapes, at cost to the requester, subject to the provisions of section 1-19 of the General Statutes.

(i) The panel may not grant any remedy other than admission to the examination for meeting minimum requirements as stated in the announcement and may not add to, subtract from, alter or modify the standards, requirements of conditions established for admission to the examinations, including meeting the appeal process conditions. The burden of proof shall be on the appellant to show that the rejection was arbitrary, unreasonable, or contrary to law.

(Effective August 6, 1981)

Sec. 5-221a-2. The appeal process

(a) The appeal process is designed to allow for resolution of the matter prior to a hearing if possible. The applicant may within ten days of being notified that his or her appeal has been received by the personnel division, submit any further information supplemental to his or her application. Any information to be presented before the appeal panel should be submitted to the personnel division for review within the stated ten day period.

(b) The supplementary information should consist of past, relevant experience not indicated on the application or a clarification of duties performed in past or present experience, or any material pertinent to the grounds for rejection.

(c) An applicant may be given credit for work outside the range of normal class assignments provided there is written verification, signed by the appointing authority and agency personnel officer, explaining the exact nature and duration of the duties and the reason for their occurrence. This information should be included as part of the supplemental information described in (a) and (b) above.

(Effective August 6, 1981)

Sec. 5-221a-3. Order of procedure

(a) Reading or noting issue and presentation of facts and written documents submitted.

(b) Identification and recording of names, titles and agency affiliation of appellant, authorized representative, personnel division designee(s), and panel members.

(c) Statements, or evidence of appellant or representative and personnel division designees. Such statements and presentation of evidence shall not exceed a reasonable time period as determined by the panel chairperson. Only such statements or evidence which have a direct bearing on the rejection issue raised and which, in the discretion of the panel, corroborates previously submitted evidence shall be admitted.

(d) Claims of working out of class are not to be considered unless the requirements established in regulation 5-221a-2(c) above have been met.

(e) Conditional admission to the examination and results thereof are not to be considered.

(f) Evidence that an individual has been admitted to an examination for the same class previously is not, of itself, sufficient evidence for meeting current admission requirements.

(g) Rebuttal and surrebuttal evidence shall be presented at the discretion of the panel in accordance with (c) above. All witnesses shall be subject to cross examination.

(h) Arguments or closing statements summarizing any or all parts of the case may be presented by both sides at the discretion of the panel.

(Effective August 6, 1981)

Sec. 5-221a-4. Panel action

The decision of the panel shall be in writing and shall be signed by the panel chairperson. Such decision shall include a brief statement of the findings of fact and reasons supporting the decision of the panel. The original shall be filed with the director of personnel and labor relations. Copies shall be forwarded to the appellant or union representative and any other party deemed by the panel to be entitled to such copy. The decision of the panel shall be binding on all parties.

(Effective August 6, 1981)

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Unassembled Examinations

Secs. 5-222-1—5-222-2.

Repealed, March 25, 1982.

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Eligibility for continuing examination 5-223-1

Eligibility for Continuing Examination

Sec. 5-223-1. Eligibility for continuing examination

An applicant must pass each phase of the examination to maintain his eligibility to continue the examination.

(Effective July 9, 1975)

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Veteran's Examination—Credit Open Competitive Examinations

Veterans' examination—credit open competitive examinations. 5-224-1

Veteran's Examination—Credit Open Competitive Examinations**Sec. 5-224-1. Veterans' examination-credit open competitive examinations**

(a) Veterans' examination credit shall be allowed only if satisfactory proof of the status claimed is filed with the Commissioner of Administrative Services. Such proof shall be the usual certification by the authorized federal agency.

(b) To establish eligibility due to disability the veteran must have been entitled to receive compensation for such disability.

(c) Proof of eligibility due to disability from the Veterans Administration must be dated not more than six months prior to the date of submission or death of the veteran.

(Effective January 18, 1984)

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Examination Results; Review of Papers

Examination results; review of papers 5-225-1

Examination Results; Review of Papers**Sec. 5-225-1. Examination results; review of papers**

(a) An applicant will be notified of the results of his examination as soon as practicable following promulgation of the employment list or following grading of the phase of the examination which he did not pass.

(b) The application and answer papers of an applicant shall be open to his inspection for sixty days following promulgation of the employment list, or for the sixty days following notification that he did not pass a phase of the examination provided that

(1) The applicant requests an appointment in advance to inspect his papers and presents his "Results of Examination(s)" slip at the time of appointment;

(2) The applicant inspecting his answer papers shall limit such inspection to a length of time which the Commissioner of Administrative Services or his designated representative shall prescribe as reasonable; and

(3) The applicant shall not copy any material provided to him for his inspection.

(c) When an applicant questions the accuracy of his score on a phase or phases of an examination, he may file a written request for review by the Commissioner of Administrative Services provided that such request is filed no later than ten days after the applicant has inspected his examination results.

(d) The applicant's request shall state the area or areas with which he disagrees or wherein the results of the examination are allegedly incorrect and shall set forth his arguments, citing the reasons, or the authority where applicable, supporting his point of view.

(e) The Commissioner of Administrative Services or his representative shall make a final determination of the scoring within 21 days of the receipt of the request for review.

(Effective January 18, 1984)

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Permanent Appointments

Sec. 5-228-1. Permanent appointments

(a) Insofar as practicable, appointments to permanent positions in the classified service are to be made in the following order of preference:

(1) By promotion of a qualified employee of the agency involved;

(2) By promotion of a qualified employee of another agency, or

(3) By original appointment.

(b) No appointment is to be made hereunder until laid-off employees eligible for re-hire and qualified for the position involved are offered reemployment.

(c) To be eligible to compete in a promotional examination the employee must have attained permanent status and shall have been employed at least six months in an agency for which the examination is being held unless such examination is opened to all employees in the state service.

(Effective July 9, 1975)

Sec. 5-228-2.

Repealed, March 25, 1982.

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Appointment; Refusal of Appointment

Appointment; refusal of appointment 5-229-1

Appointment; Refusal of Appointment**Sec. 5-229-1. Appointment; refusal of appointment**

(a) Appointment to a position in the classified service shall be considered complete when the appointing authority issues his notice of appointment to the applicant.

(b) The appointing authority may consider that an appointment has been refused if the applicant waives appointment or fails to reply to notification of availability of a position as determined in accordance with section 5-216-2. The appointing authority may thereupon make another appointment to the position involved and may, if necessary, request the Commissioner of Administrative Services to certify the name or names of one or more additional eligible ranks.

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Working Tests

Sec. 5-230-1. Working tests

(a) Each appointee to a permanent position in the classified service shall serve a working test period. Such working test period shall begin on the date of appointment from the employment list, if the position is competitive. Otherwise, the working test period shall begin on the date of original permanent appointment.

(b) No additional working test period shall be required of any appointee from a reemployment list who previously served a satisfactory working test in the same or in a comparable class within the preceding three years.

(Effective July 9, 1975)

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Training Programs

Sec. 5-234-1. Training programs

The Commissioner of Administrative Services may designate positions in the classified service, to be filed without competitive tests, as training positions or pre-professional positions for the disadvantaged. The incumbents of such positions may serve for not more than two years as participants in a training program approved by said commissioner, provided that upon recommendation of his appointing authority an incumbent of a pre-professional position who has so served may be appointed for not more than one additional year.

(Effective January 18, 1984)

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Service Rating

Sec. 5-237-1. Service rating

(a) The appointing authority shall cause a service rating report to be filed on the form prescribed by the Commissioner of Administrative Services in the following instances and at the following times:

(1) During any working test period, either promotional or original, the quality of service of any employee shall be reported as either: "good" or better for satisfactory or better performance and the form shall be on file in the office of the appointing authority not more than six nor less than two weeks prior to the termination of the period; or less than "good" for fair or unsatisfactory performance and the report shall be approved by the appointing authority and filed with the office of the Commissioner of Administrative Services;

(2) When the performance of an employee with permanent status has been less than "good," in order to preclude an annual salary increase, the report shall be approved by the appointing authority and filed in the office of the Commissioner prior to the employee's increase date;

(3) When the appointing authority wishes to amend a previously submitted fair or unsatisfactory report due to the marked improvement in an employee's performance, such report shall be filed with the office of the Commissioner of Administrative Services not later than two weeks prior to the increase date and if acceptable to the Commissioner it shall have precedence over previous reports and shall restore the annual increase;

(4) Annually for each permanent employee, said annual rating to be filed in the office of the appointing authority at least three months prior to the employee's annual increase date; or

(5) At such other times as the appointing authority deems that the quality of service of an employee should be recorded.

(b) All service ratings are to be discussed with the employee by the employee's immediate supervisor. The employee shall be asked to sign such report as a confirmation that he has seen the form and discussed it with the supervisor. Such signature shall not be construed to indicate agreement or approval of the rating by the employee.

(c) A service rating report indicating unsatisfactory service or performance less than "good" shall state in detail the reason therefor. A copy of such report shall be furnished to the employee.

(d) Any report of less than "good" shall be considered in determining demotion or dismissal as provided for by these regulations. In no event shall any such report made two or more years prior to any demotion or dismissal be considered.

(Effective January 18, 1984)

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Work Schedules

Sec. 5-238-1. Hours of work and work schedules. Overtime

(a) Hours of work. The standard hours of work for all full-time employees shall be seven per work day and thirty-five per work week, except as otherwise provided by properly approved work schedules.

(Effective July 9, 1975)

Sec. 5-238-2. Work schedules

(a) **Departments.** The work schedules for departmental employees other than employees of institutions shall be in accordance with the regular established hours of work stated above except where work in excess of the regular established hours of work shall be determined necessary by the requirements of each department. Such exception shall be provided for only by approval of the Commissioner of Administrative Services and shall be recorded in his office and in the department, together with the reason for each exception.

(b) **Institutions.** The work schedule for institution employees shall be in accordance with the official schedule on file in the office of the Commissioner of Administrative Services and in the institution. Changes in the official work schedule may be made only after written approval of the Commissioner of Administrative Services. An exception for any employee or any class may be granted only with the written approval of the Commissioner of Administrative Services, and such record together with the reasons for any such exception shall be on file in his office and in the institution.

(c) It shall be the administrative responsibility of the appointing authority, in accordance with the needs of the services, to schedule the assignments of employees to shifts and to work days.

(d) Time spent in travel between home and duty station shall not be construed as work time except as specified by statute.

(Effective January 18, 1984)

Sec. 5-238-3. Work week

The customary work week for all employees shall be from 12:01 a.m. Friday to 12:01 a.m. the following Friday unless otherwise provided by properly approved work schedules.

(Effective July 9, 1975)

Sec. 5-238-4. Work day

The customary work day for all employees shall be from 12:01 a.m. to 12:01 a.m. the following day unless otherwise provided by properly approved work schedule.

(Effective July 9, 1975)

Sec. 5-238-5. Overtime and overtime pay

When in the judgment of the appointing authority or his representative, it is necessary for employees to work in excess of their standard hours of work, such overtime work shall be assigned as equitably as practicable among the employees involved.

(Effective July 9, 1975)

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Transfers

Sec. 5-239-1. Transfers. Transfer registry

Transfers may be made as follows:

(a) **Within an agency.**

(1) Permanent and temporary transfers within an agency may be made with the approval of the Commissioner of Administrative Services either by the appointing authority for the good of the service or by request of the employee with the approval of the appointing authority.

(2) Permanent transfer of any employee from one organizational unit to another in the same agency may be made if the position to which transfer is made shall be in the same or in a lower salary range and shall have requirements as to knowledge, skill, ability, experience and training substantially the same as the occupied position.

(3) Temporary transfer of an employee to a position in the same or in a comparable class within an agency for a period not to exceed six months at any one time may be made in order to effect economy or utilize service to meet emergency conditions and not warranting the hiring of new employees or obtaining employees from other state agencies.

(4) Permanent and temporary transfers within an agency shall be reported by the appointing authority to the Commissioner of Administrative Services at the time they are effected and in the manner prescribed by him.

(b) **To another agency.** Subject to the requirement that no permanent transfer of an employee shall be made until any employee laid-off from the same classification and eligible for re-hire and qualified for the position involved has been offered re-employment;

(1) Permanent transfer of an employee from one agency to another may be made provided the position to which transfer is made shall be in the same or in a lower salary range and shall have requirements as to knowledge, skill, ability, experience, and training substantially the same as the occupied position.

(2) The transfer request may be made by either appointing authority to the Commissioner of Administrative Services in the interest of better utilization of services, in order to avoid the necessity of layoff due to lack of funds or lack of work. Such transfer must have the approval of both appointing authorities and of the Commissioner of Administrative Services.

(3) The transfer request may be made by the employee for his personal advantage provided the appointing authority of the agency in which he is employed notifies the Commissioner of Administrative Services that the request meets with the appointing authority's approval.

(4) Temporary transfer of employees from one agency to another for a period not to exceed six months may be made under the following conditions:

(5) The appointing authority anticipating the need of additional help to meet emergency or seasonal conditions not warranting the hiring of new employees shall notify the Commissioner of Administrative Services, preferably not less than 15 days in advance, of the number of employees needed in each classification, and the probable duration of the need for their services.

(6) The Commissioner of Administrative Services shall requisition on an equitable basis sufficient employees from each appointing authority employing persons in the desired classifications and shall furnish the names of available employees to the agency concerned. Any appointing authority unable to comply with the Commissioner of Administrative Services requisition shall furnish a written explanation of his inability to do so.

(7) A temporary transferee from one agency to another shall be considered for all purposes as an employee of the agency from which he was loaned except for the purpose of immediate supervision.

(Effective January 18, 1984)

Sec. 5-239-2. Transfer registry

(a) Permanent transfer of an employee from one agency to another at the request of the employee must meet the conditions stated above and in addition may be made only if the following conditions have been met:

(1) The employee as a first step has notified his appointing authority of his desire to transfer and has received approval required by subsection (b) (3) of Section 5-239-1.

(2) The Commissioner of Administrative Services has caused the name of the employee requesting the transfer to be placed on the transfer registry maintained in his office and has referred the name from this registry to those agencies, acceptable to the employee, which have suitable vacancies.

(3) The employee thus referred has been selected for appointment by transfer by another appointing authority.

(4) The transfer has the approval of both appointing authorities and of the Commissioner of Administrative Services.

(b) A transfer registry shall be maintained by the Commissioner of Administrative Services for employees desiring permanent transfers from one agency to another, with an employee's name remaining on the registry for not longer than two years from the time he has indicated his desire for transfer.

(c) No new working test period shall be required of an employee permanently transferred who has satisfactorily completed the prescribed working test period in his former position. If the employee in his former position had only partially completed the working test period, the balance of the working test shall be completed in the agency of the new appointing authority.

(d) Any employee transferred shall carry over all unused sick leave, personal leave, earned lieu time and vacation accruals to his credit, and the time spent in his former position shall be counted towards the completion of his time requirements for purpose of the annual salary increase.

(e) **Rate of pay.** An employee transferred to a position in the same salary group shall continue to receive when transferred his existing rate of pay.

(f) When an employee is transferred to a classification with a lower salary range in order to avoid the necessity of layoff, his rate of pay in the lower classification shall be at the closest rate in the lower salary range, but not more than the rate he is receiving at time of transfer.

(g) When an employee at his own request accepts a transfer to a position in a lower salary range, he shall be paid at that lower rate of pay which he would have arrived at had he been serving in the lower instead of in the higher position.

