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## **POSITIONS AND COMPENSATION**

### **Sec. 5-200-1. Classes of positions**

Classes of positions established by the Commissioner of Administrative Services for employees holding positions in the unclassified service shall be as nearly equal as possible to classes of positions established for employees holding positions in the classified service.

(Effective January 18, 1984)

### **Sec. 5-200-2. Compensation schedules**

Compensation schedules established by the Commissioner of Administrative Services pertaining to classes of positions for employees of the judicial and legislative departments shall be as nearly equal as possible to compensation schedules established for similar classes in the classified service.

(Effective January 18, 1984)

## **ASSIGNMENT AND TERMINATION OF STATE HOUSING**

### **Sec. 5-200 (k)-1. Definitions**

- (a) "Residence" is defined as a set of rooms located in either a detached building or apartment-type building and equipped with individual kitchen or kitchenette facilities.
- (b) "Quarters" are defined as one or more rooms containing no kitchen or kitchenette.
- (c) "Housing" is either a residence or quarters.
- (d) "Employee" is either an employee or an officer as defined by Sections 5-196 (i) and 5-196 (p) of the General Statutes respectively.
- (e) "Housing agreement" means the written document in which the State and the employee agree on the terms governing the employee's use and occupancy of housing.  
(Effective August 31, 1987)

### **Sec. 5-200 (k)-2. Eligibility for housing**

- (a) The following regulations apply to housing provided to state employees not covered by collective bargaining agreements except for housing provided under Connecticut General Statutes Sections 10a-72 (a), 10a-81 (b), 10a-89 (a), 10a-108 and 26-3.
- (b) Housing may be authorized for any employee where the Commissioner of Administrative Services or designee determines that authorization for housing would be in the best interests of the State for one or more of the following reasons.
  - (1) State housing would facilitate the employee's ability to direct, manage or maintain the health, safety and welfare of clients, patients, inmates, students or other employees where such responsibilities are a part of the employee's duties.
  - (2) State housing would expand the employee's ability to protect, safeguard or conserve facilities and/or equipment where such responsibilities are a part of the employee's duties.
  - (3) State housing would aid in the recruitment or retention of employees in those specific job classes or positions approved for housing inducements for recruitment or retention by the Commissioner of Administrative Services or designee.
- (a) Employees occupying housing prior to June 1, 1981 may continue to occupy the same premises unless such housing assignment is terminated in accordance with the housing termination provisions contained herein.  
(Effective August 31, 1987)

**Sec. 5-200 (k)-3. Termination of housing assignment**

- (a) Housing assignments will be terminated:
- (1) if the employee violates the terms of the housing agreement;
  - (2) at cessation of employment;
  - (3) if the employing agency determines that a facility is no longer needed for housing or is needed for other agency or state purposes;
  - (4) if the employee changes job assignment or otherwise becomes ineligible for housing.

- (a) The agency may allow an employee whose housing assignment has been terminated a grace period of up to six months to secure alternate housing.

(Effective August 31, 1987)

**Sec. 5-200 (k)-4. Certification requirements**

- (a) Before any employee is allowed to occupy state housing the agency head or his/her designee shall certify to the Commissioner of Administrative Services, on a form designated by the Department, that the employee is eligible to occupy such housing in accordance with Section 5-200 (k)-2 of these regulations and shall obtain approval from said Commissioner or designee of such certification.

- (b) No employee shall certify his/her own housing assignment.

(Effective August 31, 1987)

## **APPEALS AND GRIEVANCES**

**Sec. 5-201-1 -- 5-201-3. Repealed**  
Repealed, August 21, 1981

## **Procedures for Hearing Appeals**

**Sec. 5-202-1 -- 5-202-3. Repealed**  
Repealed, July 23, 1993

**Sec. 5-201-4 – 5-201-9. Reserved**  
Reserved

## Organization and Operation

### **Sec. 5-201-10. Definitions**

For the purposes of Sections 5-201-10 through 5-201-17 of these Regulations, Board means the Employees' Review Board established by Conn. Gen. Stat. Sec. 5-201.

Employee means any employee of the State of Connecticut who is not included in any collective bargaining unit of state employees established pursuant to Conn. Gen. Stat. Sec. 5-275, and who has achieved a permanent appointment to a position in the classified service following successful completing of a working test period. "Employee" does not include employees in collective bargaining units, persons appointed to state offices established by statute, persons holding positions in the unclassified service, including all officers and employees of the judicial and legislative department, persons in provisional, temporary, emergency and intermittent appointments, or persons in working test periods.

Panel means a hearing panel that hears and acts upon an appeal, consisting of either the full Board or any three of its members designated by the Board.

Parties means any employee filing an appeal, his or appointing authority, the Commissioner of Administrative Services, Officer of Labor Relations, and any other interested person granted party status in accordance with Conn. Gen. Stat. Sec. 4-177a, or Sec's. 5-201-10 through 5-201-17 of these regulations.

(Effective July 23, 1993)

### **Sec. 5-201-11. Description of organization**

(a) The Board consists of seven members appointed by the Governor in accordance with Conn. Gen. Stat. Sec. 5-201, one of whom is designated by the Governor as Chairperson.

(b) The Board is in the Department of Administrative Services for administrative purposes only.

(c) A quorum of the Board shall consist of three members.

(d) The Board, or any three members designated by the Board, may serve as a hearing panel to hear an appeal.

(Effective July 23, 1993)

### **Sec. 5-201-12. Address; public access**

(a) The Board is located at One Hartford Square West, Hartford, CT 06106.

(b) Correspondence to the Board should be addressed to Executive Secretary, Employees; Review Board, One Hartford Square West, Hartford, CT 06106.

- (c) Any member of the public may obtain information to make inquiries or requests to the Board by mailing a letter to the Board at the above address, or by appearing in person at the office of the Board from 8:30 A.M. to 4:30 P.M. Monday through Friday excepting State holidays.
  - (d) A member of the public seeking copies of public records maintained by the Board shall submit the request to the Board in writing, and specify the document or documents desired, and whether or not a plain or certified copy is needed. The fee for plain copies shall not exceed fifty cents per page. If the fee certifying copies shall be one dollar for the first page.
- (Effective July 23, 1993)

**Sec. 5-201-13. Powers of the board**

The board or any hearing panel shall have the following powers

- (a) to administer oaths and affirmations;
  - (b) to certify to all official acts of the Board;
  - (c) to issue subpoenas and compel the attendance and testimony of witnesses and the production of records, papers and documents;
  - (d) to make investigations and hold hearings concerning the appeal presented to the Board;
  - (e) to make decisions on any appeal presented to the Board.
- (Effective July 23, 1993)

**Sec. 5-201-14. Jurisdiction of the board**

- (a) The Board has the power to hear appeals from employees in the following cases:
  - (1) When an employee has received an unsatisfactory performance evaluation.
  - (2) When an employee is demoted.
  - (3) When an employee is suspended.
  - (4) When an employee is dismissed.
  - (5) When an employee is aggrieved by alleged discrimination, except where an appeal has been filed with the Commission on Human Rights and Opportunities.
  - (6) When an employee is aggrieved by alleged unsafe or unhealthy working conditions.
  - (7) When an employee is aggrieved as a result of alleged violations involving the interpretation and application of a specific state personnel statute or regulation.
  - (8) When an employee who is laid off or dismissed by reason of economy, lack of work, insufficient appropriation, change in department organization or abolition of position claims that the order of layoff or dismissal was not determined in accordance with Conn. Gen. Stat. Sec. 5-241

- (b) the Board shall not hear or consider appeals from employees in the following cases:
- (1) Any claim arising from being laid off or dismissed by reason of economy, lack of work, insufficient appropriation, change in department organization or abolition of position other than one based as a claim that the order of layoff or dismissal was not determined in accordance with Conn. Gen. Stat. 5-241.
  - (2) Matters involving examinations, including application, rejection, type of examination and results.
  - (3) Matters involving compensation for class or classes or duties.
  - (4) Matters involving the establishment of a new class or classes.
  - (5) Matters involving compliance with health and safety standards and the Connecticut Occupational Safety and Health Act.
  - (6) Any claim based on alleged discrimination where an appeal has been filed with the Commission on Human Rights and Opportunities.
- (Effective July 23, 1993)

**Sec. 5-201-15. Method of and time limits for filing appeals**

**(a) In cases other than dismissal, demotion or suspension.**

- (1) First Level
  - (A) Any employee wishing to appeal shall no later than thirty calendar days from the date of the alleged violation, present his or her grievance in writing to the aggrieved employee's supervisor or department chief or other employee as designated by the employee's appointing authority. The grievance shall be submitted on a form designated by Board, shall state the date of the violation, and the relief sought by the employee.
  - (B) Within seven days from the submission of the grievance, the first level designee shall either respond to the grievance, or convene a meeting for the purpose of reviewing the grievance. If a meeting is convened, the first level designee shall respond to the grievance within seven days of the meeting.
- (2) Second Level
  - (A) If the employee is unsatisfied with the response from the first level designee, he may present his grievance to his appointing authority or designated representative within seven days after the response given at the First Level. The original grievance form shall be used .
  - (B) Within seven days from the submission of the grievance, the first level designee shall either respond to the grievance or convene a meeting for the purpose of reviewing the grievance. If a meeting is convened, the first level designee shall respond to the grievance within seven days of the meeting.
- (3) Third level
  - (A) If the employee is unsatisfied with the response from the Second Level proceedings, he may present his grievance to the Commissioner of Administrative Services or his designated representative within seven days

after the response given at the Second Level. The original grievance form shall be used.

- (B) Within thirty days from the submission of the grievance the Commissioner or his designee shall either respond to the grievance or convene a meeting for the purpose of reviewing the grievance. If a meeting is convened the Commissioner or his designee shall respond to the grievance within fifteen days from the date of meeting.

(4) Board Appeal

- (A) If the employee is dissatisfied with the response from the Third Level proceeding, he may appeal the action to the Board within ten days of the completion of the Third Level review procedure.
- (B) The employee shall file a completed Grievance and Appeal packet with the Board and one copy with the Office of Labor Relations. Blank packets may be obtained from the employee's appointing authority's personnel office or from the Board.

**(b) In cases of dismissal, demotion or suspension.**

(1) Preliminary Review

- (A) Any employee subject to dismissal, demotion or suspension wishing to appeal shall file a grievance with the Commissioner of Administrative Services or his designated representative within twenty-one calendar days of the effective date of such action. The grievance shall be submitted on a form provided by the Board.
- (B) The Commissioner or his designee shall respond to the grievance or convene a meeting to discuss the grievance within thirty days from its receipt. In the event a meeting is held, the Commissioner or his designee shall respond to the grievance within fifteen days from the date of the meeting.

