



State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
OFFICE OF PUBLIC HEARINGS

450 Columbus Blvd, Suite 2, Hartford, CT 06103
Telephone: 860-418-8770; Fax: 860-418-8780
E-mail: officeofpublichearings@ct.gov

Promoting Equality and Justice for all People

April 20, 2023

CHRO ex rel. Pamela Steinbruck v. The Travelers Indemnity Company CHRO Nos. 1510044 & 1510276.

FINAL DECISION

Dear Complainant/Respondent/Commission:

Transmitted herewith is a copy of the Presiding Referee's Final Decision in the above captioned complaint.

The decision is being sent via email to the commission, complainant and respondent.

Very Truly yours,


Kimberly D. Morris
Secretary II

cc.

Pamela Steinbruck
psteinbruck@yahoo.com

Margaret Nurse-Goodison, Human Rights Attorney
margaret.goodison@ct.gov

Leo Ernst Esq.
leo.ernst@jacksonlewis.com

Beverly W. Garafalo, Esq.
Beverly.Garafalo@jacksonlewis.com

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

Commission on Human Rights and
Opportunities, ex rel. Pamela Steinbruck,
Complainant

CHRO Nos. 1510044,
1510276

v.

The Travelers Indemnity Company
Respondent

April 20, 2023

OFFICE OF
PUBLIC HEARINGS -CHRO
DATE 4-20-23
TIME 8:00 AM
RECEIVED BY KDM

FINAL DECISION

Procedural History

Pamela Steinbruck filed an affidavit of illegal discriminatory practice with the commission on human rights and opportunities (commission) on August 8, 2014 (1510044). She alleged that the respondent, The Travelers Indemnity Company (Travelers), her former employer, committed illegal discriminatory employment practices against her. According to Ms. Steinbruck, Travelers violated General Statute § 46a-(60) (b) (1) and (4);¹ as well as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and the Equal Pay Act of 1964 as enforced through General Statutes § 46a-58 (a).

Ms. Steinbruck alleged that she was subjected to unequal terms and conditions of employment, harassed, received unequal pay, retaliated against, received a poor evaluation, placed on a performance improvement plan, and issued a poor mid-year review. She alleged that Travelers committed these acts because of her age, her sex, and in retaliation for her previous opposition to its discriminatory practices. Ms. Steinbruck amended 1510044 on August 15, 2014 and again on April 19, 2016.

Subsequently, Ms. Steinbruck filed a second affidavit of illegal discriminatory practice against Travelers with the commission on December 22, 2014 (1510276).

According to Ms. Steinbruck, Travelers violated General Statute § 46a-(60) (b) (1) and (4), Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 as enforced by § 46a-58 (a). She alleged that Travelers committed two adverse acts: issuing her a final warning on September 15, 2014, and terminating her employment on November 18, 2014. She alleged that Travelers committed these acts because of her age, sex, and in retaliation for her previous opposition to its discriminatory practices.

On September 26, 2016, the commission certified both affidavits of discriminatory practice (collectively referred to as complaint) to the office of public hearings and, on January 20, 2017, Travelers filed its post-certification answers denying the allegations of discrimination.

On January 13, 2022, the undersigned was appointed the presiding human rights referee in this matter.

The public hearing was held on July 19, 2022; July 20, 2022; July 26, 2022; July 27, 2022; August 23, 2022; August 25, 2022; and September 1, 2022. The record closed on February 23, 2023 with the filing of post-hearing briefs.

For the reasons set forth herein, Travelers is found to have retaliated against Ms. Steinbruck in violation of § 46a-60 (b) (4) and Title VII as enforced by § 46a-58 (a). Relief is awarded as set forth herein.

PARTIES

The parties to this action are the commission on human rights and opportunities, 450 Columbus Blvd., Hartford, Connecticut; Pamela Steinbruck who at the time of the filing of the complaint resided in Meriden, Connecticut; and The Travelers Indemnity

Company, c/o Attorney Beverly Garofalo, Jackson Lewis P.C., 90 State House Square, Hartford, Connecticut.

II FINDINGS OF FACT

Based upon a review of the pleadings, exhibits, and transcripts, and an assessment of the credibility of the witnesses, the following facts relevant to this decision are found (FF). References to the transcript are designated by Volume number² and followed by the page number. References to exhibits are designated by C for Ms. Steinbruck, CHRO for the commission, and R for Travelers followed by the exhibit number.

Ms. Steinbruck's job performance 2007-2011

1. Prior to coming to work at Travelers, Ms. Steinbruck had worked for Lincoln Financial Group, Phoenix Life Insurance Company, and Midstate Behavioral Health Center. Vol 2, 14-19; CHRO-1; R-1.
2. Travelers hired Ms. Steinbruck effective July 9, 2007 in the position of manager of statement billing in the personal insurance department. Vol 1, 9-10, 12; CHRO-2.
3. As the manager of statement billings, Ms. Steinbruck's duties included managing and supervising a staff of 13-14 employees, hiring, terminating employees, conducting performance reviews, setting up policies, and working with people in other areas of Travelers such as account managers and auditors. Vol. 1, 12-20.

4. Because there had been no previous audits of the statement billing department, Ms. Steinbruck spent a great deal of time working with the auditors and staff to create a process and procedure. Vol 1, 14-15, 19.
5. Initially, Ms. Steinbruck reported to Lori D'Alessio. In the fall of 2007, Ms. D'Alessio left Travelers and Ms. Steinbruck began reporting to Cindi Mullins, the second vice president of the billing area. Vol 1, 23-24.
6. For the calendar year 2008, Ms. Steinbruck received a performance evaluation from Ms. Mullins, who gave her an overall rating of 2, exceeds expectations. Vol 1, 25; C-18; CHRO-4.
7. For the calendar year 2009, Ms. Steinbruck received a performance evaluation from Ms. Mullins, who gave her an overall rating of 2, exceeds expectations. Vol 1, 29; C-19; CHRO-5.
8. For the calendar year 2010, Ms. Steinbruck received a performance evaluation from Ms. Mullins, who gave her an overall rating of 2, exceeds expectations. Vol 1, 29; C-20; CHRO-6.
9. When Ms. Mullins left in 2011, Ms. Steinbruck's interim supervisor was Linda Schatz. Ann Nemphos, second vice president for billing operations, was hired and became Ms. Steinbruck's supervisor. Vol 1, 24.
10. For the calendar year 2011, Ms. Steinbruck received a performance evaluation from Ms. Nemphos, who gave her an overall rating of 1, outstanding. Vol 1, 29; C-21; CHRO-7. Because Ms. Nemphos arrived late in 2011, Ms. Schatz had

prepared the performance evaluation which Ms. Nemphos then signed off on.
Vol 1, 30-31.