(h) No employee shall refuse to accept a temporary or permanent transfer except for reasons satisfactory to the Commissioner of Administrative Services except as permitted in Sec. 5-241 (b) of the Connecticut General Statutes, Revision of 1958, as revised.

(Effective January 18, 1984)

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Reprimand, Suspension, Demotion and Dismissal

Sec. 5-240-1.

Repealed, May 5, 1988.

Sec. 5-240-1a. Definitions

The following terms shall have the following meanings for the purposes of Section 5-240-1a through 5-240-8a of the Regulations of Connecticut State Agencies:

(a) "Appointing authority" means a board, commission, officer, commissioner, person or group of persons having the power to make appointments by virtue of a statute.

(b) "Employee" means an employee holding a position in the classified service of the state, whether full time or part time, for which compensation is paid, who has been appointed to that position following successful completion of a working test period.

(c) "Just cause" means any conduct for which an employee may be suspended, demoted or dismissed and includes, but is not limited to, the following:

1. Conviction of a felony.
2. Conviction of a misdemeanor committed while on duty.
3. Conviction of a misdemeanor committed off duty which could impact upon the performance of job responsibilities.
4. Offensive or abusive conduct toward the public, co-workers, or inmates, patients or clients of State institutions or facilities.
5. Two successive unsatisfactory service ratings, if filed within two years of each other.
6. Fraud or collusion in connection with any examination or appointment in the classified service.
7. Theft, willful neglect or misuse of any state funds, property, equipment, material or supplies.
8. Deliberate violation of any law, state regulation or agency rule.
9. Absence without leave for five or more working days or failure to return to duty within five working days following authorized leave.
10. Use of and/or intoxication from alcohol or illegal drugs while on duty.
11. Neglect of duty, or other employment related misconduct.
12. Insubordination, including but not limited to failure to work overtime if directed to do so.
13. Engaging in any activity which is detrimental to the best interests of the agency or of the state.
14. Conflict of interest within the meaning of C.G.S. Section 5-266 (a)-1 of the Regulations of Connecticut State Agencies.
15. Violation of the prohibitions of C.G.S. Section 5-226 (a).

(d) "Reprimand" means a written statement by the appointing authority to an employee notifying the employee that he has engaged in conduct which constitutes just cause for suspension, demotion or dismissal, and which notice is placed in the employees' personnel file. Reprimand does not include written periodic performance evaluations, or any statements contained therein.

(Effective May 5, 1988)

Sec. 5-240-2.

Repealed, May 5, 1988.

Sec. 5-240-2a. Reprimand

An appointing authority may reprimand an employee for just cause, if the appointing authority believes that given the relevant circumstances the specific conduct

that is the subject of the reprimand does not warrant a suspension, demotion or dismissal, but that the failure to act, involving the employee's job performance, attendance or conduct on duty of any sort warrants putting the employee on notice that such act, or failure to act constitutes just cause, and that the continuation of the specific conduct may result in more severe disciplinary action.

(Effective May 5, 1988)

Sec. 5-240-3.

Repealed, May 5, 1988.

Sec. 5-240-3a. Suspension

(a) An appointing authority may suspend an employee for just cause.

(b) Before a decision is made to suspend an employee without pay, or with reduced pay, the appointing authority shall follow the prediscipline procedures, as set forth in these regulations.

(c) Following the decision to suspend an employee, the appointing authority shall follow the post discipline procedures, as set forth in these regulations.

(d) Suspensions without pay or with reduced pay may not exceed in the aggregate sixty days in any one calendar year.

(Effective May 5, 1988)

Sec. 5-240-4a. Disciplinary demotion

(a) An appointing authority may demote an employee for inefficiency or incompetence when the employee's performance of his duties clearly indicates he is not rendering satisfactory service. Such a demotion shall not be made earlier than three months after permanent appointment to the classified service.

(b) Before a decision is made to demote an employee, the appointing authority shall follow the prediscipline procedures, as set forth in these regulations.

(c) Following the decision to demote an employee, the appointing authority shall follow the post discipline procedures, as set forth in these regulations.

(d) The appointing authority shall report a demotion under this section to the Commissioner of Administrative Services at least two weeks prior to the effective date of the action.

(e) Any employee demoted under this section shall be paid the salary which he would have been receiving had he been serving in the lower instead of in the higher position.

(Effective May 5, 1988)

Sec. 5-240-5a. Dismissal

(a) An appointing authority may dismiss an employee for just cause.

(b) The Commissioner of Administrative Services may dismiss any employee who has violated the provisions of C.G.S. Section 5-266a through Section 5-266d except that if the Commissioner finds that the violation does not warrant removal, he may suspend the employee from his position without pay for not less than thirty days or more than six months. Any such dismissal or suspension shall be taken in accordance with the procedures for dismissal or suspension contained in these regulations.

(c) Before a decision is made to dismiss an employee, the appointing authority shall follow the prediscipline procedures, as set forth in these regulations.

(d) Following the decision to dismiss an employee, the appointing authority shall follow the post discipline procedures, as set forth in these regulations.

(e) The appointing authority shall immediately report a dismissal to the Commissioner of Administrative Services by sending a copy of the notice given to the employee.

(f) An appointing authority may place an employee on leave of absence with pay for up to fifteen (15) days to permit investigation of alleged serious misconduct which could constitute just cause for dismissal under C.G.S. Section 5-240-1a (c). Such leave shall only be utilized if the employee's presence at work could be harmful to the public, the welfare, health or safety of patients, inmates or state employees or state property. Following a decision to place the employee on such leave, the appointing authority shall provide written notice to the employee stating the reasons for the leave, the effective date of the leave and the duration of the leave which shall not exceed fifteen (15) days.

(g) Any employee who is the subject of criminal charges which upon conviction would constitute just cause for dismissal under Section 5-240-1a (c) of these regulations may request a voluntary leave of absence without pay pending the disposition of the criminal charges pursuant to the provisions of C.G.S. Section 5-248 and regulations adopted pursuant thereto. In the event the criminal charges are not disposed of during a one year voluntary unpaid leave of absence, the employee may request an extension of that leave, in accordance with the provisions of C.G.S. Section 5-248 and regulations adopted pursuant thereto.

(h) An appointing authority may, pending disposition of criminal charges the pendency of which would hamper the completion of an independent administrative investigation and which upon conviction of an employee would constitute just cause for dismissal under Section 5-240-1a (c) of these regulations place the employee on leave of absence with pay for up to thirty (30) days. Such leave shall only be used if the employee's presence at work could be harmful to the public, the welfare, health or safety of patients, inmates or state employees or state property. Following a decision to place the employee on such leave, the appointing authority shall provide written notice to the employee stating the reasons for the leave, the effective date of the leave and the duration of the leave, which shall not exceed thirty (30) days. The leave may be extended for an additional thirty (30) day period upon request of the appointing authority and approval of the Commissioner of Administrative Services based on a showing that the pendency of the criminal charges prevents the completion of an independent administrative investigation of the underlying conduct.

(i) The appointing authority shall immediately report placement of an employee on leave of absence under this section to the Commissioner of Administrative Services by sending a copy of the notice given the employee.

(Effective May 5, 1988)

Sec. 5-240-6a. Non-disciplinary demotion

(a) An appointing authority may demote an employee as an alternative to the employee being laid off or at the request of an employee.

(b) Before a decision is made to demote an employee as an alternative to the employee being laid off, the appointing authority shall follow the prediscipline procedures, as set forth in these regulations.

(c) Following a decision to demote an employee as an alternative to the employee being laid off, the appointing authority shall follow the post discipline procedures, as set forth in these regulations.

(d) A demotion as an alternative to an employee being laid off is not and shall not be construed in any manner that would characterize such a demotion as a

disciplinary measure, notwithstanding the use of the prediscipline and post discipline procedures.

(e) Before an appointing authority demotes an employee at the request of the employee, the employee shall provide the appointing authority with a letter specifically requesting the demotion. When a demotion is requested by an employee, the prediscipline or post discipline procedures set forth in these regulations shall not be used.

(f) Any employee demoted under this section shall be paid the salary which he would have been receiving had he been serving in the lower instead of in the higher position.

(g) The appointing authority shall immediately report a demotion under this section to the Commissioner of Administrative Services by sending a copy of the notice given the employee.

(Effective May 5, 1988)

Sec. 5-240-7a. Prediscipline procedure

(a) Prior to a decision to suspend an employee, demote an employee except at the request of the employee or dismiss an employee, the appointing authority shall provide the employee with oral or written notice. The notice shall include what form of action is being considered, shall contain a concise statement explaining what evidence supports the imposition of the action that is being considered and shall state a specific time and place for a meeting where the employee will be given an opportunity to present his side of the story and reasons why the employee feels that the action being considered should not be taken. The meeting will be held by the appointing authority or the appointing authority's designee.

(b) If written notice is given, it may be mailed, return receipt requested, or hand delivered to the employee at work. If the notice is mailed, the time of the meeting when the employee will be given an opportunity to present his side of the story shall be no sooner than five working days following the mailing of the notice. If the notice is hand delivered to the employee at work or given orally, the time of the meeting when the employee will be given an opportunity to present his side of the story may be any time following receipt of the notice, including immediately following the receipt of the notice unless the complexity of the charges requires additional time. In such case the employee may request and be granted a reasonable amount of time before being required to respond.

(c) If an employee declines or fails to attend the prediscipline meeting, the appointing authority may proceed with disciplinary action consistent with the notice provided under this section.

(Effective May 5, 1988)

Sec. 5-240-8a. Postdiscipline procedure

(a) Within one week of a decision by the appointing authority to suspend an employee, demote an employee except at the request of an employee or dismiss an employee, the appointing authority shall provide written notice, in addition to any notice that may have been provided in accordance with the prediscipline procedure, to the employee stating the appointing authority's decision, the reasons for the decision, the effective date of the decision and informing the employee of any right to further review or appeal that the employee may have pursuant to either C.G.S. Section 5-202 or an applicable collective bargaining agreement.

(b) The effective date of a dismissal shall be no earlier than two weeks from the date of the notice required by (a) above, except in cases of serious misconduct by

an employee affecting the public, or affecting the welfare, health or safety of patients, inmates or clients of state institutions or facilities, or of state employees, or the protection of state property, in which case the appointing authority may make the dismissal effective immediately upon the close of the prediscipline meeting. The appointing authority shall state the specific reason for imposing immediate dismissal at the close of the prediscipline meeting and in the subsequent written notice of discipline.

(c) The effective date of a demotion shall be no earlier than two weeks from the date of the notice.

(d) The effective date of a suspension shall be at a time determined by the appointing authority, commencing after oral or written notice of the determination to impose a suspension, so long as any oral notice is followed by the written notice required by this section.

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Reemployment Lists

Sec. 5-241-1. Reemployment lists

(a) The names of permanent employees who are eligible for reemployment shall be arranged on appropriate reemployment lists in order of seniority in the state service and shall remain thereon for a period of two years.

(b) State service shall include military service as specified in Section 5-255 of the General Statutes, 1958 Revision, as revised. Seniority in state service shall be total length of state service without regard to classification or agency in which employed.

(c) Employees shall be entitled to specify for placement on the reemployment list for any or all classes in which they formerly had permanent status. In the event that an employee is appointed to a position from a reemployment list but such position is in a lower salary group than the class or classes for which his name is entered upon a reemployment list, he shall remain eligible for certification from the latter list.

(d) In the case of layoff or demotion due to lack of work, economy, insufficient appropriation, change in departmental organization, or abolition of position, the name of a permanent employee eligible for reemployment shall remain for a period of three years on the appropriate reemployment list for any class in which he had permanent status.

(e) Reemployment lists for classes treated competitively shall be maintained by the Commissioner of Administrative Services. Reemployment list for any classes treated noncompetitively shall be maintained by the appointing authority.

(f) An employee appointed from a reemployment list to a position in his former salary group will be appointed at the same step in such group as he held when he last worked in state service. An employee so appointed to a position in a lower salary will be appointed at the same step in the salary group as he held when he last worked in state service.

(Effective January 18, 1984)

Sec. 5-241-2. Layoff

(a) "Employee" means an employee holding a position in the classified service of the state, whether full time or part time, for which compensation is paid, who has been appointed to that position following successful completion of a working test period.

(b) An appointing authority may lay off an employee for lack of work, economy, insufficient appropriation, change in departmental organization, abolition of position, or any cause other than disability, delinquency, incompetence, misconduct or neglect of duty. No employee shall be laid off if any other employee in the same job classification performing comparable duties with less state service is to be retained in the same department, agency or institution. For the purposes of this section, the employee security division may, at the discretion of the labor commissioner, be excluded from the remainder of the labor department and deemed to be a separate agency.

(c) 1. In the absence of an applicable collectively bargained lay off procedure, the appointing authority shall, prior to deciding to lay off an employee, provide the employee with oral or written notice of the possible action, the reasons for it and a specific time and place for a meeting where the employee will be given an opportunity to present any information he deems pertinent. The meeting will be held by the appointing authority or the appointing authority's designee.

2. If written notice is given it may be mailed, return receipt requested, or hand delivered to the employee at work. If the notice is mailed, the time of the meeting when the employee will be given an opportunity to present his information shall be no sooner than five working days following the mailing of the notice. If the notice is hand delivered to the employee at work or given orally, the time of the meeting when the employee will be given an opportunity to present his information may be any time following receipt of the notice, including a time immediately following receipt of the notice.

3. The purpose of such a meeting is to determine if there are alternatives to lay off or whether the wrong employee has been selected for lay off.

4. If the employee declines or fails to attend the meeting, the appointing authority may proceed with the decision to lay off as deemed appropriate.

5. Within a week of a decision to lay off an employee, the appointing authority shall provide written notice stating the reason for the decision. The effective date of the lay off shall be no earlier than two weeks from the date of such notice.

6. A copy of such notice of lay off shall immediately be forwarded to the Commissioner of Administrative Services.

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Resignation from State Service

Sec. 5-243-1. Resignation from state service

(a) Procedure to be followed:

(1) An employee in the classified service who wishes to voluntarily resign from state service in good standing shall give the appointing authority at least two working weeks notice of his resignation, except that the appointing authority may require as much as four weeks notice if the employee occupies a professional or supervisory position.

(2) Such notice is to state the last date of work.

(3) Less than the required number of working weeks notice shall be reported as a resignation in good standing only if such notice is acceptable to the appointing authority.

(4) All resignations other than as above shall be reported to the Commissioner of Administrative Services by the appointing authority as not in good standing.

(5) When a resignation is being reported as not in good standing, the appointing authority shall so notify the employee and shall also advise the employee of his right to file an appeal to the Commissioner of Administrative Services.

(b) An unauthorized absence of five or more working days may be deemed to be a resignation not in good standing.

(c) Resignations shall be reported immediately to the Commissioner of Administrative Services on a form prescribed by him. This report is to include the reason for the resignation as given by the employee.

(d) A former employee who has retired but who has not reached the mandatory retirement age and who signifies a desire to be employed may be treated as an employee who was laid off because of lack of work for purposes of rehire and be placed on the reemployment lists for all classes in which permanent status was attained.

(Effective January 18, 1984)

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Infirmities

Sec. 5-244-1. Infirmities

(a) When an appointing authority recommends that an employee be transferred to less arduous duties or separated from state service, the appointing authority shall make such recommendation in writing to the Commissioner of Administrative Services and set forth therein in detail the reasons for such recommendation.

