

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by                      FINAL DECISION  
Lucian A. Wilson,

Complainant

Docket #FIC83-50

against

November 29, 1983

Haddam Board of Selectmen,

Respondent

The above captioned complaint was heard as a contested case on July 26, 1983, at which time the complainant and the respondent appeared, and presented testimony, exhibits and argument on the complaint.

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

1. The respondent is a public agency as defined by §1-18a(a), G.S.
2. By letter dated February 23, 1983 the complainant made a request of the respondent for the weekly time sheets of Haddam's town crew, including all employees connected with the crew, from January 1, 1982 to February 19, 1983.
3. By letter dated February 28, 1983 the respondent indicated to the complainant that the requested records might be considered exempt from disclosure, but requested further clarification from the complainant as to what he was seeking.
4. By letter dated March 18, 1983, the complainant reiterated his request, enclosing a copy of a time sheet he had received in 1980 as an example of the documents sought.
5. By letter dated March 23, 1983, the respondent indicated to the complainant that the requested records were believed to be exempt pursuant to §§1-19(b)(1), (2), (4) and/or (9).
6. By letter of complaint filed with the Commission on April 19, 1983, the complainant appealed the denial of his request.
7. At hearing the respondent moved to dismiss the complaint on the ground that because the respondent has offered to allow the complainant to view his own records and has expressed willingness to allow other town employees to view their own records, there was no proper case or controversy before the Commission.

which have since been challenged before the State Board of Labor Relations, and that the records are therefore exempted from disclosure by §1-19(b)(4), G.S.

19. The respondent failed to prove, however, that raw data upon which management decisions might have been based in any way pertain to strategy or negotiations with respect to resulting claims or litigation.

20. It is therefore concluded that the requested records are not exempted from disclosure by §1-19(b)(4), G.S.

21. The respondent also claims that because records of hours worked or absent are used in collective bargaining for purposes of formulating wage and benefit proposals and contractual rules and regulations, such records are exempted from disclosure by §1-19(b)(9), G.S.

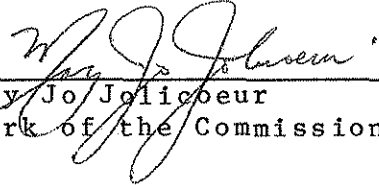
22. It is found that the time sheets in question do not record or report strategy or negotiations with respect to collective bargaining, they merely record workers' attendance and the type of job performed.

23. It is concluded that the requested records are not exempted from disclosure by §1-19(b)(9), G.S.

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

1. The respondent shall forthwith provide the complainant with the time sheets referred to at paragraph 2 of the findings, above.

Approved by order of the Freedom of Information Commission at its regular meeting of November 23, 1983.

  
\_\_\_\_\_  
Mary Jo Jolicœur  
Clerk of the Commission