Ms. Steinbruck's promotion

11. Travelers promoted Ms. Steinbruck on or about April 1, 2012 to the position of director of billing operations. Vol. 1, 28, 32-33; CHRO-13.
12. As the director of billing operations, Ms. Steinbruck's job duties included creating job descriptions; hiring and terminating employees; meetings; updating employees on policies; handling employee disability claims; participating and/or initiating long and short-term business strategies; initiating, planning, and executing new or existing projects; assessing current systems and best practices; partnering with other Travelers' business areas. Vol. 1, 39-42; CHRO-3. She managed the rewards and recognition program, the speedpay harness program;³ Vol 1, 40-43; the quality assurance program (developed by Ms. Steinbruck & IT); Vol 1, 51-53; and the business continuity program in the billing area.⁴ Vol 1, 52-54, 59-60; She did budgets, financial statements, and expense reports for billing. Vol 1, 60-61. She liaised with auditors. Vol 1, 46.
13. For the mid-year period of January 1, 2012 to June 30, 2012, Ms. Steinbruck received a performance evaluation by Ms. Nemphos with an overall rating of fully meeting expectations. Vol 1, 77; C-22; CHRO-8.
14. In 2012, Ms. Steinbruck received her six-sigma green belt. C-121; CHRO-11.
To receive the green belt, an employee had to be nominated and had to have

completed a project that saved Travelers' at least \$50,000. Vol 1, 37. Receipt of the six-sigma green belt demonstrates that Ms. Steinbruck was focused on improving her human capital; building her skill sets, analytical process, and problem-solving abilities; and growing and furthering her academic and professional capabilities. Vol 7, 116.

15. For the calendar year 2012, Ms. Steinbruck received a performance evaluation from Ms. Nemphos with an overall rating of meeting expectations. Vol 1, 36; C-23; R-3.
16. For the calendar year 2012, as between Ms. Steinbruck, Mr. Birittieri and Mr. Ignaffo, Ms. Steinbruck received the highest salary increase. Ms. Steinbruck and Ms. Ignaffo received the same bonus, which was greater than that of Mr. Birittieri. Vol 3, 149-50
17. For the mid-year period of January 1, 2013 to June 30, 2013, Ms. Steinbruck received a performance evaluation by Ms. Nemphos with an overall rating of fully meeting expectations. C-24; CHRO-16; R-4.
18. In the 2013 mid-year review, Ms. Nemphos commented that Ms. Steinbruck continued to drive the department objectives in the areas of quality assurance program, business continuity, next generation desktop, document management/records retention, and resources management. In her overall comments and rating, Ms. Nemphos wrote that Ms. Steinbruck had "taken the opportunities to partner with external areas to focus on her collaboration, leadership and effective management skills outside our department. She has

successful [sic] shown positive outcomes in this area I also wanted to recognized Pam's achievements on NGD. This initiative was very complex and time demanding for her and the department. Pam was able to keep the team focused on key areas of risk and lead the team through required decisions with technology areas which contributed to our successful deployment with minimal impact to production or customer services. Nice Job Pam!" C-24; CHRO-16; R-4.

19. The 2013 midyear review did not identify any specific criticisms from any specific people. C-24; CHRO-16; R-4.
20. On January 31, 2014, Ms. Nemphos left Travelers. Ms. Steinbruck began reporting to Ms. Deehan on February 1, 2014. Vol 1, 81; Vol 6, 149-150.
21. In the calendar year 2013, Ms. Deehan met only once with Ms. Steinbruck, in October 2013. Vol 6, 164-165.
22. Notwithstanding that they one met once in 2013, Ms. Deehan did Ms. Steinbruck's performance evaluation for the calendar year 2013. Ms. Deehan issued the evaluation on February 10, 2014. She gave Ms. Steinbruck an overall performance rating of meets expectations. C-25; CHRO-17; R-5.
23. In the 2013 annual performance evaluation, Ms. Deehan rated Ms. Steinbruck as exceeding expectations in financial excellence and operational efficiency. This category measured Ms. Steinbruck's ability to drive business strategy through leadership and a productive culture to ensure financial excellence is achieved. C-25; CHRO-17; R-5.

24. In the 2013 annual performance evaluation, Ms. Deehan rated Ms. Steinbruck as meeting expectations in customer experience. This category measured Ms. Steinbruck's ability to lead a culture where operation activities are focused on a positive customer experience and are balanced with operational efficiencies. C-25; CHRO-17; R-5.
25. In the 2013 annual performance evaluation, Ms. Deehan rated Ms. Steinbruck as meeting expectations in the area of talent management. This category measured Ms. Steinbruck's ability to manage a productive and quality work environment that achieves organizational goals and fosters a collaborative/team environment. C-25; CHRO-17; R-5.
26. In the 2013 annual performance evaluation, Ms. Deehan rated Ms. Steinbruck as meeting expectations in valuing and developing talent. This category measured Ms. Steinbruck's ability to champion effective performance and talent management with an emphasis on acquiring, retaining, and developing employees. C-25; CHRO-17; R-5.
27. In the 2013 annual performance evaluation, Ms. Deehan rated Ms. Steinbruck as meeting expectations in embracing change, leading transitions, and modeling the way for employees and peer groups. C-25; CHRO-17; R-5.
28. In the specific areas of forging synergy and building & mending relationships, Ms. Deehan gave Ms. Steinbruck a rating of "4", partially meets expectations. C-25; CHRO-17; R-5. According to Ms. Deehan, the lower score was the result of issues brought to her attention regarding Ms. Steinbruck's interactions with

Mr. Ignaffo, Ms. Dufresne, and one or two other unidentified co-workers. Vol 6, 185-186. These individuals are not identified in the performance evaluation; C-25; CHRO-17; R-5; nor did Ms. Deehan ever meet with or inform Ms. Steinbruck when these issues arose. Vol 6, 186.

29. Ms. Steinbruck asked Ms. Deehan for specific examples of performance deficiencies but Ms. Deehan did not provide any. Vol 2, 62-63.

Ms. Steinbruck's criticisms about Mr. Birittieri and Ms. Nemphos

30. In February 2013, Ms. Steinbruck reported to Ms. Nemphos that Mr. Birittieri was sexually harassing her. Ms. Nemphos laughed but reported the matter to human resources. Human resources investigated and terminated Mr. Birittieri's employment on April 11, 2013. Vol. 1, 67- 69, 72, 75; C-43; CHRO-48 to CHRO 52.