(b) When recommendation for transfer is made under Section 5-244, the Commissioner of Administrative Services shall attempt to find suitable position for the affected employee in accordance with the requirements of the State Personnel Act.

(c) When a recommendation for separation from state service is made under Section 5-244, it shall remain the responsibility of the appointing authority, after consultation with the Commissioner of Administrative Services, to effect such separation if indicated.

(Effective January 18, 1984)

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Overtime

Sec. 5-245-1. Overtime

(a) Work for a period in excess of an employee's regular, established or standard hours of work shall be performed by the employee as directed by his appointing authority. Such overtime work shall be paid for as set forth in Section 5-245 of the General Statutes as determined by the Commissioner of Administrative Services.

(b) **Computation.**

(1) For purposes of computing the total number of hours worked for which overtime payment is to be made in a week, the total number of hours worked shall be understood to include any hours for which an employee received his regular pay, such as for sick leave, personal leave, vacation time or holidays, but shall not include meal time or time in an on-call or standby status.

(2) Payment for overtime shall be in units of quarter hours for any part worked thereof.

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Sick Leave

Sec. 5-247-1. Sick leave

(a) Except as otherwise provided by statute, all employees in state service shall accrue sick leave for continuous service from the date of initial employment but are not credited with or eligible to use it until such time as they are employed in a permanent position.

(Effective December 1, 1980)

Sec. 5-247-2. Rate of accrual

(a) Sick leave accrues at the rate of one and one-quarter working days per completed calendar month of continuous full-time service, which may be computed on an hourly basis, including authorized leave with pay provided that:

(1) such leave starts to accrue only on the first working day of the calendar month and is credited to the eligible employee on the completion of the calendar month;

(2) an eligible employee employed on less than a full-time basis shall be granted leave in proportion to the amount of time worked as recorded in the attendance and leave records;

(3) no such leave will accrue for any calendar month in which an employee is on leave of absence without pay an aggregate of more than three working days;

(4) sick leave shall accrue for the first twelve months in which an employee is receiving compensation benefits in accordance with section 5-142 or 5-143 of the General Statutes.

(Effective December 1, 1980)

Sec. 5-247-3. Granting sick leave

The appointing authority shall grant sick leave to the eligible employee who is incapacitated for duty. During such leave the employee is compensated in full and retains his employment benefits. Such leave shall not be granted for periods of time during which the employee is receiving compensation in accordance with section 5-142 or 5-143 of the General Statutes, except to the extent permitted by said sections, or for recuperation from an illness or injury which is directly traceable to employment by an employer other than the state of Connecticut or for any day or period during which such employee performs full-time employment for another employer.

(Effective December 21, 1982)

Sec. 5-247-4. Basis for eligibility

(a) An eligible employee shall be granted sick leave (1) for medical, dental, or eye examination or treatment for which arrangements cannot be made outside of working hours;

(2) in the event of death in the immediate family when as much as three working days leave with pay shall be granted. Immediate family means husband, wife, father, mother, sister, brother, or child, and also any relative who is domiciled in the employee's household;

(3) in the event of critical illness or severe injury to a member of the immediate family creating an emergency, provided that not more than three days of sick leave per calendar year shall be granted therefor;

(4) for going to, attending, and returning from funerals of persons other than members of the immediate family, if permission is requested and approved in

advance by the appointing authority and provided that not more than three days of sick leave per calendar year shall be granted therefor.

(Effective July 9, 1975)

Sec. 5-247-5. Advance sick leave

(a) No sick leave in excess of the leave accumulated to the employee's credit may be granted by the appointing authority unless approved by the Commissioner of Administrative Service. Such authorization shall be granted only in cases involving extended periods of illness or injury. In requesting an advance of sick leave the appointing authority shall submit the following facts for the consideration of the Commissioner of Administrative Services:

(1) The length of state service of the employee;

(2) The classification of the employee;

(3) The sick leave record of the employee for the current and for the four preceding calendar years;

(4) A medical certificate which shall be on the prescribed form and which shall include the nature of the illness, the prognosis, and the probable date when the employee will return to work.

(b) No advance of sick leave may be authorized unless the employee shall have first exhausted all accrual to his credit for sick leave, personal leave, earned lieu time and for vacation leave, including current accruals. No advance of sick leave may be granted unless an employee has completed at least five years of full time work service. If approved, such extension shall be on the basis of one day at full pay for each completed year of full time work service. In no case shall advanced sick leave exceed thirty days at full pay.

(c) Any such advanced sick leave as may be granted by the Commissioner of Administrative Services shall be repaid by a charge against such sick leave as the employee may subsequently accrue. No repayment of advanced sick leave shall be required until the employee has first accrued five days of sick leave following his return to duty.

(Effective January 18, 1984)

Sec. 5-247-6. Extended sick leave

An employee who has at least twenty years of state service and who has exhausted his sick leave and his advance of sick leave may be granted extended sick leave with half pay for thirty days upon the appointing authority's request and subject to approval by the Commissioner of Administrative Services.

(Effective January 18, 1984)

Sec. 5-247-7. Sickness when on vacation

If an employee is sick while on annual vacation leave the time shall be charged against accrued sick leave if supported by a medical certificate filed with the appointing authority.

(Effective July 9, 1975)

Sec. 5-247-8. Holidays occurring when on sick leave

A holiday occurring when an employee is on sick leave shall be counted as a holiday and not charged as sick leave. When a full day off is granted by the act of the Governor, an employee on sick leave shall not be charged as being on sick leave.

(Effective July 9, 1975)

Sec. 5-247-9. Effect of layoff on accrued sick leave

An employee laid off shall retain accrued sick leave to his credit provided he returns to state service on a permanent basis.

(Effective July 9, 1975)

Sec. 5-247-10. Reemployment

An employee who has resigned from state service in good standing and who is reemployed within one year from the effective date of his resignation shall retain sick leave accrued to his credit as of the effective date of his resignation.

(Effective July 9, 1975)

Sec. 5-247-11. Medical certificate

(a) An acceptable medical certificate, which must be on the form prescribed by the Commissioner of Administrative Services and signed by a licensed physician or other practitioner whose method of healing is recognized by the state, will be required of an employee by his appointing authority to substantiate a request for sick leave for the following reasons:

- (1) Any period of absence consisting of more than five consecutive working days;
- (2) to support request for sick leave of any duration during annual vacation;
- (3) leave of any duration if absence from duty recurs frequently or habitually provided the employee has been notified that a certificate will be required;
- (4) leave of any duration when evidence indicates reasonable cause for requiring such a certificate.

The Commissioner of Administrative Services or the appointing authority may provide a State physician to make a further examination.

(Effective January 18, 1984)

Sec. 5-247-12. Records

All sick leave shall be recorded in the attendance records of the appointing authority. Such records shall reflect the current amount of accrued leave, the amount and dates when leave was taken, and the current balance available to each employee. The records shall be subject to review by the Commissioner of Administrative Services and said records shall be available at reasonable times to the employee concerned.

(Effective January 18, 1984)

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Leave of Absence

Sec. 5-248-1. Leave of absence without pay for five days or less

A leave of absence without pay not to exceed five consecutive work days at one time may be granted to any employee in the state service for any cause satisfactory to the appointing authority concerned.

(Effective July 9, 1984)

Sec. 5-248-2. Leave of absence for more than five days

(a) Any employee seeking a leave of absence from state service for longer than five consecutive work days shall submit his request in writing to his appointing authority, setting forth the reason for the leave and the beginning and ending dates of the leave desired.

(b) The appointing authority shall promptly review the employee's request and transmit a copy thereof to the Commissioner of Administrative Services. The appointing authority shall also recommend to the Commissioner of Administrative Services whether he should approve the request in whole or in part.

(c) The Commissioner of Administrative Services shall review the request and notify the appointing authority whether the leave is to be denied or is to be granted with full pay, part pay, or without pay. Approval of request for a leave of absence with full or part pay may be made only in the case of a leave of absence for educational purposes or for military field training purposes or as authorized by Section 27-33 of the General Statutes, Revision of 1958, as revised.

(d) If the proposed leave of absence is to be for longer than a year, or if such leave is to be extended beyond a year, approval of the Commissioner of Administrative Services must be obtained.

(e) If the leave of absence is granted in whole or in part, the appointing authority shall notify the employee in writing thereof and whether the leave is being granted with the position being held awaiting the employee's return from said leave or whether reinstatement will be dependent on the availability of a suitable vacancy. Where such leave is granted following the exhaustion of an employee's sick leave, the position shall be held for at least 30 days.

(f) When an employee has notified his appointing authority that he is leaving state service for the purposes of entering the armed forces of the United States, the appointing authority shall notify the employee in writing that he is being placed on leave of absence without pay and subject to the provisions of Section 5-248 and Section 5-255 of the General Statutes.

(g) When any full time permanent employee who is a member of the armed forces of the state or any reserve component of the armed forces of the United States requests leave of absence for required field training, his appointing authority shall grant such leave of absence with pay and with position held for a period not exceeding three calendar weeks in a calendar year.

(h) When an employee on authorized leave of absence with position held wishes to return to active service prior to the expiration of said leave, the appointing authority in his discretion may reinstate such employee or may place his name on the appropriate reemployment list or lists until the expiration of said leave, at which time the employee shall be reinstated.

(i) When an employee on authorized leave of absence with position not held wishes to return to active service prior to or at the expiration of said leave, the appointing authority may, in his discretion, reinstate such employee if a vacancy

exists. Otherwise, his name shall be placed on the appropriate reemployment list or lists.

(Effective January 18, 1984)

Sec. 5-248-3. Status of employee during leave without pay

(a) During the period of a leave without pay in excess of three days the employee shall not be credited for length of service and shall not be credited with time for the purposes of:

- (1) meeting the requirements of a working test period;
- (2) accruing sick leave; or
- (3) accruing vacation time.

(Effective July 9, 1975)

Sec. 5-248-4. Expiration of leaves

In the event that the employee fails to return to service at the expiration of his leave of absence, he shall be considered to have terminated his employment as of the termination date of said leave and a report of such action shall be filed by the appointing authority with the Commissioner of Administrative Services. No reemployment rights shall exist under these circumstances, unless the employee has given written notice, prior to the expiration date of the leave, of his intent to return.

(Effective January 18, 1984)

Sec. 5-248-5. Abolishment of position

When a position, from which an employee has been granted a leave of absence without pay and with notice that it was being held, is abolished due to lack of work, economy, insufficient appropriations or organizational change, the name of the employee shall be placed on the appropriate reemployment list or lists.

(Effective July 9, 1975)

Sec. 5-248-6. Durational appointments

An appointing authority may fill a vacancy created by a leave of absence without pay on a durational basis if the position is being held and on a permanent basis if the position is not being held, without the necessity of creating an additional position.

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Parental and Medical Leave

Sec. 5-248b-1. Definitions

(a) **Family Leave** means an unpaid leave not exceeding a maximum of twenty-four weeks in any two year period granted upon the birth or adoption of a child by an employee, or upon the serious illness of a child, spouse or parent of an employee.

(b) **Medical Leave** means an unpaid leave of absence not exceeding a maximum of twenty-four weeks in any two year period granted upon the serious illness of an employee in addition to existing sick leave benefits.

(c) **Permanent Employee** means an employee holding a position in the classified service under a permanent appointment or an employee holding a position in the unclassified service who has served in such a position for a period of more than six months, except employees in positions funded in whole or in part by the federal government as part of any public service employment program, on the job training program or work experience program.

(d) **Serious Illness** means an illness, injury, impairment or physical or mental condition that involves (1) inpatient care in a hospital, hospice or residential care facility or (2) continuing treatment or continuing supervision by a health care provider.

(Effective May 27, 1988)

Sec. 5-248b-2. Procedures for family and medical leave

(a) Any permanent employee seeking a family or medical leave of absence without pay from state service shall submit a request to the appointing authority who shall review this request promptly for conformance with the requirements of Public Act 87-291 and these regulations. The appointing authority shall notify the Commissioner of Administrative Services of action taken.

(b) Family or medical leave shall be for the period of time granted and shall not exceed twenty-four weeks over a two year period. The two year period shall begin with the first day of the family or medical leave and end two years after that date. Any requests for extensions must be submitted and approved in the same manner as the initial request and reported to the Commissioner of Administrative Services.

(c) The position of the employee shall be held for the duration of the leave except that the appointing authority may fill a vacancy created by a leave of absence without pay on a durational basis if the position is being held without the necessity of creating an additional position.

(d) Upon the expiration of the leave of absence, the employee shall be entitled to all accumulated seniority, retirement, fringe benefits and other service credits which the employee had at the commencement of such leave. Such service credits shall not accrue during the period of the leave of absence.

(Effective May 27, 1988)

Sec. 5-248b-3. Family leave—birth

(a) A request to the appointing authority for parental leave for the birth of a child shall include:

(1) A statement of the need for absence from work, the beginning and ending dates of the leave desired and a statement of the intent to return to work upon completion of the leave.

(Effective May 27, 1988)

Sec. 5-248b-4. Family leave—adoption

(a) A request to the appointing authority for family leave for the adoption of a child shall include:

(1) A letter from the adoption agency establishing the date of adoption. Early submission may be made upon receipt of notification of impending adoption to be effective on the actual date of adoption.

(2) A statement of the need for absence from work, the beginning and ending dates of the leave desired and a statement of intent to return to work upon completion of the leave.

(Effective May 27, 1988)

Sec. 5-248b-5. Family leave—serious illness of child

(a) A request to the appointing authority for a family leave to care for a seriously ill child shall include:

(1) A statement of need of absence from work to care for the child, the beginning and anticipated ending dates of the leave desired and a statement of intent to return to work upon completion of the leave.

(2) A physician's statement of diagnosis and prognosis.

(b) Family Leave for illness of children in the employee's family may not exceed twenty-four (24) weeks in a two (2) year period regardless of the number of children in the family.

(Effective May 27, 1988)

Sec. 5-248b-6. Family leave—serious illness of spouse or parent

(a) A request to the appointing authority for leave to care for seriously ill spouse or parent shall include:

(1) A statement of the need of absence from work to care for the spouse or parent, the beginning and anticipated ending dates of the leave desired and a statement of intent to return to work upon completion of the leave.

(2) A physician's statement of diagnosis of the spouse or parent, certification that the medical condition of the spouse or parent is a serious illness as defined in Section 1 of these regulations, and an estimate of the anticipated length of the serious illness of the employee's spouse or parent.

(Effective May 27, 1988)

Sec. 5-248b-7. Medical leave—serious illness of employee

(a) Requests for medical leave because of serious illness of the employee shall include:

(1) The beginning and anticipated ending dates of the leave desired and a statement of the intent to return to work upon completion of the leave if medically able.

(2) A physician's statement of the diagnosis and prognosis of the employee's illness and an estimate of the anticipated period of the illness.

(b) The appointing authority may seek the advice of Health Services for State Employees for verification and/or interpretation of the physician's statements as needed for review of the request for unpaid medical leave.

(Effective May 27, 1988)

Sec. 5-248b-8. Return of employees following leave

(a) Upon expiration of the leave of absence, the employee shall be entitled to return to the position in state service which the employee held at the time the

employee commenced the leave of absence or, if that position is unavailable, to an equivalent position with equivalent pay.