(2) Board Appeal

- (A) If an employee is dissatisfied with the response from the preliminary review proceeding on a dismissal, demotion or suspension, he may appeal the action to the Board within ten days of the completion of the review proceeding.
- (B) The employee shall file a completed Grievance and Appeal packet with the Board and one copy with the Office of Labor Relations. Blank packets may be obtained from the employee's appointing authority's personnel office or from the Board.
- (C) In the preliminary review proceedings and Board appeal, employees are entitled to representation of their own choosing. No verbatim records shall be required in preliminary review proceedings, and no oaths or affirmations shall be administered at preliminary proceedings.
- (D) The Board may consolidate appeals filed by different employees involving the same or similar issues, provided each employee may present evidence and argument. The Board may join multiple appeals filed by the same employee.

- (E) An employee alleging that any state officer, employee or appointing authority has taken or threatened to take any personnel action against any state employee in retaliation for the employee either filing an appeal with the Board, or a grievance in the preliminary review proceeding may file an appeal with the Board within thirty days of knowledge of the specific incident giving rise to such claim.
- (Effective July 23, 1993)

## **Sec. 5-201-16. Hearings**

### **(a) Notice of Hearing**

- (1) Upon receiving an appeal, the Board shall issue a notice of hearing to the parties at least 21 days before the hearing containing the following information:
  - (A) The time and place of the hearing;
  - (B) The third step (Department of Administrative Services) action forming the basis for the appeal;
  - (C) A citation to Conn. Gen. Stat. Sec. 5-201 and Sec, 5-202 as authority for the proceeding;
  - (D) Whether the hearing is to be conducted by the full board or a three member hearing panel, with the names of the members.
- (2) Any party may request a postponement which shall be received at the Office of the Board no later than seven days before the date of the hearing, except that the board will consider requests filed later than seven days in extraordinary circumstances.
- (3) Any panel member who believes that his or her participation in a Board appeal might create a conflict of interest or appearance of impropriety shall immediately notify the Chairperson who shall appoint a replacement member to serve on the panel.
- (4) Any party may challenge and seek the disqualification of any panel member by filing such challenge at the Office of the Board no later than ten days before the hearing. For good cause shown, the panel or the Chairperson may extend such period. The members of the panel shall vote on the challenge. If the member of the panel is disqualified, the hearing shall be adjourned, the Chairperson shall appoint a replacement member, and a new notice shall be issued.
- (5) The chairperson shall replace any panel member who becomes unable to act on a appeal.

### **(b) Conduct of Hearing**

- (1) The Chairperson shall designate a member of the panel as presiding officer who shall be responsible for issuing subpoenas, determining admissibility of documentary and physical evidence, ruling on objections, and administering oaths. A party may appeal an evidentiary ruling of the presiding officer and request a vote of the panel. Such appeal must be made immediately after the ruling of the presiding officer.

- (2) Hearings shall be open to the public, except that a hearing panel may conduct a closed hearing upon the request of the employee who has taken the appeal to the Board. Employees are entitled to representation of their own choosing.
- (3) The panel shall cause a recording or stenographic record of any appeal to be made. The employee shall, upon request, be furnished with a transcript of the proceedings produced from the recording or stenographic record, and shall pay the cost of such transcript as established by the Chairperson. In the event a tape recording is made, an employee may obtain a copy of the recording on blank tapes furnished by the employee.
- (4) Each party shall be afforded the opportunity:
  - (A) To inspect and copy relevant and material papers and documents; and
  - (B) To respond, to cross examine, and to present evidence and arguments.
- (5) the panel shall not be bound by any formal rules of evidence, and may receive any oral or documentary evidence but shall exclude irrelevant, immaterial or unduly repetitious evidence. Witnesses may be sequestered on the motion of the panel or at the request of any party. The panel has the right to inspect and copy all relevant materials, papers and documents, and examine witnesses.
- (6) The panel may conduct on-site inspections of the premises involved in an appeal. The parties shall be afforded the opportunity to be present at such inspection.
- (7) The order of presentation at hearings shall be as follows:
  - (A) Where the state raises issues of timeliness of filing, the state shall go first.
  - (B) Where the appellant raises issues of timeliness of the state's responses, the appellant shall go first.
  - (C) On jurisdictional issues, the party raising the issue shall go first.
  - (D) In cases involving employee discipline, the state shall go first.
  - (E) In cases other than those involving discipline, the employee shall go first. The panel may alter the order of presentation where appropriate.
- (8) A hearing may proceed in the absence of any party who has received due notice and who has not obtained a continuance. The appearing party shall present such evidence as is required by the panel to render a decision in the matter.
- (9) The panel may require or grant requests for permission for the filing of briefs and reply briefs after the hearing.
- (10) At the request of either party for good cause shown, or the panel, the record may be reopened prior to the issuance of the final decision, to receive new evidence or relevant argument.

**(c) Final Decision of Panel**

- (1) The panel shall render its final decision on the appeal within sixty days following the close of evidence or the last due date for filing of briefs, whichever is later.
- (2) The decision shall be based solely on the official record, shall be in writing and shall separately state the panel's findings of fact and conclusions of law necessary to the decision. The decision shall be signed by all panel members, indicating concurrence or dissent. Any member may dissent with or without opinion.

- (3) The final decision shall be delivered to all parties, or their authorized representatives, personally or by United States mail, certified or registered, postage prepaid, return receipt requested.
- (4) Unless the action appealed from was arbitrary or taken without reasonable cause, the appeal shall be denied.
- (5) If the appeal is sustained, the panel shall direct appropriate remedial action taking into consideration just and equitable relief to the employee and the best interests and effectiveness of state service. The appointing authority shall take such measures to comply with the remedial action within ten days of the issuance date of the decision, unless the appointing authority appeals the decision in accordance with Conn. Gen. State. Sec. 4-183
- (6) A party may file with the Board a petition for reconsideration of the final decision within fifteen days after personal delivery or mailing. Such petition must comply with the requirements of, and the Board shall handle such petition as set forth in Conn. Gen. Stat. Sec. 4-181a.
- (7) Either the appointing authority or the employee aggrieved by a final decision of the panel may appeal therefrom in accordance with Conn. Gen. Stat. Sec. 4-183. Any employee who prevails in a decision of the Employees' Review Board shall be entitled to recover court costs and reasonable attorney's fees if such decision is appealed by the state and affirmed by the court in such appeal.

**(d) Record of Hearing**

The following documents shall constitute the record in any appeal:

- (1) Written notices;
- (2) Petitions, pleading, notices and rulings;
- (3) Evidence received and considered;
- (4) Questions and offers of proof, objections and rulings thereon;
- (5) The official transcript, or recording or stenographic record of the proceedings;  
and
- (6) The final decision of the hearing panel or Board.

(Effective July 23, 1993)

**Sec. 5-201-17. Declaratory rulings**

**(a) Scope**

Petitions for declaratory rulings may be filed on: (1) the validity of any regulation of the Board, and (2) the applicability to specified circumstances of a provision of the general statutes, a regulation, or a final decision (as defined in Conn. Gen. State. Sec. 4-166 (3)) on a matter within the jurisdiction of the Board. Any petition for a declaratory ruling not falling in one of these two categories will be rejected in writing by the Board as not being the proper subject for a petition for a declaratory ruling.

**(b) Form and Content of Petitions.**

- (1) General. All petitions for declaratory ruling shall be addressed to the Board and either mailed or hand delivered to the Board at its office. All petitions shall be signed by the person filing the petition, unless represented by an attorney, in

- which case the attorney may sign the petition. The petition shall include the address of the person filing the petition, and the address of the attorney, if applicable.
- (2) Petitions on Validity or of Regulation. A petition for declaratory ruling on the validity of a regulation shall contain the following:
    - (A) the section number and text of the regulation;
    - (B) the specific basis for the claim of invalidity of the regulation; and
    - (C) any argument by the petitioner in support of the claim of invalidity, with suggested remedy.
  - (3) Petitions on Applicability of Statute, Regulation, or Final Decision to Specific Circumstances. A petition seeking a declaratory ruling on the applicability of a statute, regulation, or final decision on a matter within the jurisdiction of the Board to specified circumstances shall contain the following:
    - (A) the specific statute, regulation, or final decision upon which the petition is sought;
    - (B) a brief explanation of why the petitioner believes that the particular statute, regulation, or final decision is within the jurisdiction of the Board;
    - (C) a detailed description of the specified circumstances upon which the petition is based; and
    - (D) any argument by the petitioner as to why the petitioner believes that the particular statute, regulation, or final order either is or is not applicable to the specified circumstances. Any petition failing to identify the statute, regulation or final decision in question, or failing to adequately describe the specific circumstances will be rejected in writing by the Board as incomplete.
  - (4) Notice. The Board shall, within thirty days after the receipt of such petition provide written notice of the filing of the petition (1) to all persons required by any law to receive notice, (2) to all persons who have requested notice of the filing of such petitions on the subject matter of the petition, and (3) to all persons who have requested notice of the filing of any such petitions with the Board. The notice required by this section shall not be required where the agency has rejected the filing of a petition as inappropriate or incomplete in accordance with Sec. 5-201-17(a) or subdivision (2) or (3) of Sec. 5-201-17(b) of these regulations.

**(c) Rights of Persons to Proceeding.**

- (1) Petitioner as Party. The petitioner is automatically a party to any proceeding on the petition by virtue of having filed said petition, and need not seek designation as a party from the Board.
- (2) Additional Parties. Any person, whether or not they have received notice of the petition, may file a petition to be made a party within forty-five days from the date of filing of the petition. If the petition to become a party sets forth facts demonstrating that the petitioner's legal rights, duties or privileges will be specifically affected by the declaratory ruling to be issued, the Board shall grant the petition and designate the petitioner as a party.
- (3) Intervenors. Any person, whether or not they have received notice of the petition, may file a petition to become an intervenor within forty-five days from the date of

filing of the petition. If the petition sets forth facts demonstrating that the petitioner's participation is in the interest of justice and will not disrupt the orderly conduct of the proceedings, the Board shall grant the petition for party status who fails to make the requisite demonstration for party status, may be granted intervenor status.