31. October 24, 2013, Ms. Steinbruck complained to Teri Deehan about harassment and age-ist comments being made by Ms. Nemphos. Ms. Deehan forwarded her criticism to Tracy Grello, human resources. Ms. Grello had a joint meeting with herself, Ms. Steinbruck, and Ms. Nemphos on November 13, 2013. Ms. Grello said there would be a second meeting in December. That meeting was cancelled and was never held. Ms. Nemphos left Travelers on January 31, 2014. Although Travelers policies state that when a prohibited discriminatory act is reported, it will be investigated, Ms. Grello did not investigate. Vol 1, 90-98; Vol 3, 97-99, 100-101; C-13, C-47.

Criticisms about Ms. Steinbruck

32. In July 2013, Raquel Gomez complained about Ms. Steinbruck and Ms. Brancato to Tracy Grello, human resource manager in the human resources department. Ms. Grello investigated the criticism. She concluded that there was nothing inappropriate regarding the quality program or the managers. Vol 3, 44; C-58, CHRO-72; R-22. Ms. Gomez stated that she had since spoken with Ms. Steinbruck and that the relationship seemed better now. C-58; CHRO-72; R-22. There is no mention of Ms. Gomez's criticism in Ms. Steinbruck's 2013 annual performance evaluation. C-25; CHRO-17.
33. In December 2013, Jamie Dufresne complained to Ms. Nemphos about Ms. Steinbruck's behavior in questioning staff who reported to Ms. Dufresne. Ms. Dufresne felt that Ms. Steinbruck should have come to Ms. Dufresne directly. R-14. However, Ms. Dufresne's criticisms were not mentioned in Ms. Steinbruck's 2013 annual performance evaluation; CHRO-25; nor did Ms. Nemphos ever tell Ms. Steinbruck about the criticisms. Vol 2, 159-160, In addition, Ms. Dufresne would later make complimentary remarks about Ms. Steinbruck in her 360 feedback survey (360-survey). CHRO-88.
34. Prior to Ms. Steinbruck's criticisms about Mr. Birittieri, there had been no criticisms about her job performance. Vol 4, 51-53.
35. In March 2014, Amy McKevitt complained about Ms. Steinbruck and Flavia Brancato. Ms. Grello did an investigation. She interviewed Ms. McKevitt, Ms. Steinbruck, Ms. Brancato, and Mr. Cianci. R-16, R-18, R-19, R-20.

36. As the result of the findings into a criticism made by Amy McKevitt about Ms. Steinbruck and Ms. Brancato on or about June 23, 2014, Ms. Grello and Ms. Deehan placed Ms. Steinbruck on a performance feedback summary (PFS). C-54; CHRO-61, CHRO-64; R-9, R-23, R-24.⁵

Performance Feedback Summary (PFS)

37. According to the PFS, there had been numerous criticisms made by people about Ms. Steinbruck's management style. The complainers were not identified. R-9; R-23, R-24. Ms. Deehan did not provide Ms. Steinbruck with any specific examples of the vaguely worded criticisms. Vol 1, 100-106
38. The PFS referenced discussions that Ms. Deehan had with Ms. Steinbruck during their 2013 performance review meeting. However, during that meeting Ms. Deehan had not provided specifics or examples of the negative comments contained in the performance evaluation. Vol 1, 85; Vol 2, 65-66; Vol 6, 186.
39. On June 23, 2014, Ms. Deehan presented Ms. Steinbruck with the PFS and told her that she would now be reporting to Ken Kupec. Vol 1, 100; Vol 6, 149-150. Mr. Kupec was vice president of strategic billing and documents management. Vol 7, 7.
40. The PFS identified two specific areas in which Ms. Steinbruck needed to show improvement: effectively managing people and improving management style/approach. The PFS had a duration of sixty days, ending on August 23, 2014, during which Ms. Steinbruck needed to show improvement. CHRO-22, CHRO-64; R-9, R-31.

41. The PFS identified three means for measuring Ms. Steinbruck's successful completion: her ability to manage her staff in an effective way; whether she acted as a leader in the organization and used appropriate professionalism; and her participation in a pre-identified 360-survey. CHRO-22, CHRO-64; R-9.
42. Although the PFS would use whether Ms. Steinbruck's acted as a leader in the organization as a measure of her success; CHRO 64; Ms. Steinbruck would be excluded as the contact person for various events that she had previously participated in such as feedback on the quality assurance program; C-37; the company picnic; C-38; the employee giving campaign; C-40; and the customer service week campaign; C-41. Although reduction in printing was an important corporate initiative, Mr. Kupec excluded Ms. Steinbruck from a meeting with Mr. Johnson, who oversaw the initiative, about the discontinuance of printing reports; Vol 5, 29-30; C-42; CHRO 163; R-52. Despite his frequent criticism of how Ms. Steinbruck was handling the audit, Mr. Kupec excluded her from a conversation with the auditors. C-102.

360-survey

43. A 360-survey is a tool by which one gains information about one's work and interactions with co-workers. The employee seeking the feedback chooses twelve to fifteen co-workers and sends them an electronic survey to be completed anonymously. The recipients score the requester on a scale of 1 to 5 and IT then compiles the answers and scores and presents them to the requester. Vol 1, 119-120, 125-127.

44. Although the PFS required Ms. Steinbruck to participate in a pre-identified 360-survey, a pre-identified, preexisting 360-survey did not exist for this situation and had to be created. CHRO-67 to CHRO-70, CHRO-76 to CHRO-81, CHRO-83 to CHRO-85. Ms. Grello helped create the content of the 360-survey even though she had no prior experience with 360-surveys. Vol 3, 82-83; CHRO-78
45. In Ms. Steinbruck's case, she did not send out the 360-survey. Ms. Marchetti on behalf of Ms. Deehan sent the 360-survey to people Ms. Marchetti and Ms. Grello had selected. Vol 1, 125-126; CHRO 92 to CHRO 98.
46. On June 24, 2014, Ms. Steinbruck asked Ms. Grello about the status of the 360-survey. Ms. Grello responded and copied Ms. Marchetti on the response. Ms. Marchetti responded to Ms. Grello that she did not understand why Ms. Steinbruck was making the inquiry and was not sure that it was a good approach. CHRO-68. Ms. Marchetti, though, had signed off on an earlier draft of the PFS that included the requirement that Ms. Steinbruck participate in the 360-survey. Vol 1, 121; CHRO-24, CHRO 25, CHRO-26, CHRO 63.
47. Ms. Steinbruck was asked for her suggestions as to whom the 360-survey should be sent. She was then criticized for her suggestions even though six of the six people to whom the 360-survey were sent were on her list. CHRO-86, CHRO-87, CHRO-90, CHRO-91. In any event, Ms. Deehan had already selected the names; CHRO-86; before Ms. Steinbruck had even submitted her suggestions; CHRO 91.