(b) The Personnel Division of the Department of Administrative Services shall endeavor to find other suitable work in state service for an employee who is medically unable to perform the duties of the position in state service which the employee held at the commencement of the leave of absence.

(Effective May 27, 1988)

Sec. 5-248b-9. Reporting of family and medical leave use

(a) On or before April 1st of each year, each appointing authority shall submit a report to the Commissioner of Administrative Services setting forth:

(1) The number of family and medical leaves granted and their duration.

(2) The number of family and medical leaves denied and the reasons for denial.

(3) An assessment of the impact of family and medical leave use on the work of the department, including use of overtime, replacements and other relevant information.

(b) On or before July 1 of each year, the Commissioner of Administrative Services shall report to the General Assembly on the extent of use of leaves of absence, and the impact of such use on state employment.

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Voluntary Schedule Reduction Program

Sec. 5-248c-1. Definitions

The following terms shall have the following meanings for the purposes of sections 5-248c-1 to 5-248c-3 of the Regulations of Connecticut State Agencies:

(a) "Appointing authority" means a board, commission, officer, commissioner, person or group of persons having the power to make appointments by virtue of a statute.

(b) "Permanent employee" means an employee holding a position in the classified service under a permanent appointment or an employee holding a position in unclassified service who has served in such a position for a period of more than six months, except employees in positions funded in whole or in part by the federal government as part of any public service employment program, on-the-job training program or work experience program.

(c) "Schedule Reduction" means a voluntary reduction in the number of hours worked by an employee, by taking unpaid prescheduled individual or partial days off on an occasional basis, or by reducing the number of hours worked per week on a regular basis.

(Effective April 1, 1996)

Sec. 5-248c-2. Procedures for requesting a voluntary schedule reduction

(a) Any permanent employee may submit a request for a schedule reduction to the appointing authority, who shall promptly review it and notify the employee of the approval or denial of the request. All voluntary schedule reductions shall be recorded and identified in the time and attendance records of the Agency. Upon request of the Commissioner of Administrative Services and/or the General Assembly, Agencies shall be required to make reports regarding program usage.

(b) A written request shall include the starting and ending dates and the number of hours of leave requested. Days off or reduced hours under this program are without pay. The use of accrued time or compensatory time earned and accumulated pursuant to the provisions of any collective bargaining agreement or to an order of the Commissioner under Section 5-200 (p) of the Connecticut General Statutes is not a condition precedent to being granted a schedule reduction under these regulations.

(c) A schedule reduction shall not be granted if it would result in an employee falling below the threshold for eligibility for health insurance benefits.

(d) An employee in an Initial Working Test period is not eligible to participate in the Voluntary Schedule Reduction Program. Days off which are taken as a result of this program shall not be counted toward completion of a Promotional Working Test Period.

(Effective April 1, 1996)

Sec. 5-248c-3. Benefits

(a) Health and Life Insurance

During the period of any schedule reduction, an employee's health and life insurance shall continue on the same basis as prior to the schedule reduction.

(b) Seniority

An employee shall receive seniority credit for unpaid time as a result of a schedule reduction without pro-ration.

(c) Longevity

An employee shall receive full credit for longevity for unpaid time as a result of a schedule reduction.

(d) Vacation and Sick Leave Accruals

An employee on a schedule reduction shall continue to accrue vacation and sick leave at the same rate as prior to the schedule reduction, and shall not lose accruals for any month as a consequence of a schedule reduction.

(e) Holidays

An employee on a schedule reduction shall be granted time off with pay for any legal holiday which falls on a day when he would otherwise have been scheduled to work. If an employee is required to work on a holiday, he shall be granted a day off in lieu thereof. If a holiday falls on a day when an employee would not have been scheduled to work as a result of a schedule reduction, he/she shall receive pro-rata holiday credit at the rate of twenty percent(20%) of his scheduled weekly hours.

(f) Workers' Compensation

Any benefits to which an employee is entitled under Workers' Compensation Statutes shall not be affected by a schedule reduction.

(g) Overtime

(1) Payment of overtime during a schedule reduction shall continue in accordance with an employees' collective bargaining agreement or Section 5-245 of the Connecticut General Statutes.

(2) For the purpose of calculating overtime payment, schedule reduction hours shall not be counted as time worked.

(h) Retirement Benefits

An employee shall receive full credit for retirement for unpaid time as a result of a schedule reduction, and shall not be required to contribute any sums for that credit.

(Effective April 1, 1996)

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Volunteer Duty

Sec. 5-249-1. Volunteer duty

An appointing authority may prescribe reasonable conditions under which an employee will be permitted to respond to fire calls or ambulance calls as provided in Section 5-249 of the General Statutes, Revision of 1958, as amended and shall notify the affected employee of such conditions.

(Effective July 9, 1975)

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Vacation Leave

Sec. 5-250-1. Vacations

Vacation leave with pay shall be granted to each full time employee in a permanent position in state service following six months of continuous employment.

(Effective December 30, 1980)

Sec. 5-250-2. Rate of accrual

(a) Vacation leave shall be credited to an eligible full time employee at the rate of one and one-quarter work days of vacation leave for each complete month of continuous service.

(b) An eligible employee employed on less than a full-time workweek basis shall earn leave for continuous service prorated in proportion to the amount of time actually worked as recorded in the attendance and leave records, in comparison with the full-time workweek.

(Effective September 14, 1976)

Sec. 5-250-3. Credit for leave

(a) Such leave starts to accrue only on the first working day of the calendar month and is credited to the eligible employee on the completion of the calendar month.

(b) No leave shall accrue for any calendar month in which an employee is on leave of absence without pay more than an aggregate of three working days.

(c) Vacation leave shall accrue to the credit of an eligible employee for the first twelve months in which said employee is receiving compensation benefits in accordance with Section 5-142 or 5-143 of the General Statutes.

(Effective July 9, 1975)

Sec. 5-250-4. Selection of vacation time

Subject to the appointing authority's approval, employees shall be allowed to choose the time of their own vacation. In the event of conflicting schedules of leave, length of state service shall control.

Sec. 5-250-5. Holiday credit when on vacation leave

A holiday or a day granted by statute in lieu thereof granted to state employees occurring during the vacation of an employee shall be recorded as a holiday, and not as a day of vacation. When a full day off is granted by act of the Governor, an employee on vacation shall not have the day charged as a vacation day.

(Effective July 9, 1975)

Sec. 5-250-6. Sickness when on vacation leave

If an employee is sick while on vacation leave, the time shall be charged against credited sick leave supported by a medical certificate filed with and satisfactory to the appointing authority.

(Effective July 9, 1975)

Sec. 5-250-7. Recording of vacation leave

All leaves shall be recorded in the attendance and leave records maintained by the appointing authority. These records shall be subject to review by the Commissioner of Administrative Services and shall be available, at reasonable times, to the employee concerned.

(Effective January 18, 1984)

Sec. 5-250-8. Personal leave

Each full-time permanent employee who has completed six months of continuous service shall be entitled to three days of personal leave with pay in each calendar year. Such personal leave shall be granted as requested by the employee, subject to the approval of the appointing authority.

(Effective July 9, 1975)

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Holidays

Sec. 5-254-1. Holidays

(a) If an eligible employee is required to work on a holiday, he shall be granted a day off in lieu thereof.

(b) If a holiday occurs while an eligible employee is receiving compensation benefits in accordance with Section 5-142 or 5-143 of the General Statutes, no credit for the holiday shall be allowed.

(c) A holiday occurring when an eligible employee is on sick leave shall be counted as a holiday and not charged as sick leave.

(d) Pass days are days in lieu of a Saturday or Sunday on which an eligible employee is required to work. When a pass day falls on a holiday, it shall be charged as a holiday, without loss of said pass day.

(Effective July 9, 1975)

Sec. 5-254-2. Holidays for other than full time, permanent employees

(a) Any full-time employee whose status is provisional or who is on his working test period shall be granted time off with pay for any legal holiday granted to full-time permanent employees with permanent status.

(b) No emergency or temporary employee shall be granted time off with pay for legal holidays, except for those holidays which occur after said employee has completed ninety days of continuous employment just prior to the date of the holiday.

(c) Any part-time employee who has been appointed from an employment or reemployment list or who has acquired status in a noncompetitive position shall be granted time off with pay for any legal holiday granted to full-time permanent employees provided:

(1) The holiday falls on a day when he would normally have been scheduled to work.

(2) The pay he receives shall be for the number of hours he would have been scheduled to work.

(Effective July 9, 1975)

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State Employee Campaign for Charitable Giving

Sec. 5-262-1. Definitions

The definitions in Section 5-262-1 of the Connecticut General Statutes apply to Sections 5-262-2 through 5-262-12, inclusive, of these regulations.

(a) **Appointing authority** shall have the meaning set forth in Section 5-196 of the Connecticut General Statutes.

(b) **Comptroller** refers to the Comptroller of the State of Connecticut.

(c) **Date of application**— January 15 or if January 15 falls on a non-business day, the next succeeding business day.

(d) **Local Campaign Community (LCC)** means a geographical area in which the campaign is conducted.

(e) **Local Campaign Manager (LCM)** A participating federation or member agency under the direction of the PCFO with the capacity to manage the local campaign on behalf of all participating federations in the SEC.

(f) **Principal Combined Fund Organization (PCFO)** means a participating federation with workplace campaign experience that has been selected by the SECC pursuant to Section 5-262 of the Connecticut General Statutes and these regulations, and charged to administer the SEC for the entire state, subject to the direction and control of the SECC.

(g) **Quorum** a majority of the total membership with voting rights of a committee.

(h) **SEC** refers to the State Employee Campaign.

(i) **SECC** refers to the State Employee Campaign Committee established in Section 5-262 of the Connecticut General Statutes.

(Effective June 22, 1994)

Sec. 5-262-2. General provisions

(a) Participating federations may engage in workplace solicitation of state employees only in accordance with the procedures outlined herein.

(b) Employee solicitations shall be conducted during work hours using non-coercive methods that permit voluntary giving and reserve to the individual contributor the right to disclose any gift or keep it confidential.

(c) The solicitation period for the annual SEC shall be scheduled to allow timely processing of payroll deduction requests.

(d) At the discretion of the appointing authority, loaned state employees may volunteer to be assigned on a full or part time basis, for the specific period of time, to conduct or assist in the operation of the SEC. The employing state agency shall decide who will serve as a loaned employee and the length of the assignment. When assigned to the SEC, the loaned state employee shall retain his salary and benefits.

(e) No federation will be allowed to participate in the SEC unless it and all its member agencies are in compliance with the requirements of Section 5-262 of the Connecticut General Statutes and Sections 5-262-1 through 5-262-12, inclusive, of the regulations of Connecticut state agencies.

(Effective June 22, 1994)

Sec. 5-262-3. Eligibility standards

To be eligible for approval for participation in the State Employee Campaign, a federation and all of its participating member agencies must:

(a) Be incorporated or authorized to do business in the State of Connecticut as a private non-profit organization and, unless exempt pursuant to Section 21a-190d of the Connecticut General Statutes, registered with the Department of Consumer

Protection in compliance with the provisions of Sections 21a-190b and 21a-190c of the Connecticut General Statutes.

(b) Be engaged in the delivery of charitable and public health, welfare, environmental, conservation or service purposes.

(c) Maintain its status as a 501 (c) (3) tax exempt entity pursuant to the Internal Revenue Code.

(d) Be directed by an active Board of Directors which meets regularly and whose members serve without compensation.

(e) Provide for an annual external audit by a certified public accountant, if its annual budget is \$50,000 or greater. Organizations whose annual budget is less than \$50,000 may provide for an annual external financial review by a certified public accountant in lieu of an external audit report.

(f) File an IRS Form 990, if required to do so by federal law or regulation.

(g) Provide accurate information as to the percentage of its budget which is used for fund raising and administrative purposes.

(h) Not expend more than 25 percent of its annual revenue for administrative and fundraising expenses. The SECC may grant an exception for good cause.

(i) Verify that its publicity and promotional activities assure protection against the sale or exchange of its SEC contributor list and permit no payment of commissions, kickbacks, finder's fees, or bonuses for fund raising in connection with the SEC.

(j) Ensure that its publicity and promotional activities are based upon its actual program and operations, are truthful and non-deceptive, and include all material facts relative to its cause.

(k) Have a stated policy of non-discrimination and be in compliance with all requirements of law and regulations respecting non-discrimination, equal employment opportunity, and public accommodations with respect to its programs, clients, officers, employees and volunteers.

(l) Demonstrate a history of service of not less than 12 months prior to the date of application to participate in the SEC.

(m) Not have been organized exclusively for the purpose of soliciting contributions from state employees.

(n) Disclose to the SEC that it or any of its directors, officers or employees are the subject of any investigation or legal proceeding by any federal, state or local law enforcement authority based upon its charitable solicitation activities, delivery of program services, or use of funds, not later than ten days after being informed of such investigation or proceedings and disclose the outcome of any such investigation or proceeding not later than ten days after such outcome.

(Effective June 22, 1994)

Sec. 5-262-4. Application process

(a) On or before January 15 annually, each federation seeking to participate in the SEC shall submit an application to the SECC c/o the Comptroller. The application shall be in the form prescribed by the Comptroller and shall contain the following information:

(1) the name, address and telephone number of the federation;

(2) the name, address and telephone number of a person designated by the federation who the SECC may contact regarding the federation application;

(3) a list of member agencies, their telephone numbers and a 25 word description of each agency and the percentage of annual expenditures each agency used for fund-raising and administration;

(4) a document signed by an officer or the executive director of the federation, certifying the following:

(A) that the federation maintains on file the following documents for itself and for each member agency, and that it will produce at the federation's expense any such document(s) upon the written request of the Comptroller, the State Auditors or the SECC:

- (i) Articles of Incorporation and current Bylaws;
- (ii) evidence of tax exemption under IRS Section 501 (c) (3);
- (iii) Certificate of Registration from the Connecticut Department of Consumer Protection, Public Charities Unit or, if exempt, a Certificate of Exempt Status;
- (iv) most recent annual financial audit, or financial review, as provided under Section 5-262-3 (e) of the regulations of Connecticut state agencies and IRS Form 990 with all attachments;
- (v) most recent annual report;
- (vi) a list of officers and directors, giving names, addresses and defined roles;
- (vii) a written policy of non-discrimination;
- (viii) a statement affirming that there will be no unauthorized use of the SEC contributor lists and that no commissions or bonuses relating to the SEC have been or will be paid;
- (ix) a statement affirming that publicity and promotional activities are truthful;
- (x) a statement that funds will be used for the stated purposes of the federation and member agencies;
- (xi) current operating budget;
- (xii) a description of operations and services which includes information on the extent of contributor support and volunteer participation in the activities of the organization.

(B) that the federation and each member agency is in compliance with the eligibility standards set forth in Section 5-262 of the Connecticut General Statutes and Section 5-262-3 of the regulations of Connecticut state agencies.

(C) that the federation shall monitor the compliance of its member agencies and shall inform the SECC as soon as possible if any member agency fails to comply with any of the requirements of Section 5-262 of the General Statutes or Sections 5-262-1 through 5-262-12, inclusive, of the regulations of Connecticut state agencies.

(D) that the federation and each member agency is up to date in its filing of annual financial reports required by state law.

(E) that the federation will maintain all documents listed in subsection (A) for a minimum of 3 years after the end of the fiscal year to which such document relates.

