

**A Report Submitted from the Office of Governmental Accountability to the General Assembly In Compliance with Public Act 11-48," An Act Implementing the Provisions of the Budget Concerning General Government "**

Public Act 11-48, An Act Implementing the Provisions of the Budget Concerning General Government, created the Office of Governmental Accountability (OGA). Originally proposed in Governor Malloy's February 2011 budget submission, and modified through the legislative process, OGA's administrative umbrella includes the following agencies:

- (1) Office of State Ethics,
- (2) State Elections Enforcement Commission,
- (3) Freedom of Information Commission,
- (4) Judicial Review Council,
- (5) Judicial Selection Commission,
- (6) Board of Firearms Permit Examiners,
- (7) Office of the Child Advocate,
- (8) Office of the Victim Advocate and
- (9) State Contracting Standards Board.

According to the non-partisan Office of Legislative Research:

The act merges and consolidates within OGA... personnel, payroll, affirmative action, administrative and business office functions, including information technology associated with these functions. ("Business office functions" generally include budgeting, accounts payable, accounts receivable, purchasing, grant management, central accounting, delinquent accounts, or asset management.)<sup>1</sup>

Section sixty of Public Act 11-48 (see Appendix A), which requires this report, must include these specific deliverables:

1. Status of the merger of the nine agencies' business functions into OGA and
2. Recommendations for further legislative action concerning the merger, including:
  - a) Recommendations to further consolidate and merge functions performed by the offices, commissions, boards and council within the Office of Governmental Accountability, including discussion of the:

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<sup>1</sup> <http://www.cga.ct.gov/2011/BA/2011SB-01009-R000436-BA.htm>

- Best use of staff,
- Elimination of redundancies and
- Cross-training of staff for the purpose of using staff to perform functions across such offices, commissions, boards and council.

### The Status of the Merger

Transforming and streamlining government is necessary given the State of Connecticut's short and long term financial conditions. Still, bringing nine separate agencies under a single administrative umbrella, all of which have different missions (see below) and are geographically spread around the capital city, provides a set of unique challenges.

Agency	Mission	Address
Elections Enforcement Commission	Investigate possible violations of the election laws, inspect campaign finance records and reports, refer evidence of violations, issue advisory opinions and make recommendations to the General Assembly concerning revisions to the state's election laws.	20 Trinity Street Hartford, CT
Office of State Ethics	Ensure honesty, integrity and accountability in state government through education, interpretation and enforcement of the State of Connecticut Codes of Ethics.	20 Trinity Street Hartford, CT
Freedom of Information Commission	Administer and enforce the provisions of the Connecticut Freedom of Information Act, ensuring citizen access to the records and meetings of public agencies in the State of Connecticut.	20 Trinity Street Hartford, CT
Judicial Review Council	Investigate and resolve complaints alleging misconduct, disability, or substance abuse of state judges, family support magistrates, and workers' compensation commissioners.	505 Hudson Street, 1st Floor Hartford, CT
Judicial Selection Council	Seeks, evaluates, and furnishes the Governor with a list of qualified candidates for nomination as new judges.	165 Capitol Avenue Room 241, Hartford, CT
Office of the Child Advocate	Oversees the protection and care of Connecticut's most vulnerable and youngest citizens and advocates for their well being.	999 Asylum Avenue, 1st Floor, Hartford, CT
Office of the Victim Advocate	To evaluate and monitor how victims are treated by the criminal justice system in Connecticut.	505 Hudson Street Hartford, Connecticut

Board of Firearms Permit Examiners	To provide a means of appeal for citizens whose pistol permit has been denied or revoked.	505 Hudson Street, 5th floor, Hartford, CT
State Contracting Standards Board	To ensure that state contracting and procurement processes reflect the highest standards of integrity, are clean and consistent and are conducted in the most efficient manner possible.	165 Capitol Avenue Hartford, CT

The challenges in bringing together these nine different agencies under one administrative umbrella can be best illustrated by the following from a report on the Freedom of Information Commission website (updated August 5, 2011)<sup>2</sup>:

The most significant challenge this session, and unfortunately, the **greatest setback for good and open government** in recent years resulted in the consolidation of the three main “watchdog agencies” (FOIC, Office of State Ethics (OSE) and the State Elections Enforcement Commission (SEEC)) with six other state agencies (Judicial Review Council (JRC), Judicial Selection Commission (JSC), Board of Firearms Permit Examiners (BFPE), Office of the Child Advocate (OCA), Office of the Victim Advocate (OVA), and State Contracting Standards Board (SCSB)) into the Office of Governmental Accountability (OGA). The structure of the new OGA, established by Public Act 11-48, differs from the structure proposed in SB 1009, but the **concerns regarding the loss of the agencies’ independence and the public’s trust as well as the inevitable conflicts remain.**

Even with this open and public concern about the creation of OGA, the good news is this. The business of the State of Connecticut continues. The nine divisions continue to do their work, certainly leaner, but no less dedicated to the citizens and their needs regarding:

- (1) Open and fair elections,
- (2) Ethical and lawful behaviors of public officials and lobbyists;
- (3) Transparency of government operations;
- (4) Judicial misconduct and remedies;
- (5) Selecting good judges;
- (6) Protecting high risk children;
- (7) Assuring crime victims' rights;
- (8) Lawful procurement of firearms and

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<sup>2</sup> [http://www.state.ct.us/foi/Legislative%20Reports/2011\\_Legislative\\_Report.htm](http://www.state.ct.us/foi/Legislative%20Reports/2011_Legislative_Report.htm)

(9) Clean state contracting processes.

The public trusts that these entities will provide the best services possible to the citizens of the State of Connecticut and they do. The new Executive Administrator (EA) of OGA took office on September 23, 2011. In the fall of 2011, the EA accomplished much in a short amount of time. Assuming a cooperative stance, he assured all nine divisions that he was there to serve them in providing all of the support that many of the nine had been missing, particularly the smallest divisions that had had little historical administrative support.

These significant accomplishments include:

- (1) Developing and implementing a single OGA website, which showcase the existing divisions as part of OGA;
- (2) Support for the consolidation of all of the information technology (IT) for the nine divisions. This includes IT inventory, capital equipment, capacity planning, contracting, procurement and the development of a plan for future fiscal year needs;
- (3) Working with the state's accounting team at CORE-CT to create and execute a single accounting system and human resources platform for the new agency, which includes all of the nine divisions. OGA will be the only new agency consolidated in CORE-CT prior to the end of this fiscal year;
- (4) Submitting the first ever OGA budget request to the Office of Policy and Management, a collegial effort by all nine divisions along with the EA;
- (5) Partnering with the Department of Administrative Services to consolidate more of OGA divisions at 18-20 Trinity Street in Hartford. At least one of the smaller divisions and possibly two will move to OGA in the coming months, further improving administrative support for these small divisions;
- (6) Providing administrative support for the Board of Firearms Permit Examiners when an emergency caused the extended absence of its lone employee;
- (7) Collecting all affirmative action plans from the nine divisions with anticipation of providing a consolidated affirmative action plan by March, 2012;
- (8) Preparing and following up on office position refill requests, with significant interface with the Department of Administrative Services and the Office of Policy and Management;
- (9) Reconfiguring the EA and other OGA staff into a more efficient and effective space set-up to maximize administrative support for all of the divisions and
- (10) Initiating a Continuity of Operations Plan (COOP) for the nine divisions to ensure the provision of critical state government services in case of a public health or other emergency.

Work will continue to centralize personnel requests, payroll, affirmative action, assets management and other administrative and business office functions for the nine divisions into the OGA.

### **Recommendations for Further Legislative Action**

Section sixty of Public Act 11-48 requires that this report include recommendations to further consolidate and merge functions among and between the nine offices under the administrative umbrella of the Office of Governmental Accountability (OGA). The report is to discuss the best use of staff, elimination of redundancies and cross-training of staff, all presumably to allow for an efficient and effective use of personnel.

One function that could need legislative clarification is in the area of information technology. While OGA has proceeded with a plan to consolidate, except for some existing programs in several of the divisions, all of the IT support centrally, it is statutorily unclear whether this is allowed. Current statute could be interpreted to limit IT consolidation only to support administrative functions; this would be inefficient, expensive and ineffective and could lead to the creation of nine levels of IT support.

Another area that could use clarification is about the best use of staff and how this directly relates to the position of the Executive Administrator (EA) of the OGA. PA 11-48 (see Appendix A, Section 59) gives the Governmental Accountability Commission (GAC) two duties: the first to recommend a candidate to the governor for the position of executive administrator (EA) and the second to terminate the executive administrator. In between the governor's appointment of the EA and the GAC's possible termination of the EA, the statute is silent.

