

State of Connecticut

SENATE

STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

SENATOR KEVIN D. WITKOS
EIGHTH DISTRICT

LEGISLATIVE OFFICE BUILDING
SUITE 3400
HARTFORD, CONNECTICUT 06106-1591

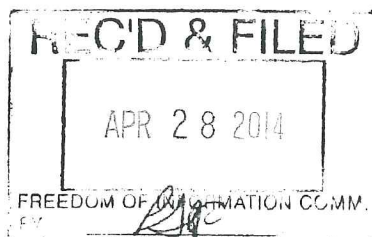
DEPUTY MINORITY LEADER PRO TEMPORE
CAUCUS CHAIRMAN FOR OUTREACH

CAPITOL: (860) 240-8800
TOLL FREE: (800) 842-1421
E-MAIL: Kevin.Witkos@cga.ct.gov
WEBSITE: www.SenatorWitkos.com

Commissioner Palmer
Department of Labor
200 Folly Brook Boulevard
Wethersfield, CT 06109

March 14, 2014

Dear Commissioner Palmer,

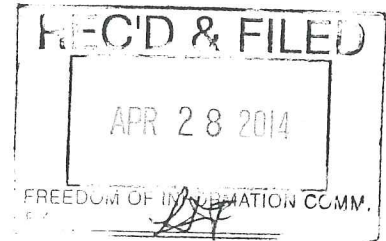


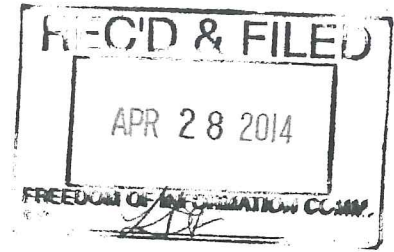
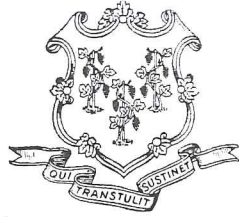
At a recent public hearing, you submitted testimony opposing Senate Bill 268, An Act Concerning Apprenticeship Ratios. Prior to that submission, a union official indicated that you were “opposed” to the change in the ratio set forth in the legislation. I was surprised that someone outside your department would know how you planned to testify on the bill, and as such, I would request that you provide me with copies of all correspondence from and to you regarding SB 268, as well as House Bill 5454. I would ask you to send me copies of all written communications including emails, texts, letters, notes, memos and any other written documentation regarding these bills. I would also ask that you provide written summary of any telephone conversation or voicemail either sent or received by you regarding the specified bills. In addition, it is my understanding that a person can seek a waiver of the apprenticeship ratios. Can you please indicate to me how many such waivers have been sought since January 1, 2011, and the outcome of

such application – whether the waiver was granted, denied, and the reason behind the decision. I thank you in advance for your anticipated prompt attention to this matter.

Sincerely,

Alvin Watkins





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DOCKETED DEPUTY MINORITY LEADER PRO TEMPORE
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JUN 11 2014

Freedom of Information Comm.
By:

Chairman Owen P. Eagan
Freedom of Information Commission
18-20 Trinity Street
Hartford, CT 06106

April 25, 2014

Dear Chairman Eagan,

Please be advised that pursuant to C.G.S. section 1-206, I wish to file a formal appeal of the denial of disclosure of certain public documents by the Department of Labor regarding the involvement of the Department as it pertained to two recent proposed bills.

During the last few days before the General Law Committee deadline, it came to my attention that the Commissioner of Labor was opposed to changes proposed to the apprenticeship ratios. Testimony was offered on both bills by the Commissioner in opposition. A union official also supplied written testimony stating that the Commissioner of Labor was opposed to the bill as well. I became curious as to where the notion of opposition to the bills came from, and accordingly requested all correspondence to and from the Commissioner regarding the bills, as well as data on the number of waivers sought since January 1, 2011 for the apprenticeship ratio.

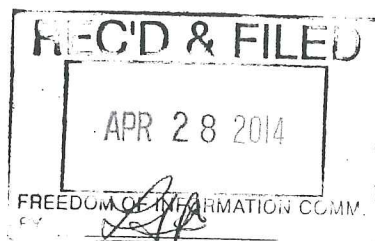
I requested the records by letter and e-mail on March 14, but did not hear confirmation of the receipt of the request until March 28. Since that date, I have heard nothing further from the Department and have not received the documents sought, or had any communication indicating when I could expect their production. In light of the Department's failure to provide me the requested documents and records within a reasonable time, I believe they are in direct violation of both the letter and spirit of the law. I trust your office will compel compliance.