48. The 360-survey was sent to six of Ms. Steinbruck's coworkers. Mr. Ignaffo and Ms. Lopes were her peers, Mr. Lagassie and Ms. Adamakis reported or had reported directly to Ms. Steinbruck, and Ms. Dufresne and Ms. Francis were team member managers who reported to her peers. Vol 1, 135-136; CHRO-86, CHRO-87.
49. Mr. Ignaffo, Ms. Dufresne, and Ms. Francis were people who Travelers knew had already complained about Ms. Steinbruck. CHRO-49, p. 6, CHRO-86; R-12, R-13, R-14.
50. Three of the 360-survey responses were positive and complimentary, one gave Ms. Steinbruck an overall average, and two gave her an overall rating of poor. R-12. The two negative reviews came from a director-peer, Mr. Ignaffo, and a manager, Ms. Francis, who reported to Mr. Ignaffo. The average rating came from Ms. Dufresne. Ms. Lopes, Mr. Lagassie, and Ms. Adamakis gave Ms. Steinbruck positive ratings. CHRO 88, CHRO-93 to CHRO-98; R-12.
51. Following the expiration of the 360-survey, Ms. Deehan and Ms. Marchetti met with Ms. Steinbruck to discuss the results of the 360-survey. They provided her with a summary of the responses. The summary did not identify who had participated or made the comments and did not give the numeric score ratings. C-65; CHRO-105; R-11.
52. As part of the 360-survey, Ms. Marchetti also contacted Ms. Kiszka, personal injury billings operation manager for enterprise operations services. Ms. Kiszka responded that she was not able to comment on anything work related as she

had had minimal contact with Ms. Steinbruck. She noted, though, that Ms. Steinbruck "has always been pleasant to interact with on any minor interactions i.e. Business Continuity." CHRO-92; R-12.

Ms. Steinbruck and Mr. Kupec

53. Ms. Deehan had decided to do Ms. Steinbruck's January 1, 2014 to June 30, 2014 mid-year performance evaluation. CHRO-71. Nonetheless, after supervising Ms. Steinbruck for approximately one week, Mr. Kupec did the mid-year performance evaluation. He issued the evaluation on July 24, 2014 and gave Ms. Steinbruck an overall performance rating of not fully meeting expectations. C-27; CHRO-21; R-6.
54. During a staff meeting, when Ms. Steinbruck and Ms. Thompson were unable to answer a question, Mr. Kupec responded that: "When you don't know the answer, it's like you're sitting around with your fingers up your hoo-ha because people expect an answer." Vol 1, 202-203. "Hoo-ha" is a derogatory reference to a woman's sexual body part.⁶
55. Ms. Steinbruck complained to Ms. Marchetti that Mr. Kupec would yell at her, berate her, stand over her with spittle coming from his mouth and that she feared for her personal safety. Ms. Marchetti laughed. Vol 1, 142. Despite its written policy to investigate allegations of harassment; C-14; Travelers did not investigate Ms. Steinbruck's grievances about Mr. Kupec; Vol 1, 143-144; Vol 4, 129-130. Rather, Travelers' view Ms. Steinbruck's "performance was being managed aggressively by" Mr. Kupec. Vol 4, 130.

56. Mr. Kupec and Ms. Steinbruck met to discuss Mr. Kupec's mid-year evaluation of her. He supplied no substance or examples supporting his negative criticism of her. Vol 1, 113-117. Although Ms. Steinbruck had sent Mr. Kupec her mid-year self-assessment of her accomplishments, he did not include in his evaluation any of the positive work she had done. Vol 1, 117-118; CHRO-21, CHRO-23.
57. On July 21, 2014, Mr. Kupec notified Ms. Marchetti that he expected Ms. Steinbruck did not realize that she would not be able to complete the performance evaluations she needed to do within the allotted time. CHRO-100. Mr. Kupec and Ms. Marchetti did not send Ms. Steinbruck a reminder; however, Mr. Kupec did send a reminder to Kevin Lagassie. C-103, p. 6. Ms. Steinbruck did timely complete her reviews. Vol 5, 165.
58. On July 22, 2014, Ms. Steinbruck provided Ms. Deehan with information Ms. Deehan had requested. She copied Mr. Kupec on the email. Ms. Deehan responded that the information Ms. Steinbruck sent was exactly what she had been looking for. C-88. Mr. Kupec promptly replied to Ms. Deehan and claimed credit for the information provided. R-29.
59. On July 27, 2014, Ms. Steinbruck notified Mr. Kupec that she needed a new company issued Blackberry device because hers was no longer functioning. She identified the business need for which she needed it. Ms. Steinbruck told Mr. Kupec that one of the reasons she needed a Blackberry was for evening access to the speedpay harness program. C-71. Mr. Kupec responded that he

would investigate the matter. He did not approve her request until September. Other employees had working Blackberrys. Vol 6, 9; C-71 to C-74; CHRO-34, CHRO-115 to CHRO-117.

60. In an email to Ms. Steinbruck on August 20, 2014, Mr. Kupec criticized her for not complying with a directive he had previously given her to let him review documents before giving them to the auditors. R-35. However, in a detailed email summarizing his August 19, 2014 meeting with her, he did not mention that he had told her he wanted to preview the documents. CHRO-124 to CHRO-127. He did not say when he purportedly gave her this directive. CHRO-130.
61. Mr. Kupec never gave Ms. Steinbruck the directive that he wanted to preview the documents before they were sent to the auditors. CHRO-29, CHRO-130.
62. On August 20 and 21, 2014, Mr. Kupec asked Ms. Steinbruck whether she was comfortable with the QA process or felt it needed changes. He first complained when she stated she was fine with the process; R-36; and then criticized the suggestions she did have; R-41, R-43, R-51.
63. On August 26, 2014, Mr. Kupec gave Ms. Steinbruck instructions about following up with an auditor's request. He then responded sarcastically when she informed him that she had already done what he had suggested before he had made the suggestion. R-37. This is another example of his criticism of Ms. Steinbruck when she did not take initiative and criticism of her when she did.
64. Following a meeting Ms. Steinbruck had with Ms. Marchetti on September 8, 2014, Ms. Steinbruck notified Mr. Kupec that she was not feeling well and would

be going home. Mr. Kupec sarcastically asked Ms. Marchetti whether she had made Ms. Steinbruck sick. CHRO-140.

