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| Jeannette Rodriguez,<br>Complainant   | : Office of Public Hearings<br>: c/o Connecticut Commission on<br>: Human Rights and Opportunities<br>:<br>: |
| v.  | : OPH/WBR No. 2007-065<br>:<br>:   |
| Connecticut Board of Education and<br>Services for the Blind, et al.<br>Respondents | : April 10, 2008   |

Ruling re: the respondents' motion to dismiss

On December 17, 2007, the complainant filed a complaint with the chief human rights referee alleging that the respondents violated General Statutes § 4-61dd by retaliating against her for her disclosure of information protected under § 4-61dd. On December 28, 2007, the respondents filed a motion to dismiss (motion). The complainant filed her objection to the motion on January 31, 2008 (objection).

In their motion, the respondents claimed, in part, that the complaint was not timely filed. Section 4-61dd (b) (3) (A) provides in relevant part: "Not later than thirty days after learning of the specific incident giving rise to a claim that a personnel action has been threatened or has occurred in violation of subdivision (1) of this subsection, a state or quasi-public agency employee, an employee of a large state contractor or the employee's attorney may file a complaint concerning such personnel action with the Chief Human Rights Referee . . . ." In her complaint, the complainant stated that she became aware of the alleged retaliation in June 2007 and, In her objection, that "the delay [in filing her whistleblower retaliation complaint] was due to respondents' own

delays and manner of making the complainant believe that a resolution would be forthcoming if the complainant dropped all grievances and or CHRO charges. The Respondent argues that the complainant did not disclose information to a person of authority or manager prior to charges being filed. The complainant argues that the respondent used their power and authority to intimidate, harass and discriminate against the complainant making it very difficult to file such charges.” Objection, pp. 2 – 3.

Because, in limited circumstances, an employer’s behavior in delaying the filing of a complaint will toll a statute of limitations; *Williams v. Commission on Human Rights & Opportunities*, 67 Conn. App. 316, 329 (2001); the undersigned issued an order on February 6, 2008 giving the complainant until February 20, 2008 to supplement her objection with more information “detailing the specific actions the respondents took to delay her from filing her retaliation complaint with the chief human rights referee.” (Emphasis added.) Ruling re: the respondents’ motion to dismiss, p. 2. Instead of filing a detailed statement, however, the complainant filed approximately 79 pages of e-mails and documents without an explanation of how they were responsive to the order.

A status conference was held on March 28, 2008 with the complainant and counsel for the respondent to discuss the complainant’s response. The complainant was again directed to file and serve “written information and any documentation available to her as to all action taken by the respondent in July 2007 that delayed, hindered, misled, lulled her into inaction or prevented her from filing her whistleblower

retaliation complaint on or before July 31, 2007". Status conference summary and order, p.1.

The complainant filed her response on April 9, 2008 in which she again did not provide any information as to specific action taken by the respondent that would have delayed, hindered, misled, lulled her into inaction or prevented her from filing her whistleblower retaliation complaint within thirty days of the alleged retaliatory action. She claimed in her response that her "complaints were the culmination of a flawed process and not a singular event." However, she provided no specifics as to what occurred in the process during July 2007 that delayed her filing of her whistleblower retaliation complaint. Although she claimed that "the respondent used their power and authority to intimidate, harass, and discriminate against the complainant making it very difficult to file such charges," she again failed to provide any specific information as to the respondents' conduct in July 2007 that was intimidating, harassing or discriminating such as to delay her filing of her whistleblower retaliation complaint.

Therefore, the respondents' motion to dismiss is granted.

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Hon. Jon P. FitzGerald  
Presiding Human Rights Referee

c:  
Ms. Jeannette Rodriguez  
Joseph A. Jordano, Esq./Maria A. Santos, Esq.  
Mr. Brian S. Sigman  
Commissioner Brenda L. Sisco