(b) The SECC shall select a committee comprised of three or more voting members ("the application review committee") which shall review all applications for completeness and for compliance with eligibility standards. The application review committee may request documents or information pertinent to its review from the applicant federation and from any member agency. The application review committee shall make its recommendations to the SECC. The SECC shall vote on each application and notify each federation of its decision in writing no later than April 15.

(c) Any federation whose application has been denied may request a hearing before the SECC to appeal the denial of its application. Such request for a hearing shall be in writing, and filed with the SECC within fifteen (15) days of receipt of the notice of denial. The SECC shall promptly schedule a hearing, and may request the federation to produce documents or information pertinent to the application and appeal. The SECC shall issue a decision on the appeal within 21 days of the hearing.

The decision shall be in writing and shall state the reason(s) for its decision. The decision of the SECC shall be final.

(Effective June 22, 1994)

Sec. 5-262-5. Withdrawal of eligibility

(a) In the event that a participating federation or member agency fails to adhere to the eligibility requirements or to the policies and procedures of the SEC, eligibility of such federation or agency may be withdrawn by the SECC. The SECC shall send written notification to the federation and agency of the specific reasons for the withdrawal of eligibility.

(b) The federation or agency or both may appeal the withdrawal of eligibility by filing a written appeal with the SECC within ten (10) working days after receipt of such notification. The SECC shall provide the appealing federation or agency a hearing within ten (10) working days of the receipt of the notice of appeal, unless by mutual consent the parties agree to a different date for such hearing. The SECC may request the federation or agency to produce documents or information pertinent to the appeal. The SECC shall issue a decision on the appeal within 21 days of the hearing. The decision shall be in writing and shall state the reason(s) for its decision. The decision of the SECC shall be final.

(c) If a member agency's eligibility to participate in the SEC is withdrawn by the SECC, the federation may not distribute any funds raised in the SEC to such agency.

(Effective June 22, 1994)

Sec. 5-262-6. State employee campaign costs

The cost of the campaign shall be underwritten by the participating federations. The SECC shall annually determine the total cost of the SEC, which costs may include campaign materials and related administrative charges. Annually, the SECC shall determine a cost allocation formula under which each participating federation's share of the campaign costs shall be determined.

(Effective June 22, 1994)

Sec. 5-262-7. State employee campaign committee; meetings; procedures

(a) For any action of the SECC to be binding, a quorum of SECC members with voting rights shall be present. Only members who have voting rights and are present at a meeting may cast a vote.

(b) All actions shall be by majority vote of the members with voting rights.

(c) Annually, the SECC shall elect from among its voting members a chairperson and a vice chairperson, who shall serve in the absence of the chairperson.

(d) The chairperson of the SECC shall be responsible for scheduling meetings, notifying members of the time and place of meetings, and presiding over the conduct of the meeting.

(e) Members of the SECC that represent participating federations and do not have voting rights, shall have all other rights of SECC members, including the right to participate in discussions regarding SECC action and to serve on subcommittees.

(f) Any state employee who serves on the SECC or any subcommittee thereof shall not participate in any decisions where there is a conflict of interest or when such participation would constitute a violation of state ethics laws.

(Effective June 22, 1994)

Sec. 5-262-8. Duties of state employee campaign committee

(a) The SECC shall be responsible for the overall coordination of the SEC, selection of participating federations, and approval of generic campaign materials to be used by local campaign managers.

(b) Annually, the SECC shall select a PCFO to administer the SEC. The SECC shall be responsible for supervising the activities of the PCFO.

(c) Annually, the SECC shall review and approve the budget submitted by the PCFO pursuant to Section 5-262 of the Connecticut General Statutes.

(Effective June 22, 1994)

Sec. 5-262-9. Selection of the principal combined fundraising organization

(a) Annually, the SECC shall send a letter to each federation that participated in the previous year's SEC, informing them of their right to apply to become the PCFO for the upcoming SEC.

(b) Applying federations shall demonstrate the following qualifications:

(1) It operates on a statewide basis.

(2) It has or will have a Connecticut office from which to run the SEC.

(3) It has prior campaign management experience.

(4) It has a written plan for operation of the SEC, which shall include a proposed budget. Such plan shall be submitted to the SECC.

(c) If more than one federation applies to serve as PCFO, selection of the PCFO shall be by a competitive process. From among the federations that apply to serve as PCFO and demonstrate all required qualifications, the SECC shall select the lowest responsible bid.

(Effective June 22, 1994)

Sec. 5-262-10. Duties of the principal combined fundraising organization

(a) The PCFO shall serve as the central accounting point for payroll deduction funds received from the Office of the State Comptroller. The PCFO shall manage the campaign fairly and equitably and shall conduct its own organization operations separately from duties performed in its role as PCFO.

(b) The PCFO shall perform the following duties, subject to the direction and control of the SECC:

(1) Provide staff to administer the SEC;

(2) Prepare an itemized budget of anticipated administrative expenses for the SEC, including LCM administrative expenses, and submit it to the SECC for approval;

(3) Maintain a separate bank account for managing the income and expenses of the SEC;

(4) Create and arrange for distribution of SEC materials;

(5) Oversee the operations of the LCMs to ensure that they are performing their duties;

(6) Consult, as appropriate, with the other federations on the operation of the SEC, including preparation of any printed SEC materials, participation in SEC events, and providing timely access to SEC reports, budgets, audits and other records;

(7) Distribute campaign funds received from the Office of the State Comptroller to the appropriate federations within thirty (30) days of receipt of such funds;

(8) Provide an end of campaign report to the SECC by March 1 annually.

(c) The PCFO shall recover its expenses from the gross receipts of the campaign. In no event shall the amount recovered by the PCFO exceed by more than 10% the estimated budget approved by the SECC.

(d) The PCFO shall be responsible for any costs attributable to its own negligence or misconduct.

(e) The SECC may request the PCFO to perform additional duties, consistent with its administrative role.

(Effective June 22, 1994)

Sec. 5-262-11. Duties of the local campaign manager

(a) The LCM shall perform its duties fairly and equitably and conduct its own organization operations separately from organizing activities on behalf of all SEC participants.

(b) The LCM shall perform the following duties related to the conduct of the actual campaign, subject to the direction of the PCFO:

(1) Develop volunteer manpower requirements;

(2) Establish a timetable and plan for the SEC in the LCC. The plan shall provide for:

(A) Recruitment and training of volunteers;

(B) Establishing fundraising goals;

(C) Distribution of campaign materials;

(D) Activities to advertise the SEC and promote employee participation, such as rallies, pilot campaigns and solicitation of union support;

(E) Arrangements for meeting with the PCFO;

(F) Assignment and supervision of loaned employees;

(G) Cooperation and communication with participating federations; and

(H) Maintaining records related to their campaign activities.

(Effective June 22, 1994)

Sec. 5-262-12. Use of contributor names

(a) Federations and agencies that receive the names and addresses of state employee contributors shall segregate this information from all other lists of contributors. The segregated list may not be sold or in any way released to anyone outside the recipient federation or agency. Failure to protect the integrity of this information may result in penalties up to permanent expulsion from the SEC.

(b) Any federation or agency participating in the SEC shall cooperate fully with any SECC investigation into the care and use of state employee contributor lists.

(Effective June 22, 1994)

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State Suggestion Program

Sec. 5-263a-1. Purpose and objective

The State of Connecticut suggestion program is designed to provide the opportunity for all state residents and employees to contribute practical ideas which will improve government operations.

The purpose of the program shall be to save the state money through suggestions concerning cost-effective practices or improvements, to offer an opportunity to communicate ideas which would increase revenue, to improve services to the public, or to improve work environments.

(Effective October 25, 1988)

Sec. 5-263a-2. Definitions

(a) "Agency" means each state board, commission, department or officer, other than town or regional boards of education.

(b) "Central office" means the office of the state suggestion program in the department of administrative services.

(c) "Central staff" means the central office staff.

(d) "State agency suggestion coordinator" means the state employee responsible for coordination of the suggestion program within a state agency.

(e) "Suggestion" means a positive, constructive idea based on a specific observation which offers a significant improvement over existing methods, conditions, practices, or other state governmental activity.

(1) The suggestion must be directed to the increase of efficiency and economy in the administration and operation of state government through:

- (A) Increased productivity.
- (B) Reduction of costs.
- (C) Increased efficiency of work operations.
- (D) Safer or healthier work environments.
- (E) Improved services to the public.
- (F) Increased revenue.

(2) Each suggestion shall be presented in a manner which provides a specific detailed description of:

- (A) The condition, procedure, or method, now being utilized.
- (B) The recommended improvement.

(C) An explanation of how the suggestion will save the state money, or otherwise benefit the state.

(3) General suggestions must be avoided. For example, a suggestion should not merely state that motor vehicle department lines should be speeded up. Such a suggestion should be accompanied by the description of a new method of speeding the lines.

(4) Each suggestion should refer to a particular state agency for evaluation and implementation.

(f) "Suggestion program administrator" means the administrative head of the state suggestion program and the central office.

(g) "Suggestion review panel" means the review panel established by Connecticut General Statutes Section 5-263a (b), which shall evaluate suggestions made under the state suggestion program and make recommendations to the commissioner of administrative services concerning awards.

(Effective October 25, 1988)

Sec. 5-263a-3. Eligibility

(a) General

(1) Any resident of the State of Connecticut or any employee of the state is eligible to submit a suggestion to the state suggestion program except for elected state officials and officials appointed by the Governor, including department heads as defined in Section 4-5 of the General Statutes of Connecticut, deputies to department heads, employees on the suggestion program central staff, and members of the suggestion review panel. Agency personnel appointed to coordinate suggestion program activities in their agencies may not submit suggestions relative to the activities of their respective agencies.

(2) No person other than the signatory of an accepted suggestion shall be eligible to receive an award for that particular suggestion.

(b) Suggestions not eligible for consideration

(1) Suggestions which simply express grievances, complaints, or criticisms, which are beyond the purpose and objectives of the state suggestion program set forth in section 5-263a-1 of the Regulations of Connecticut State Agencies or do not meet the requirements of the definitions of a suggestion in section 5-263a-2 (e) of the Regulations of Connecticut State Agencies. However, such suggestions shall be referred to the appropriate state agency for consideration apart from the state suggestion program. The suggestion shall not be regarded as a suggestion for the purposes of the state suggestion program, and the suggester shall be notified accordingly.

(2) Suggestions that constitute "opinions" only, and which cannot be supported by demonstrating a better idea, and the need for same, as required by section 5-263a-2 (e) of the Regulations of Connecticut State Agencies.

(3) Suggestions concerning any matter subject to collective bargaining.

(4) Suggestions other than those submitted on the suggestion form prescribed by section 5-263a-5 of the Regulations of Connecticut State Agencies.

(5) Suggestions circumventing competitive procurement procedures provided by statute, regulation, or policy. (Only generic references to products, systems, or services are acceptable in the program. All others must be returned.)

(6) Suggestions which recommend or require formal studies, surveys, investigation, or similar research activity to establish the benefits of a suggestion referred to in section 5-263a-2 (e) of the Regulations of Connecticut State Agencies. Suggestions must be expressed with a degree of certainty regarding the subject matter and the recommended solutions.

(7) Suggestions conflicting with federal or state statutes, regulations or policies, or municipal ordinances, regulations or policies.

(8) Suggestions which are hypothetical, vague, based on inconclusive justification, or deal with generalities, as provided by section 5-263a-2 (e) of the Regulations of Connecticut State Agencies.

(9) Suggestions concerning the structure of lottery games conducted by the Division of Special Revenue of the Department of Revenue Services including, but not limited to, game design, prize patterns, draw dates and draw frequency.

(c) Suggestions not eligible for awards

(1) State employees and contractors.

(A) Suggestions which are related in any way to the employee's job responsibilities including, but not limited to, those in job specifications, job descriptions or specific assignments.

(B) Suggestions by an employee whose primary duty is auditing, research, planning, or investigating, unless the suggestion concerns a matter which is clearly unrelated to the employee's primary duty.

(C) Individuals under any contractual arrangement with the state shall be subject to the same eligibility requirements as state employees.

(2) All suggesters.

(A) Suggestions concerning matters of a periodic, routine, or maintenance nature including, but not limited to, cleaning, repairing, building, adjusting, or replacing. When documented repeated complaints to the proper authorities have not resulted in correction, the suggestion shall be considered for an award if corrective action is taken as a result of the suggestion, and a substantial benefit to the state is provided.

(B) Suggestions which involve a change of a present method, design, or plan, but do not specify improvements.

(C) Suggestions shown through documentation to have been considered otherwise officially within three years prior to the date of the suggester's submission, as provided by section 5-263a-7 of the Regulations of Connecticut State Agencies, or implemented otherwise officially prior to such date, except that a state employee's suggestion implemented within his or her agency prior to its submission to the state suggestion program shall be considered for an award provided:

(i) Failure to submit properly the suggestion, accompanied by the letter referred to in section 5-263a-3 (c) (2) (C) (ii) of the Regulations of Connecticut State Agencies, to the Suggestion Program within thirty days of the date of implementation will result in no award unless good cause for such failure is shown.

(ii) The suggestion is accompanied by a letter from the suggester's agency head or deputy attesting:

(aa) The suggestion was originated by the employee;

(bb) The date of implementation of the suggestion;

(cc) The suggestion is not considered to be part of the employee's duties and responsibilities;

(dd) Implementation of the idea contained in the suggestion was caused directly by the suggestion;

(ee) Good cause for implementation of the suggestion prior to its submission to the suggestion program.

(D) Suggestions which do not directly cause adoption of the idea contained in the suggestion.

(Effective October 25, 1988)

Sec. 5-263a-4. Suggestions requiring legislative action

Suggestions which are deemed to have merit by an agency, but require legislation to implement, shall not be implemented through the program and shall not result in an award. Such suggestions shall be returned to the suggester with the names and addresses of the suggester's state senator and representative. Any further pursuit of the suggestion in question shall be by the suggester through legislative representation and the established legislative process.

(Effective October 25, 1988)

Sec. 5-263a-5. Suggestion forms

(a) All suggestions must be submitted on an official suggestion form. The form must be typed or clearly printed in ink. The signature of the person who originated the suggestion is required. The State of Connecticut reserves the right to revise the suggestion form at any time and may require suggestions to be resubmitted on the latest form.

(b) Each suggestion must be submitted on a separate form and reasonably detailed as provided in section 5-263a-2 (e) of the Regulations of Connecticut State Agencies.

Documentation or materials which would further support or illustrate the suggestion may be included, but may not substitute for a properly detailed suggestion form.

(c) Illegal suggestions, incomplete suggestions, suggestions not on the official suggestion form, and suggestions containing more than one idea shall be returned to the suggester for resubmission.

(Effective October 25, 1988)

Sec. 5-263a-6. Multiple suggesters

For a suggestion submitted jointly, an award shall be divided equally between suggesters. Joint suggestions by state employees are subject to all eligibility requirements including those in section 5-263a-3 (c) (1) of the Regulations of Connecticut State Agencies. Joint suggestions shall provide the name of one suggester as a correspondent on the suggestion form referred to in section 5-263a-5 of the Regulations of Connecticut State Agencies. The names and other pertinent information regarding all other suggesters shall be listed on a different official suggestion form. An award not to exceed a hundred dollars in value pursuant to section 5-263a-12 (a) of the Regulations of Connecticut State Agencies shall be issued to the correspondent with its value distributed according to agreement among all suggesters.