**(d) Board Proceedings on Petitions**

- (1) Board Action. Within sixty days after the filing of a complete petition for a declaratory ruling, the Board shall do one of the following:
  - (A) Issue a declaratory ruling in accordance with the request in the petition containing the names of all parties to the proceeding, the particular acts upon which it is based and the reasons for the conclusions contained therein;
  - (B) Order that the matter be the subject of a hearing as contested case;
  - (C) Notify the parties that a declaratory ruling will be issued by a date certain;
  - (D) Decide not to issue a declaratory ruling and initiate regulation making proceedings; or
  - (E) Decide not to issue a declaratory ruling, stating the reasons for its action.
- (2) Notice. A copy of the Board action taken in accordance with subdivision (1) of this subsection shall be delivered to the petitioner and all other parties either in person, or by United States mail, certified or registered, postage prepaid, return receipt requested.
- (3) Hearing. Any hearing ordered pursuant to subparagraph (B) of subdivision (1) of this subsection shall be conducted in accordance with the procedures set forth in Sec. 5-201-16(b) of these regulations and a final decision shall be rendered in accordance with the provisions of Sec. 5-201-16(b) of these regulations.
- (4) Effective Date, Appeal Date. Declaratory rulings shall be effective when personally delivered or mailed, or on such later date specified by the agency in the ruling, except that for the purposes of any appeal from the declaratory ruling, the date of personal delivery or mail shall control.
- (5) Contested Case Appeals. Declaratory Rulings shall have the same status and binding effect as an order in a contested case, and shall be a final decision in a contested case for the purposes of appeals in accordance with Conn. Gen. Stat. Sec. 4-183.
- (6) Failure to Act. If the Board does not issue a declaratory ruling on a complete petition within 180 days after the filing of the petition, or later if agreed to by the parties, the Board shall be deemed to have decided not to issue a ruling.

(Effective July 23, 1993)

## **RECLASSIFICATIONS**

### **Sec. 5-206-1 Reclassifications**

- (a) No reclassification by the Commissioner of Administrative Services of a position to a lower salary group shall become final until the employee affected has been given a reasonable opportunity to be heard by said Commissioner or his authorized representative. Whenever said Commissioner proposes to issue an order of such downward reclassification, he shall first furnish a copy of the proposed order to each employee who may be affected thereby and shall notify such employee of the time and manner in which such employee may be heard prior to the issuance of such order.
  
  - (b) No employee whose position has been reclassified downward shall be reduced in compensation for that reason alone.
- (Effective January 18, 1984)

## **OUTSTANDING MERITORIOUS SERVICE AWARD**

**Sec. 5-211-1. Repealed**

Repealed, March 25, 1982

## **LONGEVITY PAYMENT**

### **Sec. 5-213-1. Longevity payment**

When an employee is on a leave of absence without pay on a date when he would otherwise be entitled to a longevity payment under Section 5-213 of the General Statutes, such payment shall be made to him within sixty (60) days after he is reinstated to service in a pay status.

(Effective July 9, 1975)

## **WAIVER OF APPOINTMENT**

### **Sec. 5-216-1. Waiver of appointment**

- (a) An applicant may be deemed to have waived appointment if he (1) fails to appear for a scheduled interview; or (2) fails to indicate acceptance of appointment within the time specified by the appointing authority, which shall be not less than 3 working days; or (3) fails to report to work as specified by the appointing authority; or (4) agrees to waive appointment.

(Effective July 9, 1975)

### **Sec. 5-216-2. Failure to reply**

- (a) An applicant may be deemed to have failed to reply to notification of availability of a position if he fails to reply to such notification within the time specified by the appointing authority, which shall be not be less than 3 working days. (See Sec. 5-229-1 and Regulation 5-229-1.)

(Effective July 9, 1975)

## **VOLUNTEER EXPERIENCE**

### **Sec. 5-219a-1. Volunteer experience as qualification for admittance to examinations**

- (a) Applicants desiring an evaluation of their volunteer experience as qualification for employment for all state jobs which have as a requirement specific training and experience shall present documentation verifying this experience. Applicants for competitive appointment shall present the requested documentation to the Director of Personnel and Labor Relations and for non-competitive appointments to the Appointing Authority. Such documentation shall include the organization's name, address, the volunteer's job title, years of volunteer service, description of the duties performed and the name and address of the organization's representative to be contacted regarding verification.
- (b) The Director of Personnel and Labor Relations or the Appointing Authority shall request, where necessary, the assistance of the Governor's Council on Voluntary Action, to investigate and authenticate the credentials submitted and to make recommendations as to their applicability to the experience requirements of the position. The decision as to the appropriateness of the qualifications presented for competitive appointment will rest with the Director of Personnel and Labor Relations and for non-competitive appointment with the appointing authority to be reviewed by the Director of Personnel and Labor Relations.
- (c) The volunteer experience accepted shall be directly related to the position requirements, the level of such experience must be at least equivalent to that which would be gained through paid employment and the cumulative amount of volunteer service time will be pro-rated to a full-time equivalency.
- (d) Due to the special nature of volunteer experience, a supplemental application form shall be requested if areas such as the type of work, the level of responsibility, scope of authority in decision making and degree and duration of supervisory experience are not clearly defined on the initial application.

(Effective March 21, 1980)

### **Sec 5-219a-2. Appeal procedure**

- (a) Candidates reporting volunteer experience who are not admitted to an examination shall have the same recourse of appeal used by other applicants provided by Section 5-221a, C.G.S.

(Effective March 21, 1980)

## APPLICATION REJECTION APPEAL PROCESS

### Sec. 5-221a-1. General

- (a) An applicant who is being rejected for admission to an examination or to any part of an examination will be given written notice of such rejection. Said notice will inform the applicant of his or her right to appeal such rejection, within seven (7) days of receipt of said notice, to the Commissioner of Administrative Services through the director of personnel and labor relations.
- (b) Applicants permanently employed in a class are not eligible to compete in examinations for the same class. Applications may be returned to applicants in the following instances: applications received beyond the closing date; and applications for promotional examinations where the individual does not have current permanent status in accordance with regulation 5-228-1. Applications returned shall be accompanied by an explanatory letter indicating the reason the application is not being accepted.
- (c) The director of personnel and labor relations shall appoint an appeal panel consisting of personnel officers from each of three agencies with a minimum of 100 employees, one of whom shall be designated as chairperson.
- (d) The panel shall consist of three members and a majority vote will be sufficient for a decision. Said panel shall hear, decide and report on the appeal within sixty (60) working days from the date the appeal was received at the office of the director of personnel and labor relations.
- (e) Continuances or changes in scheduled hearings shall be granted by the panel chairperson only for good cause but must be rescheduled within thirty (30) calendar days from the date of the originally scheduled hearing. If the hearing of appeals for a particular classification has been commenced, the same panel, if possible, will hear any continuances or rescheduled hearings, relating to such classification. The applicant may withdraw the appeal at any time prior to the hearing by contacting either the personnel division or the panel chairperson.
- (f) The applicant may have a representative of his or her choice at the hearing, providing such representative shall have a professional interest in the hearing, such as a union representative, steward or attorney. In no case shall an incumbent in the direct line of supervision or any other individual that may have a conflict of interest serve as a direct representative of the applicant. The panel chairperson must be notified of the name and title of any representative prior to the day of the hearing.
- (g) Each hearing will be closed to the public, unless the appellant requests that the hearing be open. Witnesses may be sequestered at the discretion of the panel. The panel chairperson may exclude any person who engages in improper conduct, including individuals directly involved with the hearing.

- (h) All hearings will be tape recorded. Tapes of the hearings will be retained by the director of personnel and labor relations for a period of sixty (60) calendar days following the hearing. The director of personnel and labor relations will release transcripts of the tapes, at a cost to the requester, subject to the provisions of section 1-19 of the General Statutes.
- (i) The panel may not grant any remedy other than admission to the examination for meeting minimum requirements as stated in the announcement and may not add to, subtract from, alter or modify the standards, requirements of conditions established for admission to the examinations, including meeting the appeal process conditions. The burden of proof shall be on the appellant to show that the rejection was arbitrary, unreasonable, or contrary to law.  
(Effective August 6, 1981)

**Sec. 5-221a-2. The appeal process**

- (a) The appeal process is designed to allow for resolution of the matter prior to a hearing if possible. The applicant may within ten days of being notified that his or her appeal has been received by the personnel division, submit any further information supplemental to his or her application. Any information to be presented before the appeal panel should be submitted to the personnel division for review within the stated ten day period.
- (b) The supplementary information should consist of past, relevant experience not indicated on the application or a clarification of duties performed in past or present experience, or any material pertinent to the grounds for rejection.
- (c) An applicant may be given credit for work outside the range of normal class assignments provided there is written verification, signed by the appointing authority and agency personnel officer, explaining the exact nature and duration of the duties and the reason for their occurrence. This information should be included as part of the supplemental information described in (a) and (b) above.  
(Effective August 6, 1981)

**Sec. 5-221a-3. Order of procedure**

- (a) Reading or noting issue and presentation of facts and written documents submitted.
- (b) Identification and recording of names, titles and agency affiliation of appellant, authorized representative, personnel division designee(s), and panel members.
- (c) Statements, or evidence of appellant or representative and personnel division designees. Such statements and presentation of evidence shall not exceed a reasonable time period as determined by the panel chairperson. Only such statements or evidence which have a direct bearing on the rejection issue raised and which, in the discretion of the panel, corroborates previously submitted evidence shall be admitted.

- (d) Claims of working out of class are not to be considered unless the requirements established in regulation 5-221a-2(c) have been met.
- (e) Conditional admission to the examination and results thereof are not to be considered.
- (f) Evidence that an individual has been admitted to an examination for the same class previously is not, of itself, sufficient evidence for meeting current admission requirements.
- (g) Rebuttal and surrebuttal evidence shall be presented at the discretion of the panel in accordance with (c) above. All witnesses shall be subject to cross examination.
- (h) Arguments or closing statements summarizing any or all parts of the case may be presented by both sides at the discretion of the panel.  
(Effective August 6, 1981)

**Sec. 5-221a-4. Panel action**

The decision of the panel shall be in writing and shall be signed by the panel chairperson. Such decision shall include a brief statement of the findings of fact and reasons supporting the decision of the panel. The original shall be filed with the director of personnel and labor relations. Copies shall be forwarded to the appellant or union representative and any other party deemed by the panel to be entitled to such copy. The decision of the panel shall be binding on all parties.  
(Effective August 6, 1981)

## UNASSEMBLED EXAMINATIONS

**Sec. 5-222-1. Repealed**

Repealed, March 25, 1982.

**Sec. 5-222-2. Repealed**

Repealed, March 25, 1982.

## **ELIGIBILITY FOR CONTINUING EXAMINATION**

### **Sec. 5-223-1. Eligibility for continuing examination**

An applicant must pass each phase of the examination to maintain his eligibility to continue the examination.