65. On September 15, 2014, Mr. Kupec and Ms. Marchetti gave Ms. Steinbruck a final notice and improvement plan. CHRO-33; R-10. Mr. Kupec identified two specific areas requiring improvement: deficiencies in her management of people and in her management style. R-10.
66. The information Mr. Kupec provided in the final notice and improvement plan; CHRO-33; R-10; is inaccurate. For example, Mr. Kupec criticized Ms. Steinbruck's processing of information about two people out on disability. He confused the reasons two employees, Ms. Ray and Ms. Luz, who were out of work and incorrectly blamed Ms. Steinbruck for mishandling their paperwork. He incorrectly blamed her for not following a directive regarding the auditors. Mr. Kupec had not given her such a directive. Vol 1, 156-180. Vol 1, 205-218; C-79 through C-79, C-81 through C-84; CHRO-33.
67. On September 18, 2014, Ms. Steinbruck, to prevent needed documents from being removed from the desk of a co-worker who had left the unit, advised Ms. Dufresne to remove the documents before the desk was cleaned out. In yet another sarcastic remark, Mr. Kupec told Ms. Marchetti that Ms. Steinbruck was rummaging through the desk. Vol 5, 143-144; CHRO-147.
68. In October 2014, Mr. Kupec, without consulting Ms. Steinbruck, altered the goals of Kevin Lagassie, who reported to Ms. Steinbruck. R-52. However, Ms. Steinbruck had been criticized in March 2014 by Ms. Grello and Ms. Marchetti

for suggesting that Ms. Grello prepare the goals for staff members who did not directly report to Ms. Grello. Vol 3, 38; C-35; CHRO-60.

69. When Ms. Steinbruck complained to Mr. Kupec about his unilateral change of Mr. Lagassie's goals, he asked Ms. Marchetti if he could tell Ms. Steinbruck to "mind your own business". C-42. As Mr. Lagassie still reported to Ms. Steinbruck, his performance goals were her business.

70. On November 6, 2014, Mr. Kupec forwarded an email to Ms. Marchetti in which he and Mr. Monahan are griping about Ms. Steinbruck scheduling a meeting with people in Knoxville. According to Mr. Kupec and Mr. Monahan, Ms. Steinbruck should not have scheduled the meeting, Mr. Monahan was not but should have been invited, and Mr. Sullivan was called into the meeting, unprepared, at the last minute. C-32.

71. In fact, however, Ms. Steinbruck had the Knoxville meeting because Mr. Kupec told her to have it. C-29, p. TRV 77. The meeting had been scheduled by Ms. Brancato. She had included Mr. Sullivan on the invite notice. C-124. Ms. Brancato had reached out to Mr. Monahan prior to the meeting to invite him, but Mr. Monahan had declined, and he suggested Mr. Sullivan instead. C-125. Mr. Kupec repeated his false version of events as well as misrepresenting Ms. Steinbruck's reaction in his 2014 performance appraisal of her. Vol 5, 15-25; C-29.

72. On November 7, 2014, Ms. Steinbruck asked Mr. Kupec if he could give her the name of an administrative assistant whom she could consult about her

Outlook calendar. Twelve minutes after receiving her email, Mr. Kupec complains to Ms. Marchetti that Ms. Steinbruck should have figured it out herself. C-106. Ms. Steinbruck did figure it out herself. C-68, p. 13.

Termination

- 73. Mr. Kupec decided to terminate Ms. Steinbruck's employment.
- 74. On November 18, 2014, Mr. Kupec and Ms. Marchetti met with Ms. Steinbruck and notified her that she was terminated effective immediately. Vol 1, 155.
- 75. Mr. Kupec learned that Ms. Steinbruck had filed a discrimination complaint with the commission prior to her termination. Vol 5, 14.
- 76. Although Ms. Steinbruck had been terminated on November 18, 2014, in January 2015 Mr. Kupec issued Ms. Steinbruck's performance evaluation for the calendar year 2014. He gave her an overall rating of not meeting expectations. R-7.

Post-termination

- 77. As a result of the actions taken by Travelers, Ms. Steinbruck felt hurt. She had loved her job and her termination took away her finances and self-worth. Vol 1, 181. Mr. Kupec's unrelenting criticisms made her feel horrible. Vol 1, 182.
- 78. Following her termination from Travelers, Ms. Steinbruck received \$13,988 in unemployment compensation from the State of Connecticut. Vol 1, 186, 188; CHRO 47; Commission's post-hearing brief.

79. Ms. Steinbruck worked for Amazon in 2015 and 2016. She left because of an injury and subsequent surgery. She earned \$3284.01 in 2015 and \$11,622.20 in 2016. Vol 2, 146; CHRO 45, CHRO 46.

80. Since her termination from Travelers, Ms. Steinbruck documented 18 jobs that she applied for between 2014 to 2017. CHRO 44, CHRO 45; R 62, R-63. When she told prospective employers that she had been terminated for poor performance, even though she disagreed that she had performed poorly, the interview concluded. Vol 1, 191.

III CAUSATION

Our appellate court in *Wallace v Caring Solutions, LLC*, 213 Conn. App. 605, 278 A.3d 586 (2022) recently discussed that the causation test for discrimination cases under Connecticut law is the motivating factor test; that is, a complainant must prove only that illegal discrimination was a cause in a respondent's adverse action.

"When it comes to Title VII, the adoption of the traditional but-for causation standard means a defendant cannot avoid liability just by citing some *other* factor that contributed to its challenged employment decision. So long as the plaintiff 's sex was one but-for cause of that decision, that is enough to trigger the law." (Emphasis in original.) *Bostock v Clayton County*, 140 S.Ct 1731, 1739, 207 L.Ed. 2d 218 (2020). While *Bostock* specifically addressed sex discrimination, the statute imposes liability on employers when they fail or refuse to hire, discharge, or otherwise discriminate against anyone because of a statutorily protected characteristic. *Id.*, 1740.

IV

SEX AND AGE DISCRIMINATION

A STATUTES

In her complaint, Ms. Steinbruck alleged that Travelers violated § 46a-60 (b) (1), Title VII as enforced through General Statutes § 46a-58 (a), and the Age Discrimination in Employment Act when placed her on a PFS, issued her a poor mid-year review, issued her a final warning, and then terminated her employment on the basis of her sex and age.

1

General Statute § 46a-60 provides that:

(b) It shall be a discriminatory practice in violation of this section:

(1) For an employer, by the employer or the employer's agent, except in the case of a bona fide occupational qualification or need, to refuse to hire or employ or to bar or to discharge from employment any individual or to discriminate against any individual in compensation or in terms, conditions or privileges of employment because of the individual's race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness or status as a veteran

2

Section 46a-58 (a) provides that: "It shall be a discriminatory practice in violation of this section for any person to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability, physical disability or status as a veteran or status as a victim of domestic violence."

Title VII, 42 U.S.C. § 2000e-2 provides in relevant part that:

It shall be an unlawful employment practice for an employer-

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

The ADEA, 29 U.S.C. § 623 (a) provides in relevant part that:

(a) It shall be unlawful for an employer—

(1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age; or

(3) to reduce the wage rate of any employee in order to comply with this chapter.

