

**STATE OF CONNECTICUT  
OFFICE OF PUBLIC HEARINGS  
c/o COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

Anton Malensek

: OPH/WBR 2007-039

v

Anthony's Autobody, Inc. and  
Connecticut Department of Labor

: March 15, 2007

Order re: Dismissal of the complaint

I

On March 8, 2007, Anton Malensek (complainant) filed a complaint with the chief human rights referee alleging that the respondents, Anthony's Autobody, Inc., Randy Debiase, Debra Cormier and the Connecticut department of labor employment security division, violated General Statutes § 4-61dd. According to the complainant, Debiase and Cormier terminated his employment with Anthony's Autobody, Inc. on November 30, 2006. Thereafter, the department of labor denied his claim for unemployment compensation benefits.

For the reasons set forth herein, the complaint is dismissed without a hearing.

## II

Section 4-61dd provides that any person having knowledge of corruption, unethical practices, violation of laws, mismanagement, gross waste of funds, abuse of authority or danger to the public safety occurring in any state agency, quasi-public agency or large state contract may disclose that information (1) to an employee of the state auditors of public accounts or the attorney general; (2) to an employee of the state or quasi-public agency that employs the person who retaliated or threatened retaliation; (3) to an employee of a state agency pursuant to a mandated reporter statute; or, (4) in the case of a large state contractor, to an employee of the contracting state agency concerning information about a large state contract. A person disclosing such information is often referred to as a “whistleblower.” No state employee, no quasi-public agency employee, no employee of a large state contractor and no appointing authority may retaliate by taking or threatening to take personnel action against a whistleblower who is an employee of the state, a quasi-public agency or a large state contractor for disclosing the information. An employee who believes he or she is being retaliated against for disclosing such information may file a “whistleblower retaliation complaint” with the chief human rights referee no later than thirty days after the employee learns of the retaliatory act or threat. The chief human rights referee will then assign the complaint to a human rights referee.

Thus, the human rights referees have jurisdiction over a complaint if (1) it is filed within thirty days of the alleged retaliatory act; (2) the complaint is filed against a state agency, a quasi-public agency, a large state contractor or an employee thereof; and (3) the person filing the complaint is, or was, an employee of a state agency, a quasi-public agency or a large state contractor. The nine quasi-public agencies are listed in General Statutes § 1-120 and a large state contractor is defined in § 4-61dd (h) as an entity with a contract with a state agency or quasi-public agency having a value of five million dollars or more.

### III

In this case, the human rights referees lack jurisdiction over Anthony's Autobody, Inc., Debiase and Cormier because the complainant filed his complaint more than thirty days after the alleged retaliatory action, his termination. Jurisdiction is also lacking because, according paragraph 6 of the complaint, Anthony's Autobody, Inc. and its employees are not a state agency, a quasi-public agency, a large state contractor or employees thereof. In addition, the human rights referees lack jurisdiction over the department of labor because the complainant was not an employee of the department.

Section 4-61dd-15 (c) of the Regulations of Connecticut State Agencies allows the presiding human rights referee to dismiss a complaint if the complainant fails to establish that the human rights referees have jurisdiction. Because the complaint itself

clearly establishes that the human rights referees do not have jurisdiction, the complaint is dismissed.<sup>1</sup>

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Hon. Jon P. FitzGerald  
Presiding Human Rights Referee

C:  
Mr. Anton Malensek  
Anthony's Autobody, Inc.  
Mr. Randy Debiase  
Ms. Debra Cormier  
Commissioner, Department of Labor

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<sup>1</sup> In his complaint, the complainant indicates that he believes that his age was a factor in his termination. To pursue an age discrimination claim, the complainant should contact the Bridgeport office of the Commission on Human Rights and Opportunities.