(Effective July 9, 1975)

**VETERAN'S EXAMINATION - CREDIT OPEN COMPETITIVE  
EXAMINATIONS**

**Sec. 5-224-1. Veterans' examination-credit open competitive examinations**

- (a) Veterans' examination credit shall be allowed only if satisfactory proof of the status claimed is filed with the Commissioner of Administrative Services. Such proof shall be the usual certification by the authorized federal agency.
  - (b) To establish eligibility due to disability the veteran must have been entitled to receive compensation for such disability.
  - (c) Proof of eligibility due to disability from the Veterans Administration must be dated not more than six months prior to the date of submission or death of the veteran.
- (Effective January 18, 1984)

## **EXAMINATION RESULTS; REVIEW OF PAPERS**

### **Sec. 5-225-1. Examination results; review of papers**

- (a) An applicant will be notified of the results of his examination as soon as practicable following promulgation of the employment list or following grading of the phase of the examination which he did not pass.
- (b) The application and answer papers of an applicant shall be open to his inspection for sixty days following promulgation of the employment list, or for the sixty days following notification that he did not pass a phase of the examination provided that
  - (1) The applicant requests an appointment in advance to inspect his papers and presents his "Results of Examination(s)" slip at the time of appointment;
  - (2) The applicant inspecting his answer papers shall limit such inspection to a length of time which the Commissioner of Administrative Services or his designated representative shall prescribe as reasonable; and
  - (3) The applicant shall not copy any material provided to him for his inspection.
- (a) When an applicant questions the accuracy of his score on a phase or phases of an examination, he may file a written request for review by the Commissioner of Administrative Services provided that such request is filed no later than ten days after the applicant has inspected his examination results.
- (b) The applicant's request shall state the area or areas with which he disagrees or wherein the results of the examination are allegedly incorrect and shall set forth his arguments, citing the reasons, or the authority where applicable, supporting his point of view.
- (c) The Commissioner of Administrative Services or his representative shall make a final determination of the scoring within 21 days of the receipt of the request for reviews.  
(Effective January 18, 1984)

## **PERMANENT APPOINTMENTS**

### **Sec. 5-228-1. Permanent appointments**

(a) Insofar as practicable, appointments to permanent positions in the classified service are to be made in the following order of preference:

- (1) By promotion of a qualified employee of the agency involved;
- (2) By promotion of a qualified employee of another agency, or
- (3) By original appointment.

(a) No appointment is to be made hereunder until laid-off employees eligible for re-hire and qualified for the position involved are offered reemployment.

(b) To be eligible to compete in promotional examination the employee must have attained permanent status and shall have been employed at least six months in an agency for which the examination is being held unless such examination is opened to all employees in the state service.

(Effective July 9, 1975)

### **Sec. 5-228-2. Repealed**

Repealed, March 25, 1982.

## **APPOINTMENT; REFUSAL OF APPOINTMENT**

### **Sec. 5-229-1. Appointment; refusal of appointment**

- (a) Appointment to a position in the classified service shall be considered complete when the appointing authority issues his notice of appointment to the applicant.
  
- (b) The appointing authority may consider that an appointment has been refused if the applicant waives appointment or fails to reply to notification of availability of a position as determined in accordance with section 5-216-2. The appointing authority may thereupon make another appointment to the position involved and may, if necessary, request the Commissioner of Administrative Services to certify the name or names of one or more additional eligible ranks.

(Effective January 18, 1984)

## WORKING TESTS

### **Sec. 5-230-1. Working tests**

- (a) Each appointee to a permanent position in the classified service shall serve a working test period. Such working test period shall begin on the date of appointment from the employment list, if the position is competitive. Otherwise, the working test period shall begin on the date of original permanent appointment.
  
- (b) No additional working test period shall be required of any appointee from a reemployment list who previously served a satisfactory working test in the same or in a comparable class within the preceding three years.

(Effective July 9, 1975)

## **TRAINING PROGRAMS**

### **Sec. 5-234-1. Training programs**

The Commissioner of Administrative Services may designate positions in the classified service, to be filled without competitive tests, as training positions or pre-professional positions for the disadvantaged. The incumbents of such positions may serve for not more than two years as participants in a training program approved by said Commissioner, provided that upon recommendation of his appointing authority an incumbent of a pre-professional position who has so served may be appointed for not more than one additional year.

(Effective January 18, 1984)

## SERVICE RATING

### Sec. 5-237-1. Service rating

- (a) The appointing authority shall cause a service rating report to be filed on the form prescribed by the Commissioner of Administrative Services in the following instances and at the following times:
- (1) During any working test period, either promotional or original, the quality of service of any employee shall be reported as either: "good" or better for satisfactory or better performance and the form shall be on file in the office of the appointing authority not more than six nor less than two weeks prior to the termination of the period; or less than "good" for fair or unsatisfactory performance and the report shall be approved by the appointing authority and filed with the office of the Commissioner of Administrative Services;
  - (2) When the performance of an employee with permanent status has been less than "good," in order to preclude an annual salary increase, the report shall be approved by the appointing authority and filed in the office of the Commissioner prior to the employee's increase date;
  - (3) When the appointing authority wishes to amend a previously submitted fair or unsatisfactory report due to the marked improvement in an employee's performance, such report shall be filed with the office of the Commissioner of Administrative Services not later than two weeks prior to the increase date and if acceptable to the Commissioner it shall have precedence over previous reports and shall restore the annual increase;
  - (4) Annually for each permanent employee, said annual rating to be filed in the office of the appointing authority at least three months prior to the employee's annual increase date; or
  - (5) At such other times as the appointing authority deems that the quality of service of an employee should be recorded.
- (a) All service ratings are to be discussed with the employee by the employee's immediate supervisor. The employee shall be asked to sign such report as a confirmation that he has seen the form and discussed it with the supervisor. Such signature shall not be construed to indicate agreement or approval of the rating by the employee.
- (b) A service rating report indicating unsatisfactory service or performance less than "good" shall state in detail the reason therefor. A copy of such report shall be furnished to the employee.
- (c) Any report of less than "good" shall be considered in determining demotion or dismissal as provided for by these regulations. In no event shall any such report made two or more years prior to any demotion or dismissal be considered.
- (Effective January 18, 1984)

## WORK SCHEDULES

### **Sec. 5-238-1. Hours of work and work schedules. Overtime**

- (a) Hours of work. The standard hours of work for all full-time employees shall be seven per work day and thirty-five per work week, except as otherwise provided by properly approved work schedules.

(Effective July 9, 1975)

### **Sec. 5-238-2. Work schedules**

- (a) **Departments.** The work schedules for departmental employees other than employees of institutions shall be in accordance with the regular established hours of work stated above except where work in excess of the regular established hours of work shall be determined necessary by the requirements of each department. Such exception shall be provided for only by approval of the Commissioner of Administrative Services and shall be recorded in his office and in the department, together with the reason for each exception.

- (b) **Institutions.** The work schedule for institution employees shall be in accordance with the official schedule on file in the office of the Commissioner of Administrative Services and in the institution. Changes in the official work schedule may be made only after written approval of the Commissioner of Administrative Services. An exception for any employee or any class may be granted only with the written approval of the Commissioner of Administrative Services, and such record together with the reasons for any such exception shall be on file in his office and in the institution.

- (c) It shall be the administrative responsibility of the appointing authority, in accordance with the needs of the services, to schedule the assignments of employees to shifts and to work days.

- (d) Time spent in travel between home and duty station shall not be construed as work time except as specified by statute.

(Effective January 18, 1984)

### **Sec. 5-238-3. Work week**

The customary work week for all employees shall be from 12:01 a.m. Friday to 12:01 a.m. the following Friday unless otherwise provided by properly approved work schedules.

(Effective July 9, 1975)

### **Sec. 5-238-4. Work day**

The customary work day for all employees shall be from 12:01 a.m. to 12:01 a.m. the following day unless otherwise provided by properly approved work schedule.

(Effective July 9, 1975)

**Sec. 5-238-5. Overtime and overtime pay**

When in the judgement of the appointing authority or his representative, it is necessary for employees to work in excess of their standard hours of work, such overtime work shall be assigned as equitably as practicable among the employees involved.

(Effective July 9, 1975)

## **TRANSFERS**

### **Sec. 5-239-1. Transfers. Transfer registry**

Transfers may be made as follows:

#### **(a) Within an agency.**

- (1) Permanent and temporary transfers within an agency may be made with the approval of the Commissioner of Administrative Services either by the appointing authority for the good of the service or by request of the employee with the approval of the appointing authority.
- (2) Permanent transfer of any employee from one organizational unit to another in the same agency may be made if the position to which transfer is made shall be in the same or in a lower salary range and shall have requirements as to knowledge, skill, ability, experience and training substantially the same as the occupied position.
- (3) Temporary transfer of an employee to a position in the same or in a comparable class within an agency for a period not to exceed six months at any one time may be made in order to effect economy or utilize service to meet emergency conditions and not warranting the hiring of new employees or obtaining employees from other state agencies.
- (4) Permanent and temporary transfers within an agency shall be reported by the appointing authority to the Commissioner of Administrative Services at the time they are effected and in the manner prescribed by him.

#### **(a) To another agency.** Subject to the requirement that no permanent transfer of an employee shall be made until any employee laid-off from the same classification and eligible for re-hire and qualified for the position involved has been offered re-employment;

- (1) Permanent transfer of an employee from one agency to another may be made provided the position to which transfer is made shall be in the same or in a lower salary range and shall have requirements as to knowledge, skill, ability, experience, and training substantially the same as the occupied position.
- (2) The transfer request may be made by either appointing authority to the Commissioner of Administrative Services in the interest of better utilization of services, in order to avoid the necessity of layoff due to lack of funds or lack of work. Such transfer must have the approval of both appointing authorities and of the Commissioner of Administrative Services.
- (3) The transfer request may be made by the employee for his personal advantage provided the appointing authority of the agency in which he is employed notifies the Commissioner of Administrative Services that the request meets with the appointing authority's approval.
- (4) Temporary transfer of employees from one agency to another for a period not to exceed six months may be made under the following conditions:

- (5) The appointing authority anticipating the need of additional help to meet emergency or seasonal conditions not warranting the hiring of new employees shall notify the Commissioner of Administrative Services, preferably not less than 15 days in advance, of the number of employees needed in each classification, and the probable duration of the need for their services.
- (6) The Commissioner of Administrative Services shall requisition on an equitable basis sufficient employees from each appointing authority employing persons in the desired classifications and shall furnish the names of available employees to the agency concerned. Any appointing authority unable to comply with the Commissioner of Administrative Services requisition shall furnish a written explanation of his inability to do so.
- (7) A temporary transferee from one agency to another shall be considered for all purposes as an employee of the agency from which he was loaned except for the purpose of immediate supervision.

(Effective January 18, 1984)

**Sec. 5-239-2. Transfer registry**

- (a) Permanent transfer of an employee from one agency to another at the request of the employee must meet the conditions stated above and in addition may be made only if the following conditions have been met:
  - (1) The employee as a first step has notified his appointing authority of his desire to transfer and has received approval required by subsection (b) (3) of Section 5-239-1.
  - (2) The Commissioner of Administrative Services has caused the name of the employee requesting the transfer to be placed on the transfer registry maintained in his office and has referred the name from this registry to those agencies, acceptable to the employee, which have suitable vacancies.
  - (3) The employee thus referred has been selected for appointment by transfer by another appointing authority.
  - (4) The transfer has the approval of both appointing authorities and of the Commissioner of Administrative Services.
- (a) A transfer registry shall be maintained by the Commissioner of Administrative Services for employees desiring permanent transfers from one agency to another, with an employee's name remaining on the registry for not longer than two years from the time he has indicated his desire for transfer.
- (b) No new working test period shall be required of an employee permanently transferred who has satisfactorily completed the prescribed working test period in his former position. If the employee in his former position had only partially completed the working test period, the balance of the working test shall be completed in the agency of the new appointing authority.