(Effective October 25, 1988)

Sec. 5-263a-7. Acknowledgment of suggestions

All suggestions received shall be acknowledged by letter. Suggestions are date stamped upon receipt by the central office. The date stamped on the suggestion form is the official date of submission for eligibility determination. Suggestions shall be assigned a suggestion number, a reference to which shall be made in all correspondence. Suggestions which are returned to a person for resubmission as explained in section 5-263a-5 of the Regulations of Connecticut State Agencies shall not be eligible until properly executed, received, and date stamped accordingly.

(Effective October 25, 1988)

Sec. 5-263a-8. Duplicate suggestions

If similar suggestions are received by the central office on different days, only the earliest received shall be considered for an award. If similar suggestions are received on the same day, any award granted shall be divided equally between suggesters.

(Effective October 25, 1988)

Sec. 5-263a-9. Evaluation

(a) All suggestions shall be reviewed by the central office to determine eligibility, in accordance with section 5-263a-3 of the Regulations of Connecticut State Agencies, prior to determining the evaluating agency. An ineligible or improperly submitted suggestion shall be returned to the suggester with reasons for ineligibility or improper submission.

(b) An eligible suggestion shall be submitted for evaluation under the circumstances existing at the time of the suggestion's submission, to the agency referred to in the suggestion pursuant to section 5-263a-2 (e) (4) of the Regulations of Connecticut State Agencies or the agency where implementation is most appropriate.

(c) The agency's evaluation and recommendations regarding adoption and any award shall be returned to the central office for review for compliance with section 5-263a of the General Statutes of Connecticut and sections 5-263a-1 to 5-263a-15, inclusive, of the Regulations of Connecticut State Agencies. Upon approval of an

agency's evaluation and recommendations by the central office, a suggester shall be notified by the central office in writing of the disposition (acceptance or rejection) of his suggestion and an award, if applicable.

(Effective October 25, 1988)

Sec. 5-263a-10. Disposition of suggestions

(a) Suggesters shall be mailed notice of the disposition of their suggestions within ninety-five days of receipt by the central office.

(b) Unless an extension of time is granted by the central office, agency evaluations shall be returned to the central office within sixty days of receipt by the agency.

(Effective October 25, 1988)

Sec. 5-263a-11. Declined suggestions

A suggester shall be notified by letter of a declined suggestion, stating the reasons the suggestion was rejected. Declined suggestions shall retain priority over all similar suggestions for one year from the date of the declination letter. If a suggester submits a similar suggestion following this one year period, it shall be treated as a new suggestion. However, if supplementary information is furnished, a declined suggestion may be submitted as a new suggestion at any time. A suggestion which has been declined shall be reconsidered for an award if, within one year from the date of the declination letter, the state implements the suggestion as a direct result of it and the suggester provides written evidence of such implementation. The state's implementation of a suggestion more than a year after the suggestion is rejected shall not result in an award unless a new suggestion has been received in the interim.

(Effective October 25, 1988)

Sec. 5-263a-12. Awards

(a) Suggesters shall be notified by letter of adopted suggestions and any award payments. Adopted suggestions which produce benefits not measurable or impractical to measure in dollar savings shall result in an award not to exceed a hundred dollars in value. Suggestions with anticipated measurable accrued annual savings shall be eligible for an award of the lesser of ten thousand dollars or twenty-five per cent of the net savings during the first year of implementation. A preliminary award of fifty dollars shall be made at the time the suggestion is implemented for a trial period to determine the first year's annual savings, and the central office shall notify the suggester in writing of the remaining award, according to the above formula, within sixty days following the trial period, assuming the trial period demonstrates savings. The trial period shall not exceed one year and may be shorter where cycles of agency activities permit. Suggestions resulting in a one-time, immediate savings shall be eligible for an award made immediately upon implementation, and such award shall be calculated at the time of agency evaluation referred to in section 5-263a-9 of the Regulations of Connecticut State Agencies.

(b) Net savings shall be determined by deducting implementation costs from gross savings. Costs involved in the implementation of a suggestion include, but are not limited to, the cost of facilities and equipment, installation, and labor. Neither awards nor suggestion program administrative costs shall be deducted from gross savings in determining net savings.

(c) Suggestions which save the state time in a work operation (labor intensive suggestions) and result directly in "cost avoidance" rather than "savings" because payroll and benefits are not reduced shall be eligible for awards based on "savings," as provided in sections 5-263a-12 (a) of the Regulations of Connecticut State

Agencies, if verification cost avoidance is provided by specific statements from agency officials as to use of the time savings to increase overall productivity or to provide more or better services with cost savings. If the suggestion is adopted without such verification, an award not to exceed a hundred dollars in value shall be made.

(Effective October 25, 1988)

Sec. 5-263a-13. Reconsideration

(a) A suggester may request reconsideration of the evaluation and disposition of his suggestion and any award, as provided in sections 5-263a-9 (c) and 5-263a-12 (a) of the Regulations of Connecticut State Agencies. Failure to request reconsideration within thirty days from mailing the notice of decision will result in no reconsideration unless good cause for such failure is shown.

(b) Requests for reconsideration must be submitted in writing to the administrator of the state suggestion program. Requests must demonstrate with specificity, as grounds for reconsideration, the decision's failure to comply with section 5-263a of the General Statutes of Connecticut or sections 5-263a-1 to 5-263a-15, inclusive, of the Regulations of Connecticut State Agencies or a clearly improper evaluation. Requests for reconsideration on such grounds shall be submitted to the suggestion review panel for review.

(c) The panel's recommended disposition of the request shall be referred to the suggestion program administrator for use in determining the appropriate course of action.

(d) The administrator shall ordinarily notify the suggester in writing of the disposition of his request within ninety days of the receipt of the request.

(Effective October 25, 1988)

Sec. 5-263a-14. Adoption and use of suggestions

Any state agency may implement, without further claim by the suggester, a suggestion following its implementation by the agency to which the suggestion was submitted pursuant to section 5-263a-9 (b) of the Regulations of Connecticut State Agencies, once a final award has been made in accordance with section 5-263a-12 of the Regulations of Connecticut State Agencies. As a method of disseminating to all state agencies information on adopted ideas which may offer further benefit to the state, a summary of all adopted suggestions, in receipt of final awards, shall be published periodically for circulation to all budgeted state agencies.

(Effective October 25, 1988)

Sec. 5-263a-15. Departure from state service-survivorship

(a) The suggestion of an employee who leaves state service for any reason after submitting a suggestion shall be processed under the regulations applicable to state employees with full entitlement to awards accordingly. Similarly, a resident who becomes a state employee after submitting a suggestion shall have the suggestion processed under the regulations applicable to residents.

(b) In case of death, any pending award shall be paid to the suggester's estate.

(Effective October 25, 1988)

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Special Training Courses

Sec. 5-265-1. Special training courses

Any department, agency or institution desiring to enter into an agreement with an education institution for a special training course for one or more state employees or desiring to enter into an agreement with the federal government or another state government for exchange of one or more employees shall submit a copy of its proposed agreement to the Commissioner of Administrative Services prior to entering into such agreement.

(Effective January 18, 1984)

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Conflicts of Interests

Sec. 5-266a-1. Conflicts of interests

(a) There is a conflict of interests which precludes a person in State service from holding or continuing to hold elective municipal office when one or more of the following applies:

(1) The Constitution or a provision of the General Statutes prohibits a classified State employee or a person employed in the Judicial Department from seeking or holding the municipal office.

(2) The classified State employee has an office or position which has discretionary power to:

(A) Remove the incumbent of the municipal office;

(B) Approve the accounts or actions of the municipal office;

(C) Institute or recommend actions for penalties against the incumbent of the municipal office incident to the incumbent's election or performance of the duties of said office;

(D) Regulate the emoluments of the municipal office;

(E) Affect any grants or subsidies, administered by the State, for which the municipality in which the municipal office would be held is eligible.

(Effective January 26, 1990)

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Political Activity of Classified State Employees

Sec. 5-266c-1. Political activity of classified employees

As used in this regulation:

(a) "State Agency" means the executive branch of the state, or an agency or department thereof;

(b) "Employee" means an individual employed by the state in the Classified Service including emergency, temporary, provisional, part-time and intermittent employees and employees on leave of absence with or without pay;

(c) "Political party" means a national political party, a state political party, and an organization affiliated with such a party;

(d) "Election" includes a primary, special, and general election;

(e) "Partisan" when used as an adjective refers to a political party.

(Effective March 25, 1976)

Secs. 5-266c-2—5-266c-3.

Repealed, March 25, 1976.

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Collective Bargaining for State Employees

Article I

Description of Organization and Definitions

Sec. 5-273-1. Creation and authority

The Connecticut State Board of Labor was established in 1945 by section 31-102 of the General Statutes and administers various labor relations statutes including the Act Concerning (collective Bargaining for State Employees, sections 5-270 to 5-280 of the General Statutes.

The three board members are appointed by the governor with the advice and consent of the general assembly. Pursuant to section 31-103, the Board appoints an agent and a general counsel for four year terms of office, and may appoint such assistant agents and other employees as are needed to carry out the work of the Board without undue delay.

(Effective May 7, 1980)

Sec. 5-273-2. Functions

It is the function of the quasi-judicial board to enforce the collective bargaining statutes by deciding prohibited practice and representation cases. The Board also promulgates regulations and exercises other powers necessary to the administration of the collective bargaining statutes under its jurisdiction.

The agent and assistant agents hold informal investigation and mediation conferences with parties to a complaint or petition in an effort to resolve the labor relations dispute before a Board hearing. If settlement is not possible the agent may recommend dismissal of a complaint or assign the matter for a hearing before the Board. The agent and assistant agents conduct secret ballot elections to determine the desire of employees for collective bargaining representation.

The general counsel is the legal advisor to the board and staff and represents the Board in court appeals, enforcement proceedings and other judicial and administrative proceedings to which the Board is a party or is interested.

(Effective May 7, 1980)

Sec. 5-273-3. Official address

All communications should be addressed to the State Board of Labor Relations, 200 Folly Brook Boulevard, Wethersfield, Connecticut 06109.

(Effective May 7, 1980)

Sec. 5-273-4. Public information

The public may inspect the regulations, decisions and public records of the Board at its offices in Wethersfield. There is no prescribed form for requests for information. Written requests should be submitted to the Board at its above stated official address.

(Effective May 7, 1980)

Sec. 5-273-5. Signature of documents

The duly authorized and official documents of the Board of every description, and without exception, including but not limited to the Board decisions, orders, notices, subpoenas, and communications shall be signed in behalf of the Board by any board member, the agent, the general counsel, or any staff member empowered to sign in the Board's behalf. Such a signature shall be presumed to be duly authorized

by the Board unless and until the contrary is demonstrated in any Board proceeding or hearing.

(Effective May 7, 1980)

Sec. 5-273-6. Act; board; petitioner; complainant; respondent; agent

The term “Act” as used herein means the Act Concerning Collective Bargaining for State Employees, of the General Statutes, and the term “Board” means the Connecticut State Board of Labor Relations. In proceedings for certification or election of representatives, the term “Petitioner” means the party filing a notification, i.e., petition for such certification or election. In proceedings under Section 5-272, the party charging a prohibited practice shall be called the “Complainant”; and the party alleged to have committed such prohibited practice shall be called the “Respondent.” The term “Agent” herein shall mean the Agent of the Board and shall include the Assistant Agents or other representatives of the Agent.

(Effective May 7, 1980)

Sec. 5-273-7. Other terms

The terms defined in Sections 5-270 to 5-280 inclusive, shall have the same meanings in these Regulations.

(Effective May 7, 1980)

Sec. 5-273-8. Time limitations

Whenever the time limited in these Regulations for any Act is less than seven (7) day, Saturdays, Sundays, holidays, and other non-work days as may be designated by the Governor shall be excluded in making the computation. Whenever the time limited in these Regulations for any Act is seven (7) days or more, such days shall be included in making the computation.

(Effective May 7, 1980)

Article II

Certifications and Elections of Representatives

Sec. 5-273-9. Notification; form; contents

A notification under subdivision (1) of subsection (a) of Section 5-275 may be filed with the Board in writing by an employee organization as defined in subsection (d) of Section 5-270 and shall state the following:

That thirty per cent (30%) or more of the employees in a bargaining unit established or sought to be established under the Act, desire to be exclusively represented for the purposes of collective bargaining within the unit by the petitioning organization and request the designation of said organization as their exclusive representative.

(Effective May 7, 1980)

Sec. 5-273-10. Notification of an interested organization

(a) Notification pursuant to subsections (a) and (b) of section 5-275 may be filed by an employee organization and may be in the form of a petition and shall be signed and sworn to by any person authorized to administer an oath and the original and four (4) copies thereof shall be filed with the board. The petition shall include a certification also signed and sworn to before any person authorized to administer an oath, stating that a copy of the petition has been served upon the employer and any union claiming to represent the employees by registered or certified mail or in person. If an employer files a petition it shall be served on all unions claiming to

represent the employees. Notification forms will be supplied by the board on request. A notification shall contain the information required by the form supplied by the board, including the following:

(1) the name and address of the interested organization and the length of time it has been in existence;

(2) the name of the employer or any subdivision thereof, as defined in section 5-270;

(3) the types, classifications or groups of employees in the bargaining unit or units claimed to be appropriate, the number of employees therein, the names and addresses of other employee organizations who claim to be the representatives of any of the employees in the claimed bargaining unit or units and a brief description of any contract covering any employees in such unit or units;

(4) a request that the board certify the name or names of the representatives who have been designated or selected for the purposes of collective bargaining by the majority of the employees in the unit or units appropriate for such purposes.

(b) A notification will be considered timely if it is filed between August 1 and August 31 inclusive of the year prior to the expiration of the collective bargaining contract covering the employees who are the subject of the petition. After the agent has determined the existence of the requisite showing of interest by the employee organization filing the notification and any party filing a challenge, the board may order an election or a hearing to show cause why an election should not be held. The show cause hearing, if ordered, shall be held by September 15, and the board shall use its best efforts to schedule elections prior to October 1. The board may consider petitions filed at other times if compelling reasons are shown for deviation from the above rule.

(Effective September 22, 1981)

Sec. 5-273-11. Challenges

Whenever a notification had been filed with the Board under subdivision (1) of subsection (a) of Section 5-275 any other employee organization may file with the Board a challenge in writing which states that ten per cent (10%) or more of the employees have expressed the desire to have the intervenor as exclusive representative in writing in the manner specified in subdivision (2) of subsection (a) of Section 5-275. The employer may also file a challenge as to the appropriateness of the unit.

Such challenge shall be deemed to include a petition for intervention in the proceedings and shall, in addition to the requirements specified in this section, conform to the requirements set forth in section 5-273-10 (a), *supra*. A challenge must be filed within thirty (30) days of the filing of the notification.

(Effective May 7, 1980)

Sec. 5-273-12. Notification and posting

When an employer receives a copy of the notification it shall place copies of said notification in conspicuous places where the employees in the unit customarily assemble, and leave posted for a period of thirty (30) days. No certification shall issue within thirty (30) days after the posting of the notification.

