

the centralized data available on the personnel status file in the Department of Personnel computer. This data is restricted to parties at interest such as agency managers, supervisors, and the employee. Elimination of this centralized data would prevent the Department of Personnel from conducting automated statewide analyses to determine the frequency, type, and cost of disciplinary actions.

A further problem with House Bill 1084 that appears to not have been fully appreciated is its large fiscal burden to the State. Current law requires that the record of each written grievance and its disposition be "furnished to the complaining employee and/or designated representative of the employee...." This bill expands that provision to add appeal records to the types of materials to be given. It also provides that these materials be given to both the complaining employee and to the employee's representative. A full record includes all documents and all materials in the record such as policies, regulations, exhibits, statutes, applications, affidavits, prior decisions, letters, and tapes or transcripts. If the State is required to produce the entire record of grievances and appeals in all cases, the cost would be substantial. That cost certainly cannot be justified, and I am not convinced that it was properly evaluated.

My final objection to House Bill 1084 seems also to have not been fully anticipated during consideration of the legislation. The inclusion of disciplinary appeals as material no longer filed with the Secretary of Personnel eliminates any coordinated Executive review of personnel decisions of the Office of Administrative Hearings. Thus, the Secretary of Personnel would not be able to evaluate any departure from State personnel policies. This change is significant because it is crucial that the Secretary of Personnel be able to assure the consistency of State personnel decisions.

I am aware of the basic concept behind the introduction of House Bill 1084. It is reasonable that stale or dated records of disciplinary actions not haunt an employee throughout his or her career with State government. To the extent that my objections to House Bill 1084 are appropriately addressed, I would be willing to consider future legislation that would provide that records of disciplinary actions be deleted from an employee's personnel records after an established period of time. I encourage the Secretary of Personnel to enter into discussions with the sponsor of House Bill 1084 to see if an appropriate compromise can be reached.

For these reasons, I have vetoed House Bill 1084.

Sincerely,
William Donald Schaefer
Governor

House Bill No. 1084

AN ACT concerning

State Employees – Grievance and Appeal Records

FOR the purpose of prohibiting the inclusion of certain information about an employee's grievance or appeal in the employee's personnel file; clarifying when grievance