B STANDARD

“The legal standards governing discrimination claims involving adverse employment actions are well established. The framework this court employs in assessing disparate treatment discrimination claims under Connecticut law was adapted from the United States Supreme Court's decision in *McDonnell Douglas Corp. v. Green*, 411 U.S.

792, 802, 93 S.Ct. 1817, 36 L.Ed.2d 668 (1973), and its progeny. *Lyon v. Jones*, 291 Conn. 384, 406–407, 968 A.2d 416 (2009). We look to federal law for guidance on interpreting state employment discrimination law, and the analysis is the same under both. *State v. Commission on Human Rights & Opportunities*, 211 Conn. 464, 469–70, 559 A.2d 1120 (1989). *Craine v. Trinity College*, 259 Conn. 625, 637 n. 6, 791 A.2d 518 (2002). Under this analysis, the employee must first make a prima facie case of discrimination. *Id.*, at 637, 791 A.2d 518. In order for the employee to first make a prima facie case of discrimination, the plaintiff must show: (1) the plaintiff is a member of a protected class; (2) the plaintiff was qualified for the position; (3) the plaintiff suffered an adverse employment action; and (4) the adverse employment action occurred under circumstances that give rise to an inference of discrimination.... The employer may then rebut the prima facie case by stating a legitimate, nondiscriminatory justification for the employment decision in question.... This burden is one of production, not persuasion; it can involve no credibility assessment.... The employee then must demonstrate that the reason proffered by the employer is merely a pretext and that the decision actually was motivated by illegal discriminatory bias.” (Citations omitted; internal quotation marks omitted.) *Feliciano v. Autozone*, 316 Conn. 65, 73–74, 111 A.3d 453 (2015); *Chima v KX Technologies, LLC.*, Docket No. 3:21-CV-00801 (JHC), 2022 WL 13682064, *5–6 (D. Conn. October 21, 2022).

“To prove pretext, the plaintiff may show by a preponderance of the evidence that [the defendant’s] reason is not worthy of belief or that more likely than not it is not a true reason or the only true reason for [the defendant’s] decision to [terminate the plaintiff’s

employment] A plaintiff may show pretext by demonstrating such weaknesses, implausibilities, inconsistencies, incoherences, or contradictions in the employer's proffered legitimate reasons for its action that a reasonable [fact finder] could rationally find them unworthy of credence and hence infer that the employer did not act for the asserted non-discriminatory reasons." (Internal citations omitted; internal quotation marks omitted.) *Stubbs v icare Management, LLC*, 198 Conn. App. 511, 522-523, 233 A.3d 1170 (2020).

C ANALYSIS

In the present case, the commission and Ms. Steinbruck have not established a prima facie case of sex and age discrimination. They did establish three of the four prima facie elements. Ms. Steinbruck is a member of one or more protected classes based on her sex (female) and her age (over forty at the time of the commencement of this case). She was qualified for the position of director of billings operations as is evident by her years of favorable personnel evaluations, having been promoted to the position, and having served in the position for over two years prior to the termination. She incurred the adverse employment actions of being placed on a PFS, placed on a final notice and improvement, and then terminated. However, they did not offer evidence, even the de minimis evidence required to establish a prima facie case, that the adverse actions taken against Ms. Steinbruck occurred under circumstances that give rise to an inference of sex and/or age discrimination.

Presuming that they did establish a prima facie case, Travelers articulated legitimate business reasons for the adverse actions it took. According to Travelers, Ms.

Steinbruck continued to have issues with collaboration, communication, and effective people management. She was unwilling to accept and was resistant to coaching and feedback. She was unwilling to consider new ideas. She had a poor management style and approach. Despite five months of coaching and improvement opportunities, she had failed to show improvement. Vol. 6, 117-118; CHRO 33.

Once Travelers articulates a legitimate business reason for its actions, the commission and Ms. Steinbruck must show that in fact Travelers' actions were motivated by illegal sex and/or age discriminatory bias. This they did not do. Ms. Steinbruck was over 40 years when she was hired. Travelers even promoted her, knowing her sex and age. Except for Mr. Kupec, Ms. Steinbruck's supervisors were all female. Although Mr. Kupec made the decision to terminate her employment, the initial decision to place her on a PFS was made by women. Although Ms. Nemphos allegedly made age-ist comments, she had left Travelers several months before Ms. Steinbruck was placed on the PFS. The commission and Ms. Steinbruck did not establish by a preponderance of the evidence that Ms. Steinbruck's sex or age were factors in the adverse actions taken by Travelers. The claims that Travelers discriminated against Ms. Steinbruck based on her sex and age in violation of § 46a-60 (a) (1) and Title VII are dismissed.

Because "age" is not one of the enumerated protected classifications under § 46a-58 (a), the claim of a violation of the Age Discrimination in Employment Act is dismissed.

V
EQUAL PAY ACT
as enforced through General Statute § 46a-58 (a)

A
STATUTES

In her complaint, Ms. Steinbruck alleged that Travelers violated The Equal Pay Act as enforced by § 46a-58 (a).

Section 46a-58 (a) provides that: "It shall be a discriminatory practice in violation of this section for any person to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability, physical disability or status as a veteran or status as a victim of domestic violence."

The Equal Pay Act, 29 U.S.C. § 206 (d) provides in relevant part that:

- (1) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: Provided, That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee. . . .

B STANDARD

The Equal Pay Act prevents employers from discriminating among employees on the basis of sex by paying disparate wages for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions. . . . The Equal Pay Act is a strict liability statute, and so a plaintiff need not show an employer's discriminatory intent. . . .

To prove a violation under the Equal Pay Act, a plaintiff must first establish a prima facie case of pay discrimination by showing: (1) the employer pays different wages to employees of the opposite sex; (2) the employees perform equal work on jobs requiring equal skill, effort, and responsibility; and (3) the jobs are performed under similar working conditions. . . . [A] prima facie showing gives rise to a presumption of discrimination. . . . A plaintiff need not demonstrate that her job is identical to a higher paid position, but only must show that the two positions are substantially equal in skill, effort, and responsibility. . . . Whether different positions are substantially equivalent for the purposes of the Equal Pay Act is usually a question of fact to be resolved by a jury. . . . However, two positions may be so different such that no reasonable juror could conclude that they are substantially equal. . . .

Once a plaintiff makes a prima facie case, the burden shifts to the employer to justify the wage differential by showing that the disparity results from one of four sources: (1) a seniority system; (2) a merit system; (3) a system which measures earnings by quantity or quality of production; or (4) a differential based on "any other factor other than sex. . . . The burden of establishing one of the four affirmative defenses is 'a heavy one. . . . A job classification system that is gender-neutral on its face may qualify under the factor-other-than-sex defense only when it is based on legitimate business-related considerations. . . . Therefore, the employer bears the burden of proving that a bona fide business-related reason exists for using the gender-neutral factor that results in a wage differential in order to establish the factor-other-than-sex defense. . . .