(Effective May 7, 1980)

Sec. 5-273-13. Duties of agent

(a) When a notification has been filed, the Agent shall confer with and may hold informal conferences with the interested parties and ascertain the facts. He shall ascertain the number of employees desiring the petitioner to represent them by

making a card check or by such other appropriate means as he shall determine. In making a card check the Agent may use the criteria set out in subsection (b) of this section. He shall encourage the parties to agree upon the appropriate unit.

(b) Proof of an employee's desire for representation may be established as follows: The organization may present to the Agent membership or application for membership cards or collective bargaining authorization cards containing the following information:

(1) The date the cards are signed by the employees.

(2) The cards must be dated and signed prior to the filing of notification by the organization with the Board, and must contain the printed or typewritten name of the signer as well as his signature.

(3) The cards will be void if signed beyond a year before the filing of notification with the Board.

(4) The cards must be obtained during the organizational campaign which culminated in the petition.

(5) The card itself must state the employee's wish to be represented by the organization.

(c) Whenever the Agent, after investigation, has reasonable cause to believe that a question of representation exists, including but not limited to finding that the parties are unable to agree upon the appropriate unit and he is unable to settle the controversy concerning representation, he shall issue a direction of election within 30 days of his investigation and conduct a secret ballot election within 30 days of the issuance of the direction of election to determine whether and by which employee organization the employees desire to be represented. The election shall be conducted in accordance with the terms and conditions set forth in Sections 5-273-17, 5-273-18, and 5-273-19 of these regulations and the Agent will report his action to the Board. In the event that the Agent determines that there is no reasonable cause to believe that a question of representation exists, he shall issue a recommendation to dismiss the petition within 30 days after his investigation and report his action to the Board. In the event the Agent is unable to determine whether or not a question of representation exists, the Agent may, within 30 days of his investigation, refer the petition directly to the Board for a hearing without either having conducted an election or issuing a recommendation for dismissal, in which event the Board shall conduct an appropriate hearing upon due notice as set forth in these regulations.

(d) If the Agent determines either to conduct a secret ballot election or to recommend dismissal of the petition, the parties may object to the Agent's determination by filing objections in the form of a brief within 14 days of the issuance of the order directing an election or within 14 days of the Agent's recommendation for a dismissal filed with the Board.

(e) If objections are timely filed, the Agent shall prepare a record for the Board which shall include the following: the petition, the Agent's order directing an election, or the Agent's recommendation for dismissal and any briefs filed by a party.

(f) The Board, after considering the Agent's direction of election or the Agent's recommendation for dismissal, together with the briefs submitted, shall, as appropriate within 30 days of receiving the record:

(1) issue an order confirming the Agent's direction of election and certifying the results, or

(2) issue an order confirming the Agent's recommendation for dismissal, or

(3) order further investigation, or

(4) order a hearing upon due notice.

(g) In the event the Agent has directly referred the petition to the Board for a hearing without either directing an election or recommending dismissal, or if the Board has ordered a hearing, a hearing shall be held pursuant to Section 5-273-14.

(h) If no objections are filed, the Board shall certify the results of the election or dismiss the petition.

(Effective October 5, 1993)

Sec. 5-273-14. Hearing; notice

The Board shall hold a hearing upon reasonable notice and may either dismiss the petition or direct an election or elections. When a hearing has been directed, the Board or its Agent shall prepare and cause to be served upon the parties a notice of hearing before the Board, at a time and place fixed therein. Hearings relative to petitions for representation elections shall have precedence over all other cases. A copy of the petition shall be served with the notice of hearing.

(Effective May 7, 1980)

Sec. 5-273-15. Amendment

Any notification may be amended, in whole or in part, by any party or by the Board, to conform to the issues litigated. Such amendment shall be permissible before the first ballot is cast in an election, upon such conditions as the Board may deem proper and just.

(Effective May 7, 1980)

Sec. 5-273-16. Withdrawal

Any notification may be withdrawn, by the petitioner before the first ballot is cast in an election, upon such conditions as the Board may deem proper and just.

(Effective May 7, 1980)

Sec. 5-273-17. Election; terms and conditions

(a) If the board or the Agent determines that an election shall be held, it shall order that such election or elections shall be conducted by the Agent, an Assistant Agent, or by such other person as may be designated by the Board.

(b) All elections shall be held at such times and places and upon such terms or conditions as the Board or the Agent may specify. All elections shall be by secret ballot.

(c) The employees eligible to vote shall be those on the payroll on the date of the filing of the petition or such other date as the Board or the Agent may order upon the showing of extraordinary circumstances or by consent of the parties, and who remain on the payroll on the date of the election.

(d) At least seven (7) days prior to the election, or at least three (3) weeks prior thereto in cases where units exceed five hundred (500) employees, the employer shall furnish, to each interested organization which is a party to the proceeding, a list of the names and addresses of the employees in the appropriate unit who were on the payroll on the date of the filing of the petition, or such other date as the Board or the Agent may order upon the showing of extraordinary circumstances or by consent of the parties, and who are on the payroll at the time of the submission of the list.

(Effective October 5, 1993)

Sec. 5-273-18. Conduct of elections

(a) During the course of a representation campaign, the following conduct may interfere with the rights of employees and may result in the setting aside of the election:

- (1) Threatening loss of jobs or other disadvantages by employer or union.
 - (2) Misstating important facts by a union or an employer where the other party does not have a fair chance to reply.
 - (3) Promising or granting promotions, pay raises, or other benefits to influence the employee's vote by a party capable of carrying out such promises.
 - (4) An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity.
 - (5) Threatening physical force or violence to employees by a union or an employer to influence their votes.
- (b) In the absence of extraordinary circumstances, a party having knowledge of grounds for objection to an election is required to make his objection to the agent prior to the election. Failure to do so will result in a waiver of the right to raise objection.
- (Effective September 22, 1981)

Sec. 5-273-19. Challenged ballots

At any election, if the right of an employee to vote is challenged by the Board or any party to the proceedings, the employee shall be permitted to vote, but his ballot shall be sealed by him in a separate envelope provided for such purpose and the employee shall then deliver the envelope to the Agent or person duly designated by the Board to conduct the election, who shall deliver the challenged ballot to the Board for determination, provided, if the challenged ballots are insufficient in number to affect the result of the election, no determination with respect to them shall be made.

(Effective May 7, 1980)

Sec. 5-273-20. Procedure following elections; challenges and objections

- (a) Upon the conclusion of any election or elections, the Board or its Agent or a person designated by the Board to conduct the election shall prepare a report as to the result of the election or elections and, in cases where the right of an employee to vote has been challenged and the challenged ballots are sufficient in number to affect the results of the election, the report shall contain a plain statement of the grounds for the challenge. The Agent shall cause this report to be served upon the parties.
 - (b) Within five (5) days thereafter, any party who intends to make an objection shall serve upon all other parties, with proof of service, and file with the Board an original and four (4) copies of objections to the election or elections or to the report thereon. The objections shall contain a plain statement of the grounds of objection. The Board may, either with or without a hearing, make its determination with respect to the objections or to any challenged ballots, provided that if the Board finds any such objection presents a substantial or material issue of fact or law it shall hold a hearing thereon.
- (Effective May 7, 1980)

Sec. 5-273-21. Certification of representatives

The Board, after ascertaining the wishes of the employees, shall certify to the parties the name or names of the representatives or make other disposition of the matter. Such certification may issue without an election if the statutory conditions for such certification exist.

(Effective May 7, 1980)

Article III

Prohibited Practice Complaints

Sec. 5-273-22. Complaint

A complaint that any person, the employer, or an employee organization has engaged in or is engaging in any prohibited practice under the Act may be filed by an employee, a group of employees, and employee organization or by the employer, any of whom may hereafter be referred to as the person filing the complaint.

(Effective May 7, 1980)

Sec. 5-273-23. Complaint; form and filing; certification of service

A complaint shall be in writing. The original shall be signed and sworn to before any person authorized to administer an oath. The original and four (4) copies of the complaint shall be filed with the Board. The complaint shall include a certification also signed and sworn to before any person authorized to administer an oath stating that a copy of the complaint has been served upon the respondent by registered or certified mail or in person. Blank forms for making the complaint shall be supplied by the Board upon request.

(Effective May 7, 1980)

Sec. 5-273-24. Contents of complaint

A complaint shall contain the following:

- (a) The full name and address of the person making the complaint.
- (b) The full name and address of the employer or union or the division thereof against whom the complaint is filed.
- (c) A clear and concise description of the acts which are claimed to constitute prohibited practices, including, where known, the appropriate dates and places of such acts and names of respondent's agents or other representatives by whom committed, or if, in any such case, the required specification is impossible, the reason why it is impossible. Other facts shall be stated which are sufficient to describe the nature of the conduct complained of.

(d) An enumeration of the subdivision or subdivisions of Section 5-272 claimed to have been violated.

(e) A statement of the relief to which the complainant deems itself entitled. Such claim for relief shall not limit the powers of the Board vested in it by the Act.

(Effective May 7, 1980)

Sec. 5-273-25. Withdrawal of complaint

A complaint, or any part thereof, may be withdrawn only with the consent of the Board and upon such conditions as the Board may deem proper.

(Effective May 7, 1980)

Sec. 5-273-26. Reference of complaint to agent; investigation; more specific statement

All complaints filed with the Board shall be automatically referred to its Agent who shall investigate the same with due diligence; provided, however, that the agent may return to the complainant without investigation any complaint which does not comply with section 5-273-24 of these regulations.

(Effective May 7, 1980)

Sec. 5-273-27. Report by agent to board

Within three (3) months of the date when the complaint was filed, the Agent shall report to the Board upon each complaint referred to him, recommending its dismissal or a hearing upon it. If the Agent recommends dismissal, he shall do so in writing and shall forthwith serve a copy of his recommendation upon all parties in interest. If any such party files a written objection to the Agent's recommendation of dismissal within fourteen (14) days of its service upon him, the Board shall order a hearing to be held upon the complaint. Unless such objection is so filed, the Board will dismiss the complaint.

(Effective May 7, 1980)

Sec. 5-273-28. Action by board upon agent's report; notice of hearing

The Board shall act promptly upon the Agent's report. If it orders a hearing, it shall cause to be issued and served upon each person complained of a copy of the complaint and a notice of hearing before the Board at the time and place therein fixed, to be held not less than seven (7) days after the service of such complaint. Notice of the hearing shall be given to the person filing the complaint or his representatives.

(Effective May 7, 1980)

Sec. 5-273-29. Acceleration of hearing

The parties to the proceedings may consent by stipulation to a hearing within less than seven (7) days after the service of such complaint.

(Effective May 7, 1980)

Sec. 5-273-30. Amendment to complaint

Any complaint may be amended by any party or the Board to conform to the issues litigated at any time before final decision or order, upon such terms and conditions as the Board deems just and proper.

(Effective May 7, 1980)

Sec. 5-273-31. Service and filing of answer

The respondent against whom the complaint is issued shall have the right to file an answer thereto within five (5) days from the service of the complaint. Such answer shall be in writing, the original being signed by the respondent or his, or its, attorney. The respondent, or his, or its attorney, shall file the answer and four (4) copies thereof with the Board and serve copies of the answer on each party to the proceeding.

(Effective May 7, 1980)

Sec. 5-273-32. Denial

The respondent shall admit or deny each of the allegations contained in the complaint unless the respondent is without knowledge or information sufficient to form a belief as to the truth of an averment, in which case the respondent shall so state, such statement operating as a denial. The answer may contain a plain statement of any explanation or new matter which constitutes the grounds of the defense.

(Effective May 7, 1980)

Sec. 5-273-33. Defense and new matter

Any allegations of new matter contained in the answer is to be deemed denied or avoided without the necessity of a reply.

(Effective May 7, 1980)

Sec. 5-273-34. Extension of time to answer

Upon the Board's own motion or upon application of the respondent, the Board may extend the time within which the answer may be filed. The answer may be amended at any time with the permission of the Board, upon such terms and conditions as it deems just.

(Effective May 7, 1980)

Sec. 5-273-35. Amendment of answer; following amendment of complaint

In any case where a complaint has been amended, the respondent shall have an opportunity to amend his answer within such period as may be fixed by the Board.

(Effective May 7, 1980)

Sec. 5-273-36. Failure to file answer

Notwithstanding any failure of the respondent to file an answer within the time provided, the Board may proceed to hold a hearing at the time and place specified in the notice of hearing, and may make its findings of fact and enter its order upon the testimony so taken. In any case where a respondent fails to answer and appear at the hearing the Board may take the allegations in the complaint as admitted and may issue an appropriate order.

(Elective May 7, 1980)

Sec. 5-273-37. Pleadings; construction

All pleadings shall be liberally construed.

(Effective May 7, 1980)

Sec. 5-273-38. Back pay proceedings

(a) After a Board order directing the payment of back pay has been issued or after enforcement of such order by the superior court, if informal efforts to dispose of the matter prove unsuccessful, the agent is then authorized in his discretion to issue a back pay specification in the name of the Board and a notice of hearing before the Board, both of which shall be sent by registered or certified mail to the parties involved. The specification sets forth the computations showing gross and net back pay due and any other pertinent information. The respondent must file an answer within fifteen (15) days of the receipt of the specification setting forth a particularized statement of its defense.

(b) In the alternative, and in his discretion, the agent under the circumstances specified above, may issue and send to the parties a notice of hearing only without a specification. Such notice shall contain in addition to the time and place of hearing before the Board, a brief statement of the matters in controversy.

(Effective May 7, 1980)

Article IV**Miscellaneous Proceedings****Sec. 5-273-39. Declaratory ruling; form of petition**

Whenever there is a substantial and immediate threat to rights protected by the Act Concerning Collective Bargaining for State Employees a person or organization may request a declaratory ruling by the Board with respect to the applicability to such person or organization of any statute, regulation, or order enforced, administered or promulgated by the Board in the following form:

(a) A petition stating the factual background of the issue must be in writing and sent to the Board by mail or delivered in person during normal business hours.

(b) The petition shall be signed by a person or representative of an organization in whose behalf the inquiry is made and shall state the address of such person or organization and the name and address of the petitioner's attorney, if applicable.

(c) A petitioner shall send a copy of the petition by registered or certified mail to any person or organization that may be immediately affected by the petition. The petition shall state the persons or organizations so notified. If the petitioner is in doubt as to who should be notified it may apply to the Board for an order of notice.

(d) The petition shall state clearly and concisely the substance and nature of the request. It shall identify the statute, regulation or order concerning which the request is made and shall identify the particular aspect thereof to which the question or applicability is directed.

(e) The petition shall state the position of the petitioner with respect to the question of applicability.

(f) The petition or brief attached thereto may include an argument in support of the position of the petitioner with such legal citation as may be appropriate.

(Effective May 7, 1980)

Sec. 5-273-40. Declaratory ruling; procedure after filing

(a) The Board may give notice to any other person or organization that such a declaratory ruling has been requested and may receive and consider facts, arguments, and opinions from persons other than the petitioner.

(b) If the Board deems a hearing necessary or helpful in determining any issue concerning the request for declaratory ruling, the Board shall schedule such hearing and give such notice thereof as shall be appropriate.

(Effective May 7, 1980)

Sec. 5-273-41. Scope of bargaining determination

Any employee organization, employer, or arbitrator may request the Board to determine the scope of collective bargaining if

(1) during the course of collective negotiations one party seeks to negotiate with respect to a matter or matters which the other party contends is not a mandatory subject for collective negotiations or

(2) a party alleges that an illegal subject of bargaining is improperly submitted to a grievance arbitrator. A request for such a determination shall be submitted to the Board in the same form as a request for a declaratory ruling and shall be subject to the same procedure. If such a request has the effect of delaying negotiations or arbitration, the Board shall make every effort to expedite the proceeding.