- (c) Any employee transferred shall carry over all unused sick leave, personal leave, earned lieu time and vacation accruals to his credit, and the time spent in his former position shall be counted towards the completion of his time requirements for purpose of the annual salary increase.
- (d) **Rate of Pay.** An employee transferred to a position in the same salary group shall continue to receive when transferred his existing rate of pay.
- (e) When an employee is transferred to a classification with a lower salary range in order to avoid the necessity of layoff, his rate of pay in the lower classification shall be at the closest rate in the lower salary range, but not more than the rate he is receiving at time of transfer.
- (f) When an employee at his own request accepts a transfer to a position in a lower salary range, he shall be paid at that lower rate of pay which he would have arrived at had he been serving in the lower instead of in the higher position.
- (g) No employee shall refuse to accept a temporary or permanent transfer except for reasons satisfactory to the Commissioner of Administrative Services except as permitted in Sec. 5-241 (b) of the Connecticut General Statutes, Revision of 1958, as revised.

(Effective January 18, 1984)

## **REPRIMAND, SUSPENSION, DEMOTION AND DISMISSAL**

### **Sec. 5-240-1. Repealed**

Repealed, May 5, 1988

### **Sec. 5-240-1a. Definitions**

The following terms shall have the following meanings for the purposes of Section 5-240-1a through 5-240-8a of the Regulations of Connecticut State Agencies:

- (a) "Appointing authority" means a board, commission, officer, Commissioner, person or group of persons having the power to make appointments by virtue of a statute.
- (b) "Employee" means an employee holding a position in the classified service of the state, whether full time or part time, for which compensation is paid, who has been appointed to that position following successful completion of a working test period.
- (c) "Just cause" means any conduct for which an employee may be suspended, demoted or dismissed and includes, but is not limited to, the following:
  - 1. Conviction of a felony.
  - 2. Conviction of a misdemeanor committed while on duty.
  - 3. Conviction of a misdemeanor committed off duty which could impact upon the performance of job responsibilities.
  - 4. Offensive or abusive conduct toward the public, co-workers, or inmates, patients or clients of State institutions or facilities.
  - 5. Two successive unsatisfactory service ratings, if filed within two years of each other.
  - 6. Fraud or collusion in connection with any examination or appointment in the classified service.
  - 7. Theft, willful neglect or misuse of any state funds, property, equipment, material or supplies.
  - 8. Deliberate violation of any law, state regulation or agency rule.
  - 9. Absence without leave for five or more working days or failure to return to duty within five working days following authorized leave.
  - 10. Use of and/or intoxication from alcohol or illegal drugs while on duty.
  - 11. Neglect of duty, or other employment related misconduct.
  - 12. Insubordination, including but not limited to failure to work overtime if directed to do so.
  - 13. Engaging in any activity which is detrimental to the best interests of the agency or of the state.
  - 14. Conflict of interest within the meaning of C.G.S. Section 5-266 (a)-1 of the Regulations of Connecticut State Agencies.
  - 15. Violation of the prohibitions of C.G.S. Section 5-226 (a).

- (a) "Reprimand" means a written statement by the appointing authority to an employee notifying the employee that he has engaged in conduct which constitutes just cause for suspension, demotion or dismissal, and which notice is placed in the employees' personnel file. Reprimand does not include written periodic performance evaluations, or any statements contained therein.

(Effective May 5, 1988)

**Section 5-240-2. Repealed**

Repealed, May 5, 1988.

**Sec. 5-240-2a. Reprimand**

An appointing authority may reprimand an employee for just cause, if the appointing authority believes that given the relevant circumstances the specific conduct that is the subject of the reprimand does not warrant a suspension, demotion or dismissal, but that the failure to act, involving the employee's job performance, attendance or conduct on duty of any sort warrants putting the employee on notice that such act, or failure to act constitutes just cause, and that the continuation of the specific conduct may result in more severe disciplinary action.

(Effective May 5, 1988)

**Sec. 5-240-3. Repealed**

Repealed, May 5, 1988

**Sec. 5-240-3a. Suspension**

- (a) An appointing authority may suspend an employee for just cause.
- (b) Before a decision is made to suspend an employee without pay, or with reduced pay, the appointing authority shall follow the prediscipline procedures, as set forth in these regulations
- (c) Following the decision to suspend an employee, the appointing authority shall follow the post discipline procedures, as set forth in these regulations.
- (d) Suspensions without pay or with reduced pay may not exceed in the aggregate sixty days in any one calendar year.

(Effective May 5, 1988)

**Sec. 5-240-4a. Disciplinary demotion**

- (a) An appointing authority may demote an employee for inefficiency or incompetence when the employee's performance of his duties clearly indicates he is not rendering satisfactory service. Such a demotion shall not be made earlier than three months after permanent appointment to the classified service.

- (b) Before a decision is made to demote an employee, the appointing authority shall follow the prediscipline procedures, as set forth in these regulations.
- (c) Following the decision to demote an employee, the appointing authority shall follow the post discipline procedures, as set forth in these regulations.
- (d) The appointing authority shall report a demotion under this section to the Commissioner of Administrative Services at least two weeks prior to the effective date of the action.
- (e) Any employee demoted under this section shall be paid the salary which he would have been receiving had he been serving in the lower instead of in the higher position.  
(Effective May 5, 1988)

**Sec. 5-240-5a. Dismissal**

- (a) An appointing authority may dismiss an employee for just cause.
- (b) The Commissioner of Administrative Services may dismiss any employee who has violated the provisions of C.G.S. Section 5-266a through Section 5-266d except that if the Commissioner finds that the violation does not warrant removal, he may suspend the employee from his position without pay for not less than thirty days or more than six months. Any such dismissal or suspension shall be taken in accordance with the procedures for dismissal or suspension contained in these regulations.
- (c) Before a decision is made to dismiss an employee, the appointing authority shall follow the prediscipline procedures, as set forth in these regulations
- (d) Following the decision to dismiss an employee, the appointing authority shall follow the post discipline procedures, as set forth in these regulations.
- (e) The appointing authority shall immediately report a dismissal to the Commissioner of Administrative Services by sending a copy of the notice given to the employee.
- (f) An appointing authority may place an employee on leave of absence with pay for up to fifteen (15) days to permit investigation of alleged serious misconduct which could constitute just cause for dismissal under C.G.S. Section 5-240-1a (c). Such leave shall only be utilized if the employee's presence at work could be harmful to the public, the welfare, health or safety of patients, inmates or state employees or state property. Following a decision to place the employee on such leave, the appointing authority shall provide written notice to the employee stating the reasons for the leave, the effective date of the leave and the duration of the leave which shall not exceed fifteen (15) days.

- (g) Any employee who is the subject of criminal charges which upon conviction would constitute just cause for dismissal under Section 5-240-1a (c) of these regulations may request a voluntary leave of absence without pay pending the disposition of the criminal charges pursuant to the provisions of C.G.S. Section 5-248 and regulations adopted pursuant thereto. In the event the criminal charges are not disposed of during a one year voluntary unpaid leave of absence, the employee may request an extension of that leave, in accordance with the provisions of C.G.S. Section 5-248 and regulations adopted pursuant thereto.
- (h) An appointing authority may, pending disposition of criminal charges the pendency of which would hamper the completion of an independent administrative investigation and which upon conviction of an employee would constitute just cause for dismissal under Section 5-240- 1a (c) of these regulations place the employee on leave of absence with pay for up to thirty (30) days. Such leave shall only be used if the employee's presence at work could be harmful to the public, the welfare, health or safety of patients, inmates or state employees or state property. Following a decision to place the employee on such leave, the appointing authority shall provide written notice to the employee stating the reasons for the leave, the effective date of the leave and the duration of the leave, which shall not exceed thirty (30) days. The leave may be extended for an additional thirty (30) day period upon request of the appointing authority and approval of the Commissioner of Administrative Services. based on a showing that the pendency of the criminal charges prevents the completion of an independent administrative investigation of the underlying conduct.
- (i) The appointing authority shall immediately report placement of an employee on leave of absence under this section to the Commissioner of Administrative Services by sending a copy of the notice given the employee.

(Effective May 5, 1988)

**Sec. 5-240-6a. Non-disciplinary demotion**

- (a) An appointing authority may demote an employee as an alternative to the employee being laid off or at the request of an employee.
- (b) Before a decision is made to demote an employee as an alternative to the employee being laid off, the appointing authority shall follow the prediscipline procedures, as set forth in these regulations.
- (c) Following a decision to demote an employee as an alternative to the employee being laid off, the appointing authority shall follow the post discipline procedures, as set forth in these regulations.
- (d) A demotion as an alternative to an employee being laid off is not and shall not be construed in any manner that would characterize such a demotion as a disciplinary measure, notwithstanding the use of the prediscipline and post discipline procedures.

- (e) Before an appointing authority demotes an employee at the request of the employee, the employee shall provide the appointing authority with a letter specifically requesting the demotion. When a demotion is requested by an employee, the prediscipline or post discipline procedures set forth in these regulations shall not be used.
- (f) Any employee demoted under this section shall be paid the salary which he would have been receiving had he been serving in the lower instead of in the higher position.
- (g) The appointing authority shall immediately report a demotion under this section to the Commissioner of Administrative Services by sending a copy of the notice given the employee.

(Effective May 5, 1988)

**Sec. 5-240-7a. Prediscipline procedure**

- (a) Prior to a decision to suspend an employee, demote an employee except at the request of the employee or dismiss an employee, the appointing authority shall provide the employee with oral or written notice. The notice shall include what form of action is being considered, shall contain a concise statement explaining what evidence supports the imposition of the action that is being considered and shall state a specific time and place for a meeting where the employee will be given an opportunity to present his side of the story and reasons why the employee feels that the action being considered should not be taken. The meeting will be held by the appointing authority or the appointing authority's designee.
- (b) If written notice is given, it may be mailed, return receipt requested, or hand delivered to the employee at work. If the notice is mailed, the time of the meeting when the employee will be given an opportunity to present his side of the story shall be no sooner than five working days following the mailing of the notice. If the notice is hand delivered to the employee at work or given orally, the time of the meeting when the employee will be given an opportunity to present his side of the story may be any time following receipt of the notice, including immediately following the receipt of the notice unless the complexity of the charges requires additional time. In such case the employee may request and be granted a reasonable amount of time before being required to respond.
- (c) If an employee declines or fails to attend the prediscipline meeting, the appointing authority may proceed with disciplinary action consistent with the notice provided under this section.