Once an employer establishes one of the four affirmative defenses, the burden shifts back to the plaintiff to show that the stated reason was, in fact, a pretext for sex discrimination. . . . The appropriate inquiry to determine if the factor put forward is a pretext, is whether the employer has use[d] the factor reasonably in light of the employer's stated purpose as well as its other practices. . . . [A] reason cannot be proved to be a pretext *for discrimination* unless it is shown *both* that the reason was false, *and* that

discrimination was the real reason. . . . In general, evidence that a stated reason for a pay differential is actually a pretext creates a triable issue of fact. . . . However, a court may reject a plaintiff's assertion as a matter of law if they offer "nothing more than speculation" that a stated reason was merely a pretext for discrimination.

(Emphasis in original; internal citations omitted; internal quotation marks omitted.)

Eisenhauer v Culinary Institute of America, Docket No. 19 Civ. 10933 (PED), 2021 WL 5112625, *3-4 (S.D.N.Y. November 3, 2021).

C ANALYSIS

In the present case, the commission and the complainant failed to establish a prima case. There is insufficient credible evidence to establish an inference that Travelers paid different wages to its male directors who were performing work equal on jobs requiring equal skill, effort, and responsibility and under similar working conditions than it paid to Ms. Steinbruck.

VI RETALIATION

A STATUTES

Ms. Steinbruck alleged that Travelers retaliated against her for her previous opposition to its alleged discriminatory practices in violation of General Statute § 46a-60 (b) (4) and Title VII as enforced through § 46a-58 (a).

1

Section 46a-60 (b) (4) provides that it is a discriminatory employment practice "[f]or any person, employer, labor organization or employment agency to discharge, expel or

otherwise discriminate against any person because such person has opposed any discriminatory employment practice or because such person has filed a complaint or testified or assisted in any proceeding under section 46a-82, 46a-83 or 46a-84 . . .”

2

Section 46a-58 (a) provides that: “It shall be a discriminatory practice in violation of this section for any person to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability, physical disability or status as a veteran or status as a victim of domestic violence.”

The anti-retaliatory provisions of Title VII are found in 42 U.S.C. § 2000e-3 (a) which provides in relevant part that:

It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

B
Standard

Federal and state law retaliation claims are reviewed under the burden-shifting approach of *McDonnell Douglas [Corp.]* . . . The plaintiff must first establish a prima facie case of retaliation. To establish a prima facie case

of retaliation, an employee must show (1) the employee was engaged in protected activity; (2) the employer was aware of that activity; (3) the employee suffered an adverse employment action; and (4) there was a causal connection between the protected activity and the adverse employment action. . . .

Once a prima facie case of retaliation is established, the burden of production shifts to the employer to demonstrate that a legitimate, [nondiscriminatory] reason existed for its action. ... If the employer demonstrates a legitimate, nondiscriminatory reason, then [t]he burden shifts ... back to the plaintiff to establish, through either direct or circumstantial evidence, that the employer's action was, in fact, motivated by discriminatory retaliation.

(Internal citations omitted; internal quotation marks omitted.) *Luth v. OEM Controls, Inc.*, 203 Conn. App. 673, 690, 252 A.3d 406 (2021); *Chima v KX Technologies, LLC.*, supra, 2022 WL 13682064, *12.

“To prove pretext, the plaintiff may show by a preponderance of the evidence that [the defendant's] reason is not worthy of belief or that more likely than not it is not a true reason or the only true reason for [the defendant's] decision to [terminate the plaintiff's employment] A plaintiff may show pretext by demonstrating such weaknesses, implausibilities, inconsistencies, incoherences, or contradictions in the employer's proffered legitimate reasons for its action that a reasonable [fact finder] could rationally find them unworthy of credence and hence infer that the employer did not act for the asserted non-discriminatory reasons.” (Internal citations omitted; internal quotation marks omitted.) *Stubbs v icare Management, LLC*, 198 Conn. App. 511, 522-523, 233 A.3d 1170 (2020).

C ANALYSIS

1

In the present case, the commission and Ms. Steinbruck established a prima facie case that she was terminating for illegal retaliatory reasons. She is a member of one or more protected classes in that she is a female and she had engaged in the protected activities of filing grievances of sexual harassment and age-ist comments internally with Travelers as well as filing the present complaint with the commission. She was qualified for the position of director of billing operations as is evident by her favorable performance appraisals, having served in the position for nearly two years, and by the 360-survey summaries she received. She suffered adverse employment actions when she was placed on a PFS, received a final notice and improvement plan, and terminated. An inference of discrimination arises because the adverse actions occurred after her internal grievances and her complaint to the commission.

Travelers articulated legitimate non-discriminatory business reasons for terminating Ms. Steinbruck's employment:

- a. The June 2014 PFS identified two specific areas of improvement: ineffective management and management style and approach. CHRO-22; R-9.
- b. The September 2014 final notice and improvement plan identified two specific areas requiring improvement: ineffective people management and her management style and approach. C-76; CHRO-33; R-10.
- c. Mr. Kupec made the decision in November 2014 to terminate Ms. Steinbruck's employment because despite the opportunities, coaching, and feedback

provided to Ms. Steinbruck there had been no improvement in the deficiencies identified in the PFS. More specifically, collaboration, communication, management, inability, and resistance to coaching and feedback, and unwillingness to consider new ideas continued to be job performance issues. Vol 5, 192; Vol 6, 117-118.

A burden of persuasion now shifts to the commission and Ms. Steinbruck. They must demonstrate by a preponderance of persuasive evidence that Traveler's articulated business reasons for terminating Ms. Steinbruck's employment are not worthy of belief or that more likely than not were not the true reasons for its decision, and that (a) illegal retaliatory discriminatory was a cause of her termination (§ 46a-60 (b) (4) retaliation claim) and/or (b) that the decision to terminate her employment was more likely than not based in whole or in part on retaliatory discrimination (Title VII retaliation claim).

As a result of the actions and inactions taken by Travelers, the commission and Ms. Steinbruck established by a preponderance of credible evidence that (1) the articulated business reasons are not worthy of belief and were not the true reasons for Travelers' decisions; (2) illegal retaliatory discrimination was more likely than not a cause of Ms. Steinbruck's termination; and (3) that retaliatory discrimination was more likely than not a basis in whole or in part for Ms. Steinbruck's termination. Ms. Steinbruck was set up to fail in retaliation for her sexual harassment grievances against Mr. Birittieri, her grievance about the age-ist comments made by Ms. Nemphos, her harassment grievance about Mr. Kupec, and her discrimination complaint to the commission.

