

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)
Journal Inquirer, Complainant) Report of Hearing Officer
against) Docket #FIC 76-38
Town of Somers, Board of Education of) April 7, 1976
the Town of Somers, Superintendent of)
Schools of the Town of Somers,
Respondents)

The above captioned matter was heard as a contested case on March 22, 1976, at which time the complainant and the respondents appeared, stipulated to certain facts, and presented exhibits and argument on the complaint.

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

1. The respondents are public agencies as they are the Town of Somers, the Board of Education of the Town of Somers and the Superintendent of Schools of the Town of Somers.
2. On March 2, 1976, a reporter employed by the complainant requested the permission of the respondent superintendent to inspect salary records of three persons employed by the respondent board. The board employs these individuals in its school system. One is a guidance counselor and two are teachers.
3. Such access was denied by the respondent superintendent, and the present complaint was brought.
4. The parties have stipulated that the salaries of the employees concerned are contained in, or can be ascertained from any or all of the following documents:

State Department of Education Form ED004;

Connecticut Teachers' Retirement Association Form TRB-3 6/71;

the carbon-copy of the individual employee's payroll voucher;

the individual employee's standard contract;

the individual employee's cancelled payroll checks;

the bookkeeping register of individual employee's earnings and deductions.

5. The public school guidance counselors and teachers are employees of a public agency.

6. It is also found that the documents described in paragraph 4, above, constitute a portion of the personnel files of the employees concerned.

7. The salaries of public employees are subject to disclosure as an essential part of the public's business.


8. It is found that the disclosure of the salaries of these public employees is not an invasion of their personal privacy within the meaning of Sec. 2(b)(1) of P. A. 75-342.

9. To the extent that the documents described in paragraph 4, above, contain information personal to the employees concerned, other than the amounts of their salaries, it is found that such public records are exempt from disclosure pursuant to Sec. 2(b)(1) of P.A. 75-342.

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

1. Subject to the limitations hereinafter provided, the respondents shall forthwith permit the complainant to inspect the records stating the salaries of the public employees named in the letter of complaint to this Commission dated March 5, 1976.

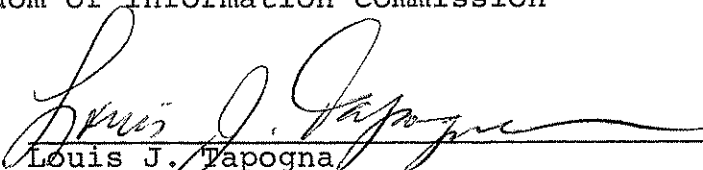
2. To the extent that the records stating the salaries of the employees in question also contain additional information personal to such employees, such records shall not be disclosed to the complainant; but in lieu thereof, the respondents shall forthwith provide to the complainant a statement of the amount of the salaries of the specific employees named in the letter of complaint to this Commission dated March 5, 1976.



Commissioner Helen Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission
on April 14, 1976.



Louis J. Tapogna
Clerk of the Commission