(Effective May 5, 1988)

**Sec. 5-240-8a. Postdiscipline procedure**

- (a) Within one week of a decision by the appointing authority to suspend an employee, demote an employee except at the request of an employee or dismiss an employee, the appointing authority shall provide written notice, in addition to any notice that may have been provided in accordance with the prediscipline procedure, to the employee stating the appointing authority's decision, the reasons for the decision, the effective date of the decision and informing the employee of any right to further review or appeal that the employee may have pursuant to either C.G.S. Section 5-202 or an applicable collective bargaining agreement.
  
- (b) The effective date of a dismissal shall be no earlier than two weeks from the date of the notice required by (a) above, except in cases of serious misconduct by an employee affecting the public, or affecting the welfare, health or safety of patients, inmates or clients of state institutions or facilities, or of state employees, or the protection of state property, in which case the appointing authority may make the dismissal effective immediately upon the close of the prediscipline meeting. The appointing authority shall state the specific reason for imposing immediate dismissal at the close of the prediscipline meeting and in the subsequent written notice of discipline.
  
- (c) The effective date of a demotion shall be no earlier than two weeks from the date of the notice.
  
- (d) The effective date of a suspension shall be at a time determined by the appointing authority, commencing after oral or written notice of the determination to impose a suspension, so long as any oral notice is followed by the written notice required by this section.

(Effective May 5, 1988)

## **REEMPLOYMENT LISTS**

### **Sec. 5-241-1. Reemployment lists**

- (a) The names of permanent employees who are eligible for reemployment shall be arranged on appropriate reemployment lists in order of seniority in the state service and shall remain thereon for a period of two years.
- (b) State service shall include military service as specified in Section 5-255 of the General Statutes, 1958 Revision, as revised. Seniority in state service shall be total length of state service without regard to classification or agency in which employed.
- (c) Employees shall be entitled to specify for placement on the reemployment list for any or all classes in which they formerly had permanent status. In the event that an employee is appointed to a position from a reemployment list but such position is in a lower salary group than the class or classes for which his name is entered upon a reemployment list, he shall remain eligible for certification from the latter list.
- (d) In the case of layoff or demotion due to lack of work, economy, insufficient appropriation, change in departmental organization, or abolition of position, the name of a permanent employee eligible for reemployment shall remain for a period of three years on the appropriate reemployment list for any class in which he had permanent status.
- (e) Reemployment lists for classes treated competitively shall be maintained by the Commissioner of Administrative Services. Reemployment list for any classes treated noncompetitively shall be maintained by the appointing authority.
- (f) An employee appointed from a reemployment list to a position in his former salary group will be appointed at the same step in such group as he held when he last worked in state service. An employee so appointed to a position in a lower salary will be appointed at the same step in the salary group as he held when he last worked in state service.

(Effective January 18, 1984)

### **Sec. 5-241-2. Layoff**

- (a) "Employee" means an employee holding a position in the classified service of the state, whether full time or part time, for which compensation is paid, who has been appointed to that position following successful completion of a working test period.
- (b) An appointing authority may lay off an employee for lack of work, economy, insufficient appropriation, change in departmental organization, abolition of position, or any cause other than disability, delinquency, incompetence, misconduct or neglect of duty. No employee shall be laid off if any other employee in the same job classification performing comparable duties with less state service is to be retained in the same department, agency or institution. For the purposes of this section, the

employee security division may, at the discretion of the labor Commissioner, be excluded from the remainder of the labor department and deemed to be a separate agency.

- (c) 1. In the absence of an applicable collectively bargained lay off procedure, the appointing authority shall, prior to deciding to lay off an employee, provide the employee with oral or written notice of the possible action, the reasons for it and a specific time and place for a meeting where the employee will be given an opportunity to present any information he deems pertinent. The meeting will be held by the appointing authority or the appointing authority's designee.
2. If written notice is given it may be mailed, return receipt requested, or hand delivered to the employee at work. If the notice is mailed, the time of the meeting when the employee will be given an opportunity to present his information shall be no sooner than five working days following the mailing of the notice. If the notice is hand delivered to the employee at work or given orally, the time of the meeting when the employee will be given an opportunity to present his information may be any time following receipt of the notice, including a time immediately following receipt of the notice.
3. The purpose of such a meeting is to determine if there are alternatives to lay- off or whether the wrong employee has been selected for lay off.
4. If the employee declines or fails to attend the meeting, the appointing authority may proceed with the decision to lay off as deemed appropriate.
5. Within a week of a decision to lay off an employee, the appointing authority shall provide written notice stating the reason for the decision. The effective date of the lay off shall be no earlier than two weeks from the date of such notice.
6. A copy of such notice of lay off shall immediately be forwarded to the Commissioner of Administrative Services.

## **RESIGNATION FROM STATE SERVICE**

### **Sec. 5-243-1. Resignation from state service**

(a) Procedure to be followed:

- (1) An employee in the classified service who wishes to voluntarily resign from state service in good standing shall give the appointing authority at least two working weeks notice of his resignation, except that the appointing authority may require as much as four weeks notice if the employee occupies a professional or supervisory position.
- (2) Such notice is to state the last date of work.
- (3) Less than the required number of working weeks notice shall be reported as a resignation in good standing only if such notice is acceptable to the appointing authority.
- (4) All resignations other than as above shall be reported to the Commissioner of Administrative Services by the appointing authority as not in good standing.
- (5) When a resignation is being reported as not in good standing, the appointing authority shall so notify the employee and shall also advise the employee of his right to file an appeal to the Commissioner of Administrative Services.

(a) An unauthorized absence of five or more working days may be deemed to be a resignation not in good standing.

(b) Resignations shall be reported immediately to the Commissioner of Administrative Services on a form prescribed by him. This report is to include the reason for the resignation as given by the employee.

(c) A former employee who has retired but who has not reached the mandatory retirement age and who signifies a desire to be employed may be treated as an employee who was laid off because of lack of work for purposes of rehire and be placed on the reemployment lists for all classes in which permanent status was attained.

(Effective January 18, 1984)

## **INFIRMITIES**

### **Sec. 5-244-1. Infirmities**

- (a) When an appointing authority recommends that an employee be transferred to less arduous duties or separated from state service, the appointing authority shall make such recommendation in writing to the Commissioner of Administrative Services and set forth therein in detail the reasons for such recommendation.
  
- (b) When recommendation for transfer is made under Section 5-244, the Commissioner of Administrative Services shall attempt to find suitable position for the affected employee in accordance with the requirements of the State Personnel Act.
  
- (c) When a recommendation for separation from state service is made under Section 5-244, it shall remain the responsibility of the appointing authority, after consultation with the Commissioner of Administrative Services, to effect such separation if indicated.

(Effective January 18, 1984)

## **OVERTIME**

### **Sec. 5-245-1. Overtime**

(a) Work for a period in excess of an employee's regular, established or standard hours of work shall be performed by the employee as directed by his appointing authority. Such overtime work shall be paid for as set forth in Section 5-245 of the General Statutes as determined by the Commissioner of Administrative Services.

### **(b) Computation.**

(1) For purposes of computing the total number of hours worked for which overtime payment is to be made in a week, the total number of hours worked shall be understood to include any hours for which an employee received his regular pay, such as for sick leave, personal leave, vacation time or holidays, but shall not include meal time or time in an on-call or standby status.

(2) Payment for overtime shall be in units of quarter hours for any part worked thereof.

(Effective January 18, 1984)

## **SICK LEAVE**

### **Sec. 5-247-1. Sick leave**

- (a) Except as otherwise provided by statute, all employees in state service shall accrue sick leave for continuous service from the date of initial employment but are not credited with or eligible to use it until such time as they are employed in a permanent position.

(Effective December 1, 1980)

### **Sec. 5-247-2. Rate of accrual**

- (a) Sick leave accrues at the rate of one and one-quarter working days per completed calendar month of continuous full-time service, which may be computed on an hourly basis, including authorized leave with pay provided that:

- (1) such leave starts to accrue only on the first working day of the calendar month and is credited to the eligible employee on the completion of the calendar month;
- (2) an eligible employee employed on less than a full-time basis shall be granted leave in proportion to the amount of time worked as recorded in the attendance and leave records;
- (3) no such leave will accrue for any calendar month in which an employee is on leave of absence without pay an aggregate of more than three working days;
- (4) sick leave shall accrue for the first twelve months in which an employee is receiving compensation benefits in accordance with section 5-142 or 5-143 of the General Statutes.

(Effective December 1, 1980)

### **Sec. 5-247-3. Granting sick leave**

The appointing authority shall grant sick leave to the eligible employee who is incapacitated for duty. During such leave the employee is compensated in full and retains his employment benefits. Such leave shall not be granted for periods of time during which the employee is receiving compensation in accordance with section 5-142 or 5-143 of the General Statutes, except to the extent permitted by said sections, or for recuperation from an illness or injury which is directly traceable to employment by an employer other than the state of Connecticut or for any day or period during which such employee performs full-time employment for another employer.

(Effective December 21, 1982)

### **Sec. 5-247-4. Basis for eligibility**

- (a) An eligible employee shall be granted sick leave (1) for medical, dental or eye examination or treatment for which arrangements cannot be made outside of working hours:

1. in the event of death in the immediate family when as much as three working days leave with pay shall be granted. Immediate family means, husband, wife, father, mother, sister, brother, or child, and also any relative who is domiciled in the employee's household;
2. in the event of critical illness or severe injury to a member of the immediate family creating an emergency, provided that not more than three days of sick leave per calendar year shall be granted therefor;
3. for going to, attending, and returning from funerals of persons other than members of the immediate family, if permission is requested and approved in advance by the appointing authority and provided that not more than three days of sick leave per calendar year shall be granted therefor.

(Effective July 9, 1975)

**Sec. 5-247-5. Advance sick leave**

(a) No sick leave in excess of the leave accumulated to the employee's credit may be granted by the appointing authority unless approved by the Commissioner of Administrative Services. Such authorization shall be granted only in cases involving extended periods of illness or injury. In requesting an advance of sick leave the appointing authority shall submit the following facts for the consideration of the Commissioner of Administrative Services:

- (1) The length of state service of the employee;
- (2) The classification of the employee;
- (3) The sick leave record of the employee for the current and for the four preceding calendar years;
- (4) A medical certificate which shall be on the prescribed form and which shall include the nature of the illness, the prognosis, and the probable date when the employee will return to work.

(a) No advance of sick leave may be authorized unless the employee shall have first exhausted all accrual to his credit for sick leave, personal leave, earned lieu time and for vacation leave, including current accruals. No advance of sick leave may be granted unless an employee has completed at least five years of full time work service. If approved, such extension shall be on the basis of one day at full pay for each completed year of full time work service. In no case shall advanced sick leave exceed thirty days at full pay.