(Effective May 7, 1980)

Sec. 5-273-42. Petitions concerning adoption of regulations

(a) Any person or organization may at any time petition the Board to promulgate, amend or repeal any regulation. The petition shall set forth clearly and concisely the text of the proposed regulation, amendment, or repeal. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts and arguments in the petition or in a brief annexed thereto. The petition shall be signed by the petitioner and shall furnish the address of the petitioner and the name of petitioner's attorney, if applicable.

(b) Within thirty (30) days following receipt of the petition, the Board shall determine whether to deny the petition, or to initiate regulation making proceedings

in accordance with the petition. If the petition is denied, the petitioner shall be notified in writing of the reasons for said denial.

(Effective May 7, 1980)

Sec. 5-273-43. Settlement of cases

Informal disposition may be made of any complaint or petition by stipulation, agreed settlement, consent order, or default.

(Effective May 7, 1980)

Sec. 5-273-44. Pre-trial hearings

Prior to any scheduled hearing the Board or agent may order the parties to meet with a Board member, agent or other staff member for the purpose of obtaining stipulations of fact, joint exhibits, disclosure of evidence and identification of witnesses and issues to be raised at the formal hearing. Failure to disclose evidence, witnesses or issues at the pre-trial hearing may result in the Board's denying the introduction of such evidence, testimony or issues at the formal hearing.

(Effective May 7, 1980)

Article V

General Provisions Relating to Parties and Procedure Applicable to All Proceedings

Sec. 5-273-45. Quorum of board

A vacancy in the Board, or the absence or disqualification of a member of the Board, shall not impair the right of the remaining members to exercise all of the powers of the Board, and two members of the Board shall at all times constitute a quorum.

(Effective May 7, 1980)

Sec. 5-273-46. Nonjoinder and misjoinder of parties

No proceeding under the Act will be dismissed because a person directly concerned is not a party thereto. If it is necessary for the determination of the matter in dispute so to do, the Board may allow parties to be added or substituted and unnecessary parties to be dropped at any time in the proceeding.

(Effective May 7, 1980)

Sec. 5-273-47. Parties; relief

All persons alleged to have engaged in any prohibited practices may be joined as respondents, whether jointly, severally or in the alternative, and a decision may be rendered against such one or more of the respondents as is appropriate upon all the evidence. The Board may award any relief appropriate under law and the facts found proven, and shall not be limited to the relief demanded.

(Effective May 7, 1980)

Sec. 5-273-48. During pendency of hearing

All motions made at a hearing shall be stated orally, shall be included in the stenographic report of the hearing and shall be decided by the Board. All motions, rulings, decisions and orders shall be and become part of the record in the proceeding.

(Effective May 7, 1980)

Sec. 5-273-49. Motion made before or after hearing

All motions made, other than those made during a hearing or hearings, shall be filed in writing with the Board and shall state the order or relief applied for and the grounds for such motion. The moving party shall serve copies of all such papers on all parties and shall, within three (3) days thereafter, file an original, with proof of due service, and four (4) copies of all papers with and for the use of the Board. Answering statements, if any, shall be served on all parties and an original thereof, with proof of due service, and four (4) copies shall be filed with the Board within three (3) days after service of the moving party or parties, unless otherwise directed by the Board. All motions shall be decided by the Board upon the papers filed with it, unless the Board, in its discretion, shall decide to hear oral argument, or take testimony, in which event the Board shall notify the parties of such fact and of the time and place for such argument or for the taking of such testimony.

(Effective May 7, 1980)

Sec. 5-273-50. Intervention; procedure; contents; filings and service

Any person, employer or subdivision thereof, or employee organization desiring to intervene in any proceeding shall file with the Board a sworn petition and four (4) copies thereof in writing, setting forth the facts upon which such person, employer or its subdivision thereof, or employee organization claims an interest in the proceedings. Such petition shall be served on all parties. Petitions shall be filed with the Board, with proof of service, at least two (2) days prior to the first hearing. Failure to serve or file such petition, as above provided, shall be deemed sufficient cause for the denial thereof, unless it shall be determined that good and sufficient reason exists why it was not served or filed as herein provided. The Board shall rule upon all such petitions and may permit intervention to such an extent and upon such terms or conditions as it shall determine may effectuate the policies of the Act.

(Effective May 7, 1980)

Sec. 5-273-51. Consolidation or severance

Two or more proceedings under this Section of the Act may be consolidated by the Board, in its discretion, and such proceedings may be severed by the Board, in its discretion.

(Effective May 7, 1980)

Sec. 5-273-52. Witnesses; examination; record; depositions

Witnesses at all hearings shall be examined orally, under oath or affirmation, and a record of the proceedings shall be made and kept by the Board. If a witness resides outside the state or through illness or other cause is unable to testify before the Board, his or her testimony or deposition may be taken within or without the state in such manner and in such form as may be directed by the Board. All applications for the taking of such testimony or depositions shall be made by motion to the Board in accordance with the motion practice herein set forth.

(Effective May 7, 1980)

Sec. 5-273-53. Application for subpoenas

Any party to a proceeding may apply to the Board for the issuance of a subpoena or subpoena duces tecum, requiring the attendance during a hearing of any person, party or witness and directing the production at a hearing of any books, records or correspondence or other evidence relating to any matter under investigation or any question before the Board. Such application shall be timely, shall be in writing and

shall specify the name of the witness or the documents or things, the production of which is desired, with such particularity as will enable such documents to be identified for purposes of production and the return date desired. Such application shall be made and filed with the Board and need not be served on any other party. Any subpoena issued by the Board shall be mailed or delivered forthwith to the party applying therefor. Arrangements for the service of the subpoena, according to law, shall be made by such party.

(Effective May 7, 1980)

Sec. 5-273-54. Witness fees

Witnesses summoned before the Board or its Agent shall be paid the same fees and mileage that are paid witnesses in the courts of the state, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the state. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and shall be paid by the Board when they appear by the Board's instance, and the person taking the deposition shall be paid by the party at whose instance the deposition is taken or by the Board if the deposition is taken at its instance.

(Effective May 7, 1980)

Sec. 5-273-55. Board shall conduct hearings

A hearing for the purpose of taking testimony upon a complaint, or upon a complaint and answer, or upon a petition for an election shall be conducted by the Board. Such hearings shall be open to the public.

(Effective May 7, 1980)

Sec. 5-273-56. Hearings; powers and duties of the board

During the course of any hearing, the Board shall have the full authority to control the conduct and procedure of the hearings, and the records thereof, to admit or exclude testimony or other evidence, and to rule upon all motions and objections made during the course of the hearing. The Board shall provide that a full inquiry is made into all the facts in issue and shall obtain a full and complete record of all facts necessary for a fair determination of the issues. In any hearing, the Board shall have the right to call and examine witnesses, to direct the production of papers or documents and to introduce into the record such papers or documents.

(Effective May 7, 1980)

Sec. 5-273-57. Examination of witnesses; introduction of evidence

In any hearing, the Agent and all parties shall have the right to call, examine and cross-examine witnesses and to introduce into the record papers and documents or other evidence subject to the ruling of the Board.

(Effective May 7, 1980)

Sec. 5-273-58. Hearings; evidence

The Board shall not be bound by technical rules of evidence. All findings of the Board as to facts shall be supported by substantial evidence.

(Effective May 7, 1980)

Sec. 5-273-59. Hearings; stipulations

At a hearing, stipulations may be introduced in evidence with respect to any issue, subject to the ruling of the Board.

(Effective May 7, 1980)

Sec. 5-273-60. Continuation of hearings

In the discretion of the Board, the hearing may be continued from day to day or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the Board or by other appropriate notice designated by the Board.

(Effective May 7, 1980)

Sec. 5-273-61. Contemptuous conduct at hearings

Any person who engages in contemptuous conduct before the Board may, in the discretion of the Board, be excluded from the hearing room or further participation in the proceeding.

(Effective May 7, 1980)

Sec. 5-273-62. Waiver of hearing; consent order

Nothing shall prevent the entry of an order with the consent of the respondent, and on notice to all parties and without the holding of any hearing or the making of any findings of fact or conclusions of law, if the respondent shall waive the holding of any hearing and making of the findings of fact and conclusions of law.

(Effective May 7, 1980)

Sec. 5-273-63. Oral argument or briefs; requests for findings of fact or conclusions at the close of hearings

In all hearings under this Act the Board may, in its discretion, permit the parties to argue orally before it at the close of the hearing or to file briefs, requests for findings of fact or conclusions with it. The time for oral argument, filing briefs or requests for findings of fact or conclusions shall be fixed by the Board. Any request for oral argument before the Board shall be submitted at the close of the hearing. The granting or denial of permission to argue orally before the Board shall be within the discretion of the Board. Arguments shall be included in the stenographic report unless the Board directs otherwise.

(Effective May 7, 1980)

Sec. 5-273-64. Variance between pleading and proof

(a) A variance between an allegation in a petition for an election or a pleading in a prohibited practice proceeding and the proof shall be considered immaterial unless it prejudicially misleads any party or the Board. Where a variance is not material, the Board may admit such proof and the facts may be found accordingly. Where a variance is material, the Board may permit an amendment at any time before the final order of the Board, upon such terms as it deems just. Any party or the Board may move to conform the pleadings to the proof.

(b) The Board shall disregard all defects in pleading and procedure wherever this may be done without impairing the substantial rights of any party, if justice so requires.

(Effective May 7, 1980)

Sec. 5-273-65. Motions and objections at hearings

Motions made during the hearing and objections with respect to the conduct of the hearing, including objections to the introduction of evidence, shall be stated orally and shall be included in the stenographic report of the hearing.

(Effective May 7, 1980)

Sec. 5-273-66. Application for leave to reopen a hearing on grounds of newly discovered evidence

No motion for leave to reopen a hearing because of newly discovered evidence shall be entertained unless it is shown that such additional evidence is material, that the motion has been timely made and that there were reasonable grounds for the failure to adduce such evidence at the hearing. Nothing contained in this section shall be deemed to limit the right and power of the Board in its discretion and on its own motion to reopen a hearing and take further testimony.

(Effective May 7, 1980)

Sec. 5-273-67. Findings of fact; conclusions of law; decision and order; exception

The Board shall, within a reasonable time after the close of a hearing under the provision of this Act, issue its findings of fact, conclusions of law, decision and order. Such findings of fact, conclusions of law, decision and order shall contain, but need not be limited to (a) a statement of the case and preliminary procedure before the Board; (b) findings of fact; (c) conclusions of law; (d) decision and order.

(Effective May 7, 1980)

Sec. 5-273-68. Record of proceedings before the board; prohibited practice cases

(a) The record of the proceedings before the Board in prohibited practice cases shall consist of the complaint or amended complaint, any other pleadings, notices of hearings, motions, orders, stenographic report, exhibits, depositions, findings of fact, conclusions of law, the decision and order.

(b) If a prohibited practice proceeding is predicated in whole or in part upon a prior representation proceeding, the record of such prior representation proceeding shall be deemed a part of the record in the prohibited practice proceeding for all purposes.

(Effective May 7, 1980)

Sec. 5-278-69. Records of proceedings before the board; representation cases

The record of the proceedings before the Board in representation cases shall consist of the notification, petition or amended petition, notices of hearings, motions, orders, agreement, stenographic report, exhibits, decision and direction of election, report upon secret ballot, objections thereto, certification, dismissal or decision and order.

(Effective May 7, 1980)

Sec. 5-273-70. Public record

The record shall constitute the public record of the cases and shall be made available for inspection or copying under such conditions as the Board may prescribe.

(Effective May 7, 1980)

Sec. 5-273-71. Practice before the board

Any person who at any time has been a member of or employed by the Board shall not be permitted to appear as attorney or representative for the employer or its subdivisions thereof or employee organization until the expiration of six (6) months from the termination of his employment with the Board, nor shall he at any time be permitted to appear in any case which was pending before the Board during the period of his employment with the Board.

(Effective May 7, 1980)

Article VI

Service of Complaints, Orders and Other Processes

Sec. 5-273-72. Method; proof; complaints; orders; and other processes and papers of the board and agent

Complaints, decisions and orders and other processes and papers of the Board and Agent may be served personally, by registered or certified mail, by telegraph or by leaving a copy thereof in the principal office or place of business of persons to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same and the return post office receipt or telegraph receipt, therefor, when registered or certified and mailed or telegraphed as aforesaid, shall be proof of service of the same.

(Effective May 7, 1980)

Sec. 5-273-73. Service by a party

Service of papers by a party to the proceeding shall be made by registered or certified mail or in person. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of such service. When service is made by registered or certified mail, the return post office receipt shall be proof of service.

(Effective May 7, 1980)

Sec. 5-273-74. Service upon attorney

If a party appears by its attorney, all papers other than the complaint, notice of original hearings, and final decisions and orders may be served, as therein provided, upon such attorney with the same force and effect as though served upon the party.

(Effective May 7, 1980)

Article VII

Construction, Amendments, or Application of Regulations

Sec. 5-273-75. Construction of regulations

These Regulations shall be liberally construed and shall not be deemed to limit the powers conferred upon the Board by the Act.

(Effective May 7, 1980)

Sec. 5-273-76. Amendments; general regulations

Any regulation may be amended or rescinded by the Board at any time, in the manner provided by statute.

(Effective May 7, 1980)

Sec. 5-273-77. Collective bargaining units in the executive branch of the state government

(a) Non-professional units.

(1) State Police - uniformed and investigatory.

(2) Service, maintenance, building trades and crafts. This constitutes a traditional blue collar unit and includes all employees not engaged in clerical administrative or office-related tasks excepting employees engaged in security, law enforcement and health care.

(3) Administrative clerical employees. This constitutes a traditional unit composed largely of clerical and other office-related employees in all departments of the executive branch of the state government (including those employed in corrections, protection and health care functions). It also includes employees performing non-professional inspection functions concerned primarily with contents of papers and documents.

(4) Corrections officers. This unit includes employees in correctional institutions concerned with custody, education, and counseling of inmates confined to institutions under the jurisdiction of the Corrections Department.

(5) Protective services. This unit includes employees engaged in the protection of property (e.g. guards, firefighters) and in law enforcement functions, excluding state police.

(6) Health care unit. This unit includes all non-professional employees engaged in health care functions (except clerical and blue collar employees).

(b) Professional units.

(1) Health Care unit. This includes doctors nurses, and other professionals engaged in health care functions.

(2) Social and human services. This unit includes all professional employees who are responsible for administering social welfare and social insurance programs and distributing benefits provided thereunder, as well as for providing counseling services to a range of clients.

(3) Education. This unit includes all professional employees engaged in functions related to education except those included in units defined in the Act itself.

(4) Engineering, science, and related. This unit includes professional engineers, architects, and other scientific personnel except those specifically included in other units.

(5) Administrative and residual. This unit includes white collar professional employees and complements unit number (a) (3) (administrative clerical employees).

(c) Deviations from model units. The units defined by these regulations are not intended to exclude:

(1) other units upon which all interested parties agree; or

(2) other units determined by the Board in response to individual petitions which deviate from the models for good cause shown.

(Effective May 7 1980)