Both the PFS and final notice identify ineffective management of people as an ongoing deficiency. Following the issuance of the PFS, however, the number of people that she managed was reduced to one. Apparently, the reduction was in part to "lessen Pam's span of control". CHRO-132. Ms. Steinbruck can hardly be expected to improve her management of people if she has no one to manage.

Further, the one person she did manage, Kevin Lagassie, gave her high marks in his assessment of her through the 360-survey. He found Ms. Steinbruck to do "a good job building networks across the organization and understand who to reach out to when necessary." He observed her to be "successful when working with her peers and coworkers. She understood the importance of others opinions and ideas". "In group discussions, Pam listens to ideas from others and make strong impactful decisions that incorporate ideas brought forth in the discussion." "One of her key strengths is she is good at resolving issues and knows that she at time needs to collaborate with others within the organization to come up with a solution that may be complicated. She understands that there is not always one correct way to do things and everyone's opinion matters." R-12.

According to Mr. Lagassie, Ms. Steinbruck is "open to feedback so she would successfully be able to maintain and build upon her strengths and work on her weaknesses." "Pam consistently has a positive outlook. She has been a positive mentor to me throughout my career here at Travelers." "She does a commendable job trying to understand customer/staff issues. If she does not have knowledge of a situation, she will

be sure to ask the necessary questions to ensure that we can collaborate to make a proper informed decision.” “When coaching opportunities arise, she does a good job of explaining the situation and provides positive feedback on how I could have approached a situation a little differently to possibly get a better result.” “Pam is always approachable.” “Over the past few years, I have never had a discussion with one of my employees where they were critical of Pam’s demeanor or accessibility.” R-12. These positive attributes were omitted and ignored in the final notice and decision to terminate.

The means of measuring whether Ms. Steinbruck successfully completed the PFS were biased against her. Her success was to be measured based on her ability to manage her staff in an effective way, whether she acted as a leader in the organization and used appropriate professionalism, and her participation in a pre-identified 360-survey. Page 3 of C-53, CHRO-22. However, as previously discussed, Ms. Steinbruck only had one staff member to manage, and he thought very highly of her abilities. The 360-survey was not pre-identified; it needed to be created. The person selected to create the 360-survey had no prior experience with such surveys. Vol 3, 46. Further, three of the six people chosen to participate in the PFS were known to Travelers as critics of Ms. Steinbruck. CHRO-49, page 6; R-13.

The 360-survey is intended to give an employee feedback from multiple raters of the employee’s performance; Vol 3, 78; that is, to provide feedback so that Ms. Steinbruck could understand the perceptions of those around her and where she was doing well and where she potentially needed improvement; Vol 4, 27-28. Of the six raters, two were or had been direct reports to her, two were her peers, and two were

managers who reported to other directors. Three of the reviews were positive and complimentary, one gave Ms. Steinbruck an overall average, and two gave her an overall rating of poor. R-12. The two negative reviews came from a director-peer, Mr. Ignaffo, and a manager, Ms. Francis, who reported to Mr. Ignaffo. Both individuals were persons known to Travelers as having previously had criticisms about Ms. Steinbruck. CHRO-49, page 6; R-13. The average rating came from Ms. Dufresne, who was also known to Travelers as a critic of Ms. Steinbruck. R-12, R-14.

Along with Mr. Lagassie's positive assessment of Ms. Steinbruck's management style, Ms. Adamakis and Ms. Lopes also provided positive assessments. R-12. Ms. Adamakis was a twenty-seven-year employee of Travelers and had been a direct report to Ms. Steinbruck. Vol 2, 172; R-12. She found working with Ms. Steinbruck to be "a great pleasure". Ms. Steinbruck had been "incredible" and had welcomed her into the billing department, making "the transition less stressful, Pam is a great asset to the company." According to Ms. Adamakis, Ms. Steinbruck "works very well with others". "She was able to build consensus" and shows a "willingness to assist me and improve her own actions". She described Ms. Steinbruck as "always upbeat and very positive" and "extremely approachable" R-12.

Ms. Lopes was a director and a peer. Ms. Lopes had a "good working relationship with Pam and am comfortable delegating items to her knowing that it will be handled to my standard." She observed that Ms. Steinbruck almost always uses effective listening skills and communication to involve others, build consensus, and influence others in decision making. "An example of this would be with the auditors in handling

questions/issues relative to our internal audit.” Ms. Steinbruck almost always has an accurate picture of her own strengths and weaknesses and is willing to improve. Ms. Lopes found that Ms. Steinbruck “accepts criticism very well and makes sure that she makes adjustments when necessary.” Ms. Steinbruck overall “has positive interactions and is viewed as approachable.” R-12.

Even Ms. Dufresne, who generally assessed Ms. Steinbruck skills as average or lower, observed that Ms. Steinbruck “appears to work towards developing collaborative relationships within the Travelers organization.” She observed that Ms. Steinbruck “knows how to build and maintain working relationships with external parties” and was working to improve her interactions with co-workers within the department. R-12.

Like Mr. Lagassie’s positive assessment, these positive assessments by Ms. Adamakis, Ms. Lopes, and Ms. Dufresne, too, would be omitted and ignored in the final notice and decision to terminate.

In addition, when Ms. Steinbruck responded to a request that she provide names of people for the 360-survey, she was criticized for not following directions. C-63. Travelers, however, could not identify the directions Ms. Steinbruck had been given or how she had failed to properly follow them. Vol 4, 115.

3

Once purported issues about Ms. Steinbruck’s job performance as a director were observed, Travelers could have provided her with training in skills like communication, developing and managing teams, team performance, and leadership. It did not. Rather, it assigned her to Mr. Kupec. The articulated role of Mr. Kupec as Ms. Steinbruck’s

manager was to help her through the PFS, provide day-to-day coaching, provide support, and help her be successful. Vol 3, 171; Vol 5, 159-160; Vol 6, 80-81, 102. He did none of these things.

Mr. Kupec's interactions with Ms. Steinbruck were characterized on his part by sarcasm, unwillingness to give advice, quick to find fault, claiming credit for anything she may have done correctly, and not giving her credit for what she did correctly.

Travelers conducted audits of Ms. Steinbruck's department on an annual basis. The audits alternated between a "full audit" which usually lasted three months and a less intense, mini-audit also known as a SOX audit which typically lasted about three weeks. Vol 1, 46-50. The 2014 audit was scheduled as a SOX audit, but its scope became broader than past SOX audits had been. Vol 2, 122-25.

Although Mr. Kupec himself acknowledged that he was unfamiliar with audits as conducted in Ms. Steinbruck's department; R-44; he nonetheless had numerous criticisms of how Ms. Steinbruck managed the 2014 audit. C