(b) Any such advanced sick leave as may be granted by the Commissioner of Administrative Services shall be repaid by a charge against such sick leave as the employee may subsequently accrue. No repayment of advanced sick leave shall be required until the employee has first accrued five days of sick leave following his return to duty.

(Effective January 18, 1984)

**Sec. 5-247-6. Extended sick time**

An employee who has at least twenty years of state service and who has exhausted his sick leave and his advance of sick leave may be granted extended sick leave with half pay for thirty days upon the appointing authority's request and subject to approval by the Commissioner of Administrative Services.

(Effective January 18, 1984)

**Sec. 5-247-7. Sickness when on vacation**

If an employee is sick while on annual vacation leave the time shall be charged against accrued sick leave if supported by a medical certificate filed with the appointing authority.

(Effective July 9, 1975)

**Sec. 5-247-8. Holidays occurring when on sick leave**

A holiday occurring when an employee is on sick leave shall be counted as a holiday and not charged as sick leave. When a full day off is granted by the act of the Governor, an employee on sick leave shall not be charged as being on sick leave.

(Effective July 9, 1975)

**Sec. 5-247-9. Effect of layoff on accrued sick leave**

An employee laid off shall retain accrued sick leave to his credit provided he returns to state service on a permanent basis.

(Effective July 9, 1975)

**Sec. 5-247-10. Reemployment**

An employee who has resigned from state service in good standing and who is reemployed within one year from the effective date of his resignation shall retain sick leave accrued to his credit as of the effective date of his resignation.

(Effective July 9, 1975)

**Sec. 5-247-11. Medical certificate**

(a) An acceptable medical certificate, which must be on the form prescribed by the Commissioner of Administrative Services and signed by a licensed physician or other practitioner whose method of healing is recognized by the state, will be required of an employee by his appointing authority to substantiate a request for sick leave for the following reasons:

- (1) Any period of absence consisting of more than five consecutive working days;
- (2) to support request for sick leave of any duration during annual vacation;
- (3) leave of any duration if absence from duty recurs frequently or habitually provided the employee has been notified that a certificate will be required;
- (4) leave of any duration when evidence indicates reasonable cause for requiring such a certificate.

The Commissioner of Administrative Services or the appointing authority may provide a State physician to make a further examination.

**Sec. 5-247-12. Records**

All sick leave shall be recorded in the attendance records of the appointing authority. Such records shall reflect the current amount of accrued leave, the amount and dates when leave was taken, and the current balance available to each employee. The records shall be subject to review by the Commissioner of Administrative Services and said records shall be available at reasonable times to the employee concerned.

(Effective January 18, 1984)

## **LEAVE OF ABSENCE**

### **Sec. 5-248-1. Leave of absence without pay for five days or less**

A leave of absence without pay not to exceed five consecutive work days at one time may be granted to any employee in the state service for any cause satisfactory to the appointing authority concerned.

(Effective July 9, 1984)

### **Sec. 5-248-2. Leave of absence for more than five days**

- (a) Any employee seeking a leave of absence from state service for longer than five consecutive work days shall submit his request in writing to his appointing authority, setting forth the reason for the leave and the beginning and ending dates of the leave desired.
- (b) The appointing authority shall promptly review the employee's request and transmit a copy thereof to the Commissioner of Administrative Services. The appointing authority shall also recommend to the Commissioner of Administrative Services whether he should approve the request in whole or in part.
- (c) The Commissioner of Administrative Services shall review the request and notify the appointing authority whether the leave is to be denied or is to be granted with full pay, part pay, or without pay. Approval of request for a leave of absence with full or part pay may be made only in the case of a leave of absence for educational purposes or for military field training purposes or as authorized by Section 27-33 of the General Statutes, Revision of 1958, as revised.
- (d) If the proposed leave of absence is to be for longer than a year, or if such leave is to be extended beyond a year, approval of the Commissioner of Administrative Services must be obtained.
- (e) If the leave of absence is granted in whole or in part, the appointing authority shall notify the employee in writing thereof and whether the leave is being granted with the position being held awaiting the employee's return from said leave or whether reinstatement will be dependent on the availability of a suitable vacancy. Where such leave is granted following the exhaustion of an employee's sick leave, the position shall be held for at least 30 days.
- (f) When an employee has notified his appointing authority that he is leaving state service for the purposes of entering the armed forces of the United States, the appointing authority shall notify the employee in writing that he is being placed on leave of absence without pay and subject to the provisions of Section 5-248 and Section 5-255 of the General Statutes.

- (g) When any full time permanent employee who is a member of the armed forces of the state or any reserve component of the armed forces of the United States requests leave of absence for required field training, his appointing authority shall grant such leave of absence with pay and with position held for a period not exceeding three calendar weeks in a calendar year.
  - (h) When an employee on authorized leave of absence with position held wishes to return to active service prior to the expiration of said leave, the appointing authority in his discretion may reinstate such employee or may place his name on the appropriate reemployment list or lists until the expiration of said leave, at which time the employee shall be reinstated.
  - (i) When an employee on authorized leave of absence with position not held wishes to return to active service prior to or at the expiration of said leave, the appointing authority may, in his discretion, reinstate such employee if a vacancy exists. Otherwise, his name shall be placed on the appropriate reemployment list or lists.
- (Effective January 18, 1984)

**Sec. 5-248-3. Status of employee during leave without pay**

- (a) During the period of a leave without pay in excess of three days the employee shall not be credited for length of service and shall not be credited with time for the purposes of:
    - (1) meeting the requirements of a working test period;
    - (2) accruing sick leave; or
    - (3) accruing vacation time.
- (Effective July 9, 1975)

**Sec. 5-248-4. Expiration of leaves**

In the event that the employee fails to return to service at the expiration of his leave of absence, he shall be considered to have terminated his employment as of the termination date of said leave and a report of such action shall be filed by the appointing authority with the Commissioner of Administrative Services. No reemployment rights shall exist under these circumstances, unless the employee has given written notice, prior to the expiration date of the leave, of his intent to return.

(Effective January 18, 1984)

**Sec. 5-248-5. Abolishment of position**

When a position, from which an employee has been granted a leave of absence without pay and with notice that it was being held, is abolished due to lack of work, economy, insufficient appropriations or organizational change, the name of the employee shall be placed on the appropriate reemployment list or lists.

(Effective July 9, 1975)

**Sec. 5-248-6. Durational appointments**

An appointing authority may fill a vacancy created by a leave of absence without pay on a durational basis if the position is being held and on a permanent basis if the position is not being held, without the necessity of creating an additional position.

(Effective July 9, 1975)

## **PARENTAL AND MEDICAL LEAVE**

### **Sec. 5-248b-1. Definitions**

- (a) **Family Leave** means an unpaid leave not exceeding a maximum of twenty-four weeks in any two year period granted upon the birth or adoption of a child by an employee, or upon the serious illness of a child, spouse or parent of an employee.
- (b) **Medical Leave** means an unpaid leave of absence not exceeding a maximum of twenty-four weeks in any two year period granted upon the serious illness of an employee in addition to existing sick leave benefits.
- (c) **Permanent Employee** means an employee holding a position in the classified service under a permanent appointment or an employee holding a position in the unclassified service who has served in such a position for a period of more than six months, except employees in positions funded in whole or in part by the federal government as part of any public service employment program, on the job training program or work experience program.
- (d) **Serious Illness** means an illness, injury, impairment or physical or mental condition that involves (1) inpatient care in a hospital, hospice or residential care facility or (2) continuing treatment or continuing supervision by a health care provider.  
(Effective May 27, 1988)

### **Sec. 5-248b-2. Procedures for family and medical leave**

- (a) Any permanent employee seeking a family or medical leave of absence without pay from state service shall submit a request to the appointing authority who shall review this request promptly for conformance with the requirements of Public Act 87-291 and these regulations. The appointing authority shall notify the Commissioner of Administrative Services of action taken.
- (b) Family or medical leave shall be for the period of time granted and shall not exceed twenty-four weeks over a two year period. The two year period shall begin with the first day of the family or medical leave and end two years after that date. Any requests for extensions must be submitted and approved in the same manner as the initial request and reported to the Commissioner of Administrative Services.
- (c) The position of the employee shall be held for the duration of the leave except that the appointing authority may fill a vacancy created by a leave of absence without pay on a durational basis if the position is being held without the necessity of creating an additional position.

(d) Upon the expiration of the leave of absence, the employee shall be entitled to all accumulated seniority, retirement, fringe benefits and other service credits which the employee had at the commencement of such leave. Such service credits shall not accrue during the period of the leave of absence.

(Effective May 27, 1988)

**Sec. 5-248b-3. Family leave-birth**

(a) A request to the appointing authority for parental leave for the birth of a child shall include:

- (1) a statement of the need for absence from work, the beginning and ending dates of the leave desired and a statement of the intent to return to work upon completion of the leave.

(Effective May 27, 1988)

**Sec. 5-248b-4. Family leave –adoption**

(a) A request to the appointing authority for family leave for the adoption of a child shall include:

- (1) A letter from the adoption agency establishing the date of adoption. Early submission may be made upon receipt of notification of impending adoption to be effective on the actual date of adoption.
- (2) A statement of the need for absence from work, the beginning and ending dates of the leave desired and a statement of intent to return to work upon completion of the leave.

(Effective May 27, 1988)

**Sec. 5-248b-5. Family leave—serious illness of child**

(a) A request to the appointing authority for a family leave to care for a seriously ill child shall include:

- (1) A statement of need of absence from work to care for the child, the beginning and anticipated ending dates of the leave desired and a statement of intent to return to work upon completion of the leave.
- (2) A physician’s statement of diagnosis and prognosis.

(a) Family Leave for illness of children in the employee’s family may not exceed twenty-four (24) weeks in a two (2) year period regardless of the number of children in the family.

(Effective May 27, 1988)

**Sec. 5-248b-6. Family leave—serious illness of spouse or parent**

(a) A request to the appointing authority for leave to care for seriously ill spouse or parent shall include:

- (1) A statement of the need of absence from work to care for the spouse or parent, the beginning and anticipated ending dates of the leave desired and a statement of intent to return to work upon completion of the leave.

- (2) A physician's statement of diagnosis of the spouse or parent, certification that the medical condition of the spouse or parent is a serious illness as defined in Section 1 of these regulations, and an estimate of the anticipated length of the serious illness of the employee's spouse or parent.

(Effective May 27, 1988)

**Sec. 5-248b-7. Medical leave—serious illness of employee**

- (a) Requests for medical leave because of serious illness of the employee shall include:
  - (1) The beginning and anticipated ending dates of the leave desired and a statement of the intent to return to work upon completion of the leave if medically able.
  - (2) A physician's statement of the diagnosis and prognosis of the employee's illness and an estimate of the anticipated period of the illness.
- (b) The appointing authority may seek the advice of Health Services for State Employees for verification and/or interpretation of the physician's statements as needed for review of the request for unpaid medical leave.