The GAC has taken the position (see Appendix B) that they have the authority to evaluate the EA. Members of the GAC are also division heads within OGA, which makes for an awkward relationship. Clarification of this legislatively would be helpful.

If the governor is the appointing authority, in almost every instance, he would be the person charged with dismissing the EA. Giving the GAC the authority to evaluate and possibly terminate a governor's appointee appears to be inconsistent with the appointment of other gubernatorial appointees.

While OGA is required to make this report, the decision-making that would allow for the best use of staff, elimination of redundancies and cross-training of staff is statutorily within the purview of the nine divisions. As is clear in the statutory citation below of subsection (d) of Section 58 of PA 11-48, the divisions have "independent decision-making authority" including budgetary decisions and the "employment of necessary staff."

- (d) Nothing in this section shall be construed to affect or limit the independent decision-making authority of the Office of State Ethics, State Elections Enforcement Commission, the Freedom of Information Commission, Judicial Review Council, Judicial Selection Commission, Board of Firearms Permit Examiners, Office of the Child Advocate, Office of the Victim Advocate or the State Contracting Standards Board. Such decision-making authority includes, but is not limited to, decisions concerning budgetary issues and concerning the employment of necessary staff to carry out the statutory duties of each such office, commission, council or board.

If OGA had the statutory imprimatur to recommend strengthening of administrative processes and streamlining organizational structures, there are areas that could be discussed.

For instance, in March 2011, the Secretary of the State (SOTS) issued a report on the “functional and personnel overlaps with the watchdog agencies.<sup>3</sup>” For purposes here, the SOTS was referring to the Office of State Ethics (Ethics), the State Elections Enforcement Commission (SEEC) and the Freedom of Information Commission (FOIC). While much of this report centers on the “back office” and savings associated with the consolidation of administrative functions of the “watchdogs” with the SOTS, there is another part of this report that relates to the overlap of elections functions between the SEEC and the SOTS.

The report identifies duplication of these specific elections personnel in both the SEEC and SOTS:

- Elections directors;
- Staff attorneys and
- Elections officers.

The functions that these employees perform are also similar and include:

- Accepting campaign finance related filings;
- Interpreting elections laws and
- Issuing opinions and directives about the conduct of elections.

Moreover, it is confusing to the general public about who is in charge of ensuring that the State has open, clean and fair elections when there are two entities charged with that. Given the current statutory language about the SEEC's independence, it is unlikely that the EA will have the opportunity to explore the possibility of streamlining and clarifying elections functions in the state.

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<sup>3</sup> Informational Memorandum Regarding the Secretary of the State and the Elections Enforcement Commission, March 24, 2011.

On a more technical level, as the EA works toward creating a single agency with nine divisions, it would be helpful if there was a uniform time and attendance policy. There is a certain work synergy when all employees know the agency work rules and they are fair and consistent.

There are also internal inconsistencies in the OGA statutory charge. For instance, the OGA is responsible for balancing the entire budget, including all nine divisions, but OGA cannot control the expenditures of the individual offices. Even though OGA has all of the fiscal staff, financial decisions are made at the division level, an inconsistency that could have profound budgetary impact if it is not addressed.

Additionally, although PA 11-48 refers to the nine divisions in OGA (as noted in the citations below), recent collective bargaining advice has been contrary to this.

- Sec. 61. There shall be established, within the Office of Governmental Accountability established under section 58 of this act, an Office of State Ethics.
- Sec. 62 There shall be established, within the Office of Governmental Accountability established under section 58 of this act, a Freedom of Information Commission.
- Sec. 63 There is established, within the Office of Governmental Accountability established under section 58 of this act, a State Elections Enforcement Commission.
- Sec. 64. There is established a Judicial Selection Commission, within the Office of Governmental Accountability established under section 58 of this act.
- Sec. 65. There is established a Judicial Review Council, within the Office of Governmental Accountability established under section 58 of this act.
- Sec. 66. There shall be established a Board of Firearms Permit Examiners, within the Office of Governmental Accountability established under section 58 of this act.
- Sec. 67. The State Contracting Standards Board shall be [an independent body within the Executive Department] within the Office of Governmental Accountability established under section 58 of this act .
- Sec. 69. There is established, within the Office of Governmental Accountability established under section 58 of this act, an Office of the Victim Advocate.
- Sec. 71. There is established, within the Office of Governmental Accountability established under section 58 of this act, an Office of the Child Advocate.