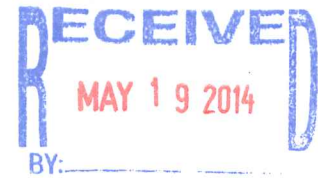
To aid your commission in its task, I have attached copies of the correspondence sent to Commissioner Palmer requesting the disclosure of the communications and information regarding how many waivers have been sought since January 1, 2011 and the outcome of such applications. I look forward to having the opportunity to further present my claim to your commission at your earliest possible convenience.

Sincerely,



cc: Commissioner Sharon Palmer





May 15, 2014

Senator Kevin D. Witkos
Legislative Office Building
Suite 3400
300 Capitol Avenue
Hartford, CT 06106-1591

Dear Senator Witkos:

Please be advised that the Connecticut Labor Department has reviewed your Freedom of Information Act (FOIA) request and is disclosing some of the documentation that you requested. Attached please find Ratio Relief Logs maintained by the agency dating from 2011 to present, which provide the number of waivers sought to apprenticeship ratio requirements and whether the waiver was granted or denied. You have also requested the reasons for those either granting or denying waiver requests. We are reviewing the files to determine if there are any disclosable documents responsive to your request and will notify you when a determination has been made.

In addition, you requested all written communications regarding S.B. No. 268 and H.B. No. 5454, An Act Concerning Apprenticeship Ratios, including e-mails, texts, letters, notes and memoranda. We are unable to disclose any internal documentation that is responsive to your request, as such documents are exempt from disclosure under FOIA pursuant to Conn. Gen. Stat. §1-210(b)(10) as they are protected by attorney-client privilege. Moreover, there are no external e-mails, texts, letters, notes or memoranda that are responsive to your request.

Finally, you request summaries of telephone conversations or voicemails sent or received by the agency with regard to these same bills. The agency does not have any such summaries and as such there are no public records or files as defined by Conn. Gen. Stat. § 1-200(5) that would be responsive to this request.

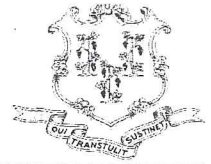
Sincerely,

A handwritten signature in blue ink that appears to read "Jennifer C. Devine". The signature is fluid and cursive.

Jennifer C. Devine
Staff Attorney 3
(860) 263-6766
Jennifer.devine@ct.gov



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
Toll free (CT only): (866) 374-3617 Tel: (860) 566-5682 Fax: (860) 566-6474 • www.ct.gov/foi • email: foi@ct.gov

NOTE: DOCKET #s FIC 2014-249 AND 2014-375 HAVE BEEN CONSOLIDATED.

NOTICE OF HEARING AND ORDER TO SHOW CAUSE
DOCKET NO. FIC 2014-249

TO COMPLAINANT(S)

KEVIN WITKOS, c/o Michael J. Cronin, Esq., State of Connecticut, Office of Legislative Management, 300 Capitol Avenue, Hartford, CT 06106

TO RESPONDENT(S)

COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF LABOR; AND STATE OF CONNECTICUT, DEPARTMENT OF LABOR, c/o Krista D. O'Brien, Esq., Attorney General's Office, PO Box 12055, Elm Street, Hartford, CT 06141

1. This will serve as notice that the Freedom of Information Commission will conduct a hearing concerning the appeal brought by the above-named complainant(s). This appeal alleges violation(s) of the Freedom of Information Act, as set forth in Chapter 14 of the Connecticut General Statutes.
2. Attorney Lisa F. Siegel has been designated hearing officer for the purpose of this appeal and will hold a hearing on its merits at the following date, time and place:

DATE OF HEARING: September 26, 2014
TIME OF HEARING: 9:30 AM.
**PLACE OF HEARING: 18-20 TRINITY STREET
HARTFORD, CT 06106**

(Hearing will be held in the Commission's Hearing Room A)

3. The COMPLAINANT(S) named above is (are) hereby ORDERED to appear on the date and time, and at the place indicated, in paragraph 2 in order to present this appeal on the basis of the facts alleged. The complainant(s) may appear in person or by counsel or other authorized representative. Failure to appear may lead to dismissal of the appeal. A copy of the complaint in this matter (two pages) and attachment (nine pages) is attached to this Notice and Order.

4. The RESPONDENT(S) named above is (are) hereby ORDERED to appear on the date and time, and at the place, indicated in paragraph 2 in order to show cause why this appeal should not be sustained. The respondent(s) may appear in person or by counsel or other authorized representative. Failure to appear may lead to the sustaining of the appeal and the imposition of appropriate relief. A copy of the complaint in this matter (two pages) and attachment (nine pages) is attached to this Notice and Order.

5. The RESPONDENT(S) named above is (are) hereby further ORDERED, if the personnel or medical files or similar files of any of its employees are the subject of the above appeal, to notify such employee(s) and the employee's (ees') collective bargaining representative, if any, of the appeal and of the Freedom of Information Commission's proceedings. If any such employee or collective bargaining representative has filed an objection, pursuant to §1-214 (c), G.S. to disclosure of the records, such notice shall be by certified mail, return receipt requested or by hand delivery with a signed receipt.

6. The hearing is governed by the regulations of the Freedom of Information Commission and will be conducted as a contested case under Chapter 54 of the Connecticut General Statutes. A copy of the Regulations may be obtained from the Commission upon request or can be found starting with §1-21j-1 of the Regulations of Connecticut State Agencies. The hearing will provide the only opportunity to present oral and written evidence. Each party may testify, examine and cross-examine witnesses and present oral argument on the law. All evidence becomes part of the record of the hearing. Written argument and briefs may be filed, but are not required. The complainant may seek the imposition of the civil penalty permitted under §1-206(b), G.S. In that case, the hearing shall also afford the custodian, or other official(s), responsible for the denial of any right(s) alleged to have been violated under the Freedom of Information Act, an opportunity to show that any such violation was based upon reasonable grounds. If the complainant does not specifically seek the imposition of a civil penalty, the designated hearing officer nevertheless may find that a specific violation of the Freedom of Information Act appears to have been committed without reasonable ground. The Hearing Officer then may recommend that a subsequent hearing be held in order to afford the custodian or other official(s) responsible an opportunity to show that any such violation was based upon reasonable grounds.

7. Upon conclusion of the hearing, the Hearing Officer will prepare a report consisting of findings of facts and law as they apply to the case and a recommended order. The parties will receive a copy of the report together with a notice of the meeting at which the Freedom of Information Commission will consider and vote upon the Hearing Officer's report. The report does not become a decision of the Freedom of Information Commission unless it is approved by it. The Commission may approve, amend or disapprove the Hearing Officer's report. Before a vote is taken, however, the parties may present oral argument. No additional evidence, however, will be received. Written argument, briefs or exceptions are not required, but if submitted they should be filed no later than the date indicated

in the Notice of Meeting/Transmittal of Proposed Final Decision. The Commission's regular meetings are usually held on the second and fourth Wednesday of each month. Each party is advised to attend the Commission's meeting at which the Hearing Officer's Report will be considered and voted upon, even if the report is in its favor. Please note that all opposing parties may attend the meeting and the Commission may be persuaded to amend or disapprove the Hearing Officer's Report. If a party is not present, it risks that unrebutted or unchallenged arguments may convince the Commission to take an unfavorable action in adopting its Final Decision.

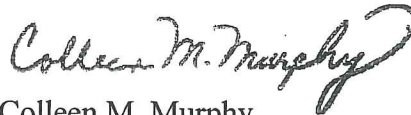
8. If you have any questions concerning this Notice and Order or procedures of the Freedom of Information Commission, you should consult with your attorney or contact the Commission staff at (860) 566-5682. Also, PLEASE BE SURE THAT WE HAVE A TELEPHONE NUMBER WHERE WE MAY CONTACT YOU DURING THE DAY. Due to the large number of cases filed and the requirements for speedy action, the Freedom of Information Commission cannot postpone scheduled hearings at the request of the parties. Should there be a settlement or withdrawal of the complaint prior to the hearing, please notify us and the respondents immediately.

9. In the event of extremely inclement weather conditions, the decision of the Hartford School System as to whether to cancel classes shall also govern the cancellation of Commission hearings for that day. Such information is ordinarily broadcast by various radio stations. If the hearing is canceled, you will be notified by mail of the new hearing date.

10. For further information, the Commission has prepared a "Citizen's Guide to the Freedom of Information Commission." This Guide is available upon request at no charge.

By Order of the Freedom of
Information Commission

Dated Thursday, August 28, 2014,



Colleen M. Murphy
Executive Director

Enc. Designation of Hearing Officer
Complaint letter and related information