(Effective May 27, 1988)

**Sec. 5-248b-8. Return of employees following leave**

- (a) Upon expiration of the leave of absence, the employee shall be entitled to return to the position in state service which the employee held at the time the employee commenced the leave of absence or, if that position is unavailable, to an equivalent position with equivalent pay.
- (b) The Personnel Division of the Department of Administrative Services shall endeavor to find other suitable work in state service for an employee who is medically unable to perform the duties of the position in state service which the employee held at the commencement of the leave of absence.

(Effective May 27, 1988)

**Sec. 5-248b-9. Reporting of family and medical leave use**

- (a) On or before April 1<sup>st</sup> of each year, each appointing authority shall submit a report to the Commissioner of Administrative Services setting forth:
  - (1) The number of family and medical leaves granted and their duration.
  - (2) The number of family and medical leaves denied and the reasons for denial.
  - (3) An assessment of the impact of family and medical leave use on the work of the department, including use of overtime, replacements and other relevant information.
- (b) On or before July 1 of each year, the Commissioner of Administrative Services shall report to the General Assembly on the extent of use of leaves of absence, and the impact of such use on state employment.

(Effective May 27, 1988)

## **Voluntary Schedule Reduction Program**

### **Sec. 5-248c-1. Definitions**

The following terms shall have the following meanings for the purposes of sections 5-248c-1 to 5-248c-3 of the Regulations of Connecticut State Agencies;

- (a) "Appointing authority" means a board, commission, officer, commissioner, person or group of persons having the power to make appointments by virtue of a statute.
- (b) "Permanent employee" means an employee holding a position in the classified service under a permanent appointment or an employee holding a position in unclassified service who has served in such a position for a period of more than six months, except employees in positions funded in whole or in part by the federal government as part of any public service employment program, on-the-job training program or work experience program.
- (c) "Schedule Reduction" means a voluntary reduction in the number of hours worked by an employee, by taking unpaid prescheduled individual or partial days off on an occasional basis, or by reducing the number of hours worked per week on a regular basis.

(Effective April 1, 1996)

### **Sec 5-248c-2. Procedures for requesting a voluntary schedule reduction**

- (a) Any permanent employee may submit a request for a schedule reduction to the appointing authority, who shall promptly review it and notify the employee of the approval or denial of the request. All voluntary schedule reductions shall be recorded and identified in the time and attendance records of the Agency. Upon request of the Commissioner of Administrative Services and/or the General Assembly, Agencies shall be required to make reports regarding program usage.
- (b) A written request shall include the starting and ending dates and the number of hours of leave requested. Days off or reduced hours under this program are without pay. The use of accrued time or compensatory time earned and accumulated pursuant to the provisions of any collective bargaining agreement or to an order of the Commissioner under Section 5-200 (p) of the Connecticut General Statutes is not a condition precedent to being granted a schedule reduction under these regulations.
- (c) A schedule reduction shall not be granted if it would result in an employee falling below the threshold for eligibility for health insurance benefits.
- (d) An employee in an Initial Working Test period is not eligible to participate in the Voluntary Schedule Reduction Program. Days off which are taken as a result of this program shall not be counted toward completion of a Promotional Working Test Period.

(Effective April 1, 1996)

### **Sec. 5-248c-3. Benefits**

#### **(a) Health and Life Insurance**

During the period of any schedule reduction, an employee's health and life insurance shall continue on the same basis as prior to the schedule reduction.

#### **(b) Seniority**

An employee shall receive seniority credit for unpaid time as a result of a schedule reduction without pro-ration.

#### **(c) Longevity**

An employee shall receive full credit for longevity for unpaid time as a result of a schedule reduction.

#### **(d) Vacation and Sick Leave Accruals**

An employee on a schedule reduction shall continue to accrue vacation and sick leave at the same rate as prior to the schedule reduction, and shall not lose accruals for any month as a consequence of a schedule reduction.

#### **(e) Holidays**

An employee on a schedule reduction shall be granted time off with pay for any legal holiday which falls on a day when he would otherwise have been scheduled to work. If an employee is required to work on a holiday, he shall be granted a day off in lieu thereof. If a holiday falls on a day when an employee would not have been scheduled to work as a result of a schedule reduction, he/she will receive pro-rata holiday credit at the rate of twenty percent (20%) of his scheduled weekly hours.

#### **(f) Workers' Compensation**

Any benefits to which an employee is entitled under Workers' Compensation Statutes shall not be affected by a schedule reduction.

#### **(g) Overtime**

(1) Payment of overtime during a schedule reduction shall continue in accordance with an employees' collective bargaining agreement or Section 5-245 of the Connecticut General Statutes.

(2) For the purpose of calculating overtime payment, schedule reduction hours shall not be counted as time worked.

#### **(h) Retirement Benefits**

An employee shall receive full credit for retirement for unpaid time as a result of a schedule reduction, and shall not be required to contribute any sums for that credit.

(Effective April 1, 1996)

## **VOLUNTEER DUTY**

### **Sec. 5-249-1. Volunteer duty**

An appointing authority may prescribe reasonable conditions under which an employee will be permitted to respond to fire calls or ambulance calls as provided in Section 5-249 of the General Statutes, Revision of 1958, as amended and shall notify the affected employee of such conditions.

(Effective July 9, 1975)

## VACATION LEAVE

### **Sec. 5-250-1. Vacations**

Vacation leave with pay shall be granted to each full time employee in a permanent position in state service following six months of continuous employment.

(Effective December 30, 1980)

### **Sec. 5-250-2. Rate of accrual**

(a) Vacation leave shall be credited to an eligible full time employee at the rate of one and one-quarter work days of vacation leave for each complete month of continuous service.

(b) An eligible employee employed on less than a full-time workweek basis shall earn leave for continuous service prorated in proportion to the amount of time actually worked as recorded in the attendance and leave records, in comparison with the full-time workweek.

(Effective September 14, 1976)

### **Sec. 5-250-3. Credit for leave**

(a) Such leave starts to accrue only on the first working day of the calendar month and is credited to the eligible employee on the completion of the calendar month.

(b) No leave shall accrue for any calendar month in which an employee is on leave of absence without pay more than an aggregate of three working days.

(c) Vacation leave shall accrue to the credit on an eligible employee for the first twelve months in which said employee is receiving compensation benefits in accordance with Section 5-142 or 5-143 of the General Statutes.

(Effective July 9, 1975)

### **Sec. 5-250-4. Selection of vacation time**

Subject to the appointing authority's approval, employees shall be allowed to choose the time of their own vacation. In the event of conflicting schedules of leave, length of state service shall control.

(Effective July 9, 1975)

### **Sec. 5-250-5. Holiday credit when on vacation leave**

A holiday or a day granted by statute in lieu thereof granted to state employees occurring during the vacation of an employee shall be recorded as a holiday, and not as a day of vacation. When a full day off is granted by act of the Governor, an employee on vacation shall not have the day charged as a vacation day.

(Effective July 9, 1975)

**Sec. 5-25-6. Sickness when on vacation leave**

If an employee is sick while on vacation leave, the time shall be charged against credited sick leave supported by a medical certificate filed with and satisfactory to the appointing authority.

(Effective July 9, 1975)

**Sec. 5-250-7. Recording of vacation leave**

All leaves shall be recorded in the attendance and leave records maintained by the appointing authority. These records shall be subject to review by the Commissioner of Administrative Services and shall be available, at reasonable times, to the employee concerned.

(Effective January 18, 1984)

**Sec. 5-250-8. Personal leave**

Each full-time permanent employee who has completed six months of continuous service shall be entitled to three days of personal leave with pay in each calendar year. Such personal leave shall be granted as requested by the employee, subject to the approval of the appointing authority.

(Effective July 9, 1975)

## **HOLIDAYS**

### **Sec. 5-254-1. Holidays**

- (a) If an eligible employee is required to work on a holiday, he shall be granted a day off in lieu thereof.
- (b) If a holiday occurs while an eligible employee is receiving compensation benefits in accordance with Section 5-142 or 5-143 of the General Statutes, no credit for the holiday shall be allowed.
- (c) A holiday occurring when an eligible employee is on sick leave shall be counted as a holiday and not charged as sick leave.
- (d) Pass days are days in lieu of a Saturday or Sunday on which an eligible employee is required to work. When a pass day falls on a holiday, it shall be charged as a holiday, without loss of said pass day.

(Effective July 9, 1975)

### **Sec. 5-254-2 Holidays for other than full time, permanent employees**

- (a) Any full-time employee whose status is provisional or who is on his working test period shall be granted time off with pay for any legal holiday granted to full-time permanent employees with permanent status.
- (b) No emergency or temporary employee shall be granted time off with pay for legal holiday, except for those holidays which occur after said employee has completed ninety days of continuous employment just prior to the date of the holiday.
  - (1) The holiday falls on a day when he would normally have been scheduled to work.
  - (2) The pay he receives shall be for the number of hours he would have been scheduled to work.

(Effective July 9, 1975)

## **Special Training Courses**

### **Sec. 5-265-1. Special training courses**

Any department, agency or institution desiring to enter into an agreement with an education institution for a special training course for one or more state employees or desiring to enter into an agreement with the federal government or another state government for exchange of one or more employees shall submit a copy of its proposed agreement to the Commissioner of Administrative Services prior to entering into such agreement.

(Effective January 18, 1984)

## **Conflicts of Interests**

### **Sec. 5-266a-1. Conflicts of interests**

- (a) there is a conflict of interests which precludes a person in State service from holding or continuing to hold elective municipal office when one or more of the following applies;
  - (1) The Constitution or a provision of the General Statutes prohibits a classified State employee or person employed in the Judicial Department from seeking or holding the municipal office.
  - (2) The Classified State employee has an office or position which has discretionary power to:
    - (A) Remove the incumbent of the municipal office;
    - (B) Approve the accounts or actions of the municipal office;
    - (C) Institute or recommend actions for penalties against the incumbent of the municipal office incident to the incumbent's election or performance of the duties of said office;
    - (D) Regulate the emoluments of the municipal office;
    - (E) Affect any grants or subsidies, administered by the State, for which the municipality in which the municipal office would be held is eligible.

(Effective January 26, 1990)

## **Political Activity of Classified State Employees**

### **Sec. 5-266c-1. Political activity of classified employees**

As used in this regulation:

- (a) "State Agency" means the executive branch of the state, or an agency or department thereof
- (b) "Employee" means an individual employed by the state in the Classified Service including emergency, temporary, provisional, part-time and intermittent employees and employees on leave of absence with or without pay;
- (c) "Political party" means a national political party, a state political party, and an organization affiliated with such a party;
- (d) "Election" includes a primary, special, and general election;
- (e) "Partisan" when used as an adjective refers to a political party.

(Effective March 25, 1976)

### **Sec. 5-266c-2. Repealed**

Repealed, March 25, 1976.