Instead of viewing the OGA as a single agency, it has been suggested that the OGA is really nine separate agencies for collective bargaining purposes. This is problematic on at least two fronts. First, the OGA needs flexibility with personnel

assignments to ensure the work is being done in a most effective and efficient manner. OGA will only be able to judge whether staff are appropriately deployed and there are no personnel redundancies if OGA is a single state agency with nine divisions. Blocking internal movement of positions among the nine divisions of OGA reduces the personnel flexibility that OGA needs to make these position changes.

Second, the language of PA 11-48 appears to endorse cross training of personnel in the OGA divisions. If each of the offices in OGA is considered to be a separate agency, then the OGA, and the state taxpayers, will miss an opportunity to best use state employees, possibly cross training individuals to work in several OGA divisions.

When Governor Malloy proposed the creation of the OGA, and even through legislative discussions about this consolidation, there was always a thread about the cross training of personnel. For example, Governor Malloy has said that attorneys, all of whom are licensed with advanced degrees, could learn how to function as experts in more than one area.

For instance, an FOI attorney works often with public entities in his current job. How different would it be then, to incorporate the elections of these persons into his knowledge portfolio? Similarly, Ethics attorneys deal with elected officials daily; becoming expert in elections laws would be related to their current expertise.

Cross-training of personnel within a single agency makes so much sense, particularly when it appears unlikely that OGA will be the recipient of the infusion of significant new state dollars.

### **Conclusion**

The Office of Governmental Accountability has only been a working agency for a few months. While much has been accomplished, much is still left to do. OGA will continue to provide its nine divisions with effective, efficient and excellent service as the agency evolves into a world class provider of state services.

**Appendix A–Public Act No. 11–48**

**AN ACT IMPLEMENTING PROVISIONS OF THE BUDGET CONCERNING  
GENERAL GOVERNMENT.**

Sec. 58. (NEW) (Effective July 1, 2011) (a) There is established the Office of Governmental Accountability. The executive administrator of the office shall serve as the administrative head of the office, who shall be appointed in accordance with the provisions of section 59 of this act.

(b) The Office of Governmental Accountability shall provide personnel, payroll, affirmative action and administrative and business office functions and information technology associated with such functions for the following: The Office of State Ethics established under section 1–80 of the general statutes, as amended by this act, State Elections Enforcement Commission established under section 9–7a of the general statutes, as amended by this act, Freedom of Information Commission established under section 1–205 of the general statutes, as amended by this act, Judicial Review Council established under section 51–51k of the general statutes, as amended by this act, Judicial Selection Commission established under section 51–44a of the general statutes, as amended by this act, Board of Firearms Permit Examiners established under section 29–32b of the general statutes, as amended by this act, Office of the Child Advocate established under section 46a–13k of the general statutes, as amended by this act, Office of the Victim Advocate established under section 46a–13b of the general statutes, as amended by this act, and State Contracting Standards Board established under section 4e–2 of the general statutes, as amended by this act. The personnel, payroll, affirmative action and administrative and business office functions of said offices, commissions, council and boards shall be merged and consolidated within the Office of Governmental Accountability pursuant to the plan developed and implemented under the provisions of section 60 of this act.

(c) The executive administrator may employ necessary staff to carry out the administrative functions of the Office of Governmental Accountability, within available appropriations. Such necessary staff of the Office of Governmental Accountability shall be in classified service.

(di) Nothing in this section shall be construed to affect or limit the independent decision-making authority of the Office of State Ethics, State Elections Enforcement Commission, the Freedom of Information Commission, Judicial Review Council, Judicial Selection Commission, Board of Firearms Permit Examiners, Office of the Child Advocate, Office of the Victim Advocate or the State Contracting Standards Board. Such

decision-making authority includes, but is not limited to, decisions concerning budgetary issues and concerning the employment of necessary staff to carry out the statutory duties of each such office, commission, council or board.

Sec. 59. (NEW) (Effective July 1, 2011) (a) (1) There shall be a Governmental Accountability Commission, within the office of Governmental Accountability established under section 58 of this act, that shall consist of nine members as follows: (A) The chairperson of the Citizen's Ethics Advisory Board established under section 1-80 of the general statutes, as amended by this act, or the chairperson's designee; (B) the chairperson of the State Elections Enforcement Commission established under section 9-7a of the general statutes, as amended by this act, or the chairperson's designee; (C) the chairperson of the Freedom of Information Commission established under section 1-205, of the general statutes, as amended by this act, or the chairperson's designee; (D) the executive director of the Judicial Review Council established under section 51-51k of the general statutes, as amended by this act, or the executive director's designee; (E) the chairperson of the Judicial Selection Commission established under section 51-44a of the general statutes, as amended by this act, or the chairperson's designee; (F) the chairperson of the Board of Firearms Permit Examiners established under section 29-32b of the general statutes, as amended by this act, or the chairperson's designee; (G) the Child Advocate appointed under section 46a-13k of the general statutes, as amended by this act, or the advocate's designee; (H) the Victim Advocate appointed under section 46a-13b of the general statutes, as amended by this act, or the advocate's designee; and (I) the chairperson of the State Contracting Standards Board established under section 4e-2 of the general statutes, as amended by this act, or the chairperson's designee. The Governmental Accountability Commission shall select a chairperson who shall preside at meetings of the commission. Said Commission shall meet for the purpose of making recommendations to the Governor for candidates for the executive administrator of the Office of Governmental Accountability pursuant to the provisions of subsection (b) of this section, or for the purpose of terminating the employment of the executive administrator.

Sec. 60. (NEW) (Effective July 1, 2011) (a) Not later than November 1, 2011, the executive administrator appointed under section 59 of this act shall develop and implement a plan for the Office of Governmental Accountability to merge and provide for personnel, payroll, affirmative action and administrative and business office functions and information technology associated with such functions for the Office of State Ethics established under

section 1–80 of the general statutes, as amended by this act, State Elections Enforcement Commission established under section 9–7a of the general statutes, as amended by this act, Freedom of Information Commission established under section 1–205 of the general statutes, as amended by this act, Judicial Review Council established under section 51–51k of the general statutes, as amended by this act, Judicial Selection Commission established under section 51–44a of the general statutes, as amended by this act, Board of Firearms Permit Examiners established under section 29–32b of the general statutes, as amended by this act, Office of the Child Advocate established under section 46a–13k of the general statutes, as amended by this act, Office of the Victim Advocate established under section 46a–13b of the general statutes, as amended by this act, and State Contracting Standards Board established under section 4e–2 of the general statutes, as amended by this act.

(b) Not later than January 2, 2012, the executive administrator of the Office of Governmental Accountability, in conjunction with (1) the executive director, or the executive director's designee, of each of the following: The Office of State Ethics, the Freedom of Information Commission, the State Elections Enforcement Commission and the Judicial Review Council, (2) the chairperson or the chairperson's designee of each of the following: The Judicial Selection Commission, the Board of Firearms Permit Examiners, and the State Contracting Standards Board, (3) the Child Advocate or the advocate's designee and (4) the Victim Advocate or the advocate's designee shall submit a report, in accordance with the provisions of section 11–4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies, government administration, the judiciary, children, public safety and human services concerning (A) the status of the merger described in subsection (a) of this section, and (B) any recommendations for further legislative action concerning such merger, including, but not limited to, recommendations to further consolidate and merge functions performed by the offices, commissions, boards and council within the Office of Governmental Accountability such as those concerning best use of staff, elimination of redundancies and cross-training of staff for the purpose of using staff to perform functions across such offices, commissions, boards and council.

Appendix B-DRAFT MINUTES OF SPECIAL MEETING GOVERNMENTAL  
ACCOUNTABILITY COMMISSION

Tuesday, November 1, 2011

1. Discussion and Adoption of Future Evaluation Format – Vote Required  
GAC Commissioners and Executive Administrator Guay discussed the authority of the GAC and the format of an evaluation of the Executive Administrator position.

It was moved by Commissioner Corradino that the GAC commission meet no later than January 31, 2012 to prepare an interim evaluation of the Executive Administrator using a narrative format for the evaluation, seconded by Commissioner Cashman. So voted.

1. Discussion of Process for Report due January 2, 2012

It was moved by Commissioner Corradino to have a meeting no later than January 1, 2012 to review the report of the Executive Administrator in conjunction with a representative of each division of the OGA, as provided by section 60(b) of P.A. 11-48, to be submitted on January 2, 2012 with a view to providing any additional items or requests for action to the legislature in the report, seconded by Commissioner Milstein. So voted.

DRAFT