

**REGULATIONS OF CONNECTICUT STATE AGENCIES**

**Department of Energy and Environmental Protection**

Public Utilities Regulatory Authority

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### **Protection of Whistle-Blowers**

#### **Sec. 16-8a-1. Definitions**

For the purposes of Section 16-8a-1 through 16-8a-6 of the regulations:

(a) "Company" means a public service company as defined in Section 16-1 of the General Statutes of Connecticut;

(b) "Holding Company" means any holding company as defined in Section 16-47 of the General Statutes of Connecticut;

(c) "Licensee" means any federal Nuclear Regulatory Commission licensee operating a nuclear power generating facility in the State of Connecticut;

(d) "Person" means one or more individuals, firms, corporations, joint ventures, partnerships, associations, cooperative associations, business trusts, legal representatives, or any organized groups of persons; and shall include any trustees, receivers, assignees or personal representatives thereof;

(e) "Employer" means any company, holding company, or licensee, or any contractor or subcontractor directly or indirectly providing goods or services to a company, holding company, or licensee;

(f) "Employee" means any person engaged in service to an employer;

(g) "Department" means the Department of Public Utility Control;

(h) "Facility" means a nuclear power generating facility in the State of Connecticut;

(i) "Complaint" means the transmission of facts and information to the Department by an employee having knowledge of any matter involving substantial misfeasance, malfeasance or nonfeasance, or of the discharge, discipline or other penalizing of, or threat of retaliatory action against a person reporting the misfeasance, malfeasance or nonfeasance, in the management of a company or facility;

(j) "Complainant" means an employee who transmits a complaint to the Department; and

(k) "Equivalent position" means a position that provides the same level of pay and benefits, and the same or similar potential for career advancement for the employee as the employee's former position. Whenever possible and practical the equivalent position shall be in the same department, unit and location as the former position.

(Effective May 22, 1992; amended July 10, 1998, May 30, 2000)

#### **Sec. 16-8a-2. Investigations by the department; limitations period for complaints; issuance of decisions by the department**

(a) Any employee having knowledge of any matter involving substantial misfeasance, malfeasance or nonfeasance, or of the discharge, discipline or other penalizing of, or threat of retaliatory action against a person reporting the misfeasance, malfeasance or nonfeasance, in the management of a company or facility may transmit all facts and information in the possession of the employee concerning such matter to the Department in a form prescribed by the Department.

(b) The Department shall investigate any complaint in accordance with the provisions of Section 16-8 of the General Statutes of Connecticut.

(c) Any complaint shall be made to the Department within two years of the date when any matter occurred, or was discovered, or reasonably should have been discovered, concerning the subject of the complaint.

(d) The Department shall notify the employer by certified mail not more than five (5) business days after receiving a written complaint complying with the requirements of Section 16-8a-3(e) of the Regulations of Connecticut State Agencies. The

employer may file a response and both the complainant and employer may submit within twenty (20) business days from date of notice rebuttal statements or supporting evidence in the form of affidavits from witnesses and relevant documents, and may meet informally with the Department to respond verbally. The Department may consider any such responses received after twenty (20) business days only upon a showing of good cause and at the discretion of the Department.

(e) The Department shall make a preliminary finding within thirty (30) business days of receipt of a written complaint based on such evidence submitted without a public hearing.

(f) The Department shall initiate a full investigatory proceeding not later than thirty (30) days after making a preliminary finding.

(Effective May 22, 1992; amended July 10, 1998, May 30, 2000)

**Sec. 16-8a-3. Posting of regulation by employer; confidentiality; procedure for filing a complaint**

(a) No later than thirty (30) days after the effective date of this regulation, each employer shall post a copy of this regulation in a conspicuous location in the workplace where any employee can easily read it. The posted regulation shall contain the following heading, in type not less than twenty (20) point boldface:

**NOTICE TO EMPLOYEES  
Department of Public Utility Control.**

(b) The Department will not treat as a complaint any information provided to the Department on an anonymous basis; but the Department shall not disclose the identity of any complainant without the consent of the complainant, unless the Department determines that such disclosure is unavoidable during the course of the investigation of a complaint. The contents of any complaint, and Department records related to any complaint, shall be exempt from disclosure under the Connecticut Freedom of Information Act, as provided in Chapter 14 of the General Statutes of Connecticut.

(c) Any complaint may be transmitted to the Department by facsimile machine or other form of electronic media, or in writing. The Department may request written verification of any complaint not transmitted in writing. Each written complaint shall be typewritten or printed clearly. The envelope containing the complaint shall be clearly marked on the front side with the inscription "CONFIDENTIAL," and the first page of the complaint shall be clearly marked with the inscription "CONFIDENTIAL" at the top. An original of any document submitted in support of a complaint shall be filed, except that a good quality photographic reproduction may be submitted if an original copy is not available. In addition, each complaint shall conform to any other filing requirement that may be established from time to time by the Executive Secretary of the Department.

(d) Prior to filing a formal written complaint a prospective complainant should contact the Department by telephone by calling the Department toll free at 1-800-382-4586, or by calling the Department at 860-827-2622. Each written complaint filed pursuant to Connecticut General Statutes Section 16-8a(c) shall be addressed to the Executive Secretary of the Department, 10 Franklin Square, New Britain, CT 06051. The Department will discuss and review the complaint and advise the complainant as to the complaint filing process.

(e) A complaint may be delivered to the Department by United States mail, private delivery service, or in person at the office of the executive secretary. Each written

complaint filed pursuant to Connecticut General Statutes Section 16-8a(c) shall contain a clear and concise statement of the matter complained of, and of the relief requested, including the material facts relied on by the complainant. Any relevant and material exhibits, illustrations, written testimony, or any other evidence may be annexed to a complaint. Each complaint shall include: the name, address and phone number of the employer and any parties against whom the complaint is made; facts and incidents occurring no more than two years prior to the date of filing presented in a concise chronological manner; names of witnesses to alleged incidents; and the name and address of the agent for service of process.

(f) Each complainant shall provide the complainant's mailing address or street address if the mailing address is a Post Office box and a telephone number at which the Department may contact the complainant. The complainant shall sign each written complaint filed pursuant to Connecticut General Statutes Section 16-8a(c).

(g) Not more than 30 business days after the receipt of a written complaint filed pursuant to Connecticut General Statutes Section 16-8a(c), in the form prescribed by the department, the department shall make a preliminary finding. If the department finds that an employee: (1) reported substantial misfeasance, malfeasance or nonfeasance in the management of the company, holding company or licensee; (2) the employee was subsequently discharged, suspended, demoted or otherwise penalized by having his status of employment changed by his employer; and (3) the employee's report was not knowingly false, the department shall issue an order requiring the employer to immediately return the employee to the employee's previous position of employment or an equivalent position.

(Effective May 22, 1992; amended July 10, 1998, May 30, 2000)

#### **Sec. 16-8a-4. No retaliation by employer**

(a) No employer or person may take or threaten to take any retaliatory action against any employee for the disclosure of information pursuant to the provisions of Section 16-8a of the General Statutes of Connecticut, as amended by Public Act No. 91-247, and Section 31-51m of the General Statutes of Connecticut.

(b) Any employee found to have knowingly made a false report shall be subject to disciplinary action by his employer, up to and including dismissal.

(Effective May 22, 1992; amended May 30, 2000)

#### **Sec. 16-8a-5. Costs or expenses of a company related to department proceedings pursuant to section 16-8a of the General Statutes of Connecticut**

No costs or expenses associated with any action brought under the provisions of Section 16-8a of the General Statutes of Connecticut, or Section 31-51m of the General Statutes of Connecticut, may be included in the rates or charges of any company until such time as the Department or the Connecticut Department of Labor, in a final decision, finds in favor of the company; or if such action is appealed, until such time as the court finds, in a final decision, in favor of the company.

(Effective May 22, 1992; amended May 30, 2000)

#### **Sec. 16-8a-6. Enforcement**

The Department may issue orders, including cease and desist orders, under Section 16-9 of the General Statutes of Connecticut, and the Department may impose civil penalties under Section 16-41 of the General Statutes of Connecticut, to enforce the provisions of Section 16-8a of the General Statutes of Connecticut, as amended by Public Act No. 91-247.

(Effective May 22, 1992; amended May 30, 2000)