

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Sandra Belliveau,

Complainant

against

Town of Bloomfield; Town Manager
of the Town of Bloomfield

Respondents

Report of Hearing Officer

Docket #FIC81-176

April 15, 1982

The above captioned matter was heard as a contested case on February 17, 1982, at which time the complainant and the respondent town manager appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondent town manager is a public agency as defined by §1-18a(a), G.S.

2. On October 20, 1981 the complainant made a request of the respondent town manager for access to inspect or copy records of funds disbursed as "discretionary/merit" raises to Bloomfield town employees, when such raises were granted, and to whom. The complainant also requested a copy of "the basic criteria" used in awarding such raises.

3. By letter filed with the Commission on October 27, 1981, the complainant alleged that no response had been received to her October 20, 1981 request.

4. It is found that by memorandum dated October 27, 1981, the respondent town manager indicated to the complainant that there were no written criteria covering discretionary pay increases, and that information forwarded to her in response to earlier requests was "the only existing information available" on the subject.

5. The complainant claims that the information provided by the respondent town manager is inadequate and believes that further documentation of discretionary raises exists.

6. At the hearing on this matter the respondent town manager restated his claim that no records exist other than those already submitted to the complainant.

7. At the request of the hearing officer, the respondent town manager filed an affidavit with the Commission on March 1, 1982 denying the existence of certain types of records of discretionary raises.

8. By objection filed with the Commission on March 17, 1982, the complainant alleged that the respondent town manager's affidavit was not an unequivocal statement that none of the records requested exist.

9. It is found that in his affidavit the respondent town manager fails to deny the existence of written records of discretionary raises in other than "compendium" form.

10. It is found that records of discretionary merit raises granted to public employees are public records as defined by §1-18a(d).

11. It is therefore concluded that the complainant is entitled to access to the type of records described in paragraph 2, above, if such records exist.

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

1. The respondent town manager shall forthwith release to the complainant any records relating to the granting of discretionary pay raises, as described in paragraph 2 of the findings, above, if any such records exist.


Commissioner Donald W. Friedman
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of May 12, 1982.


Mary Jo Solicoeur
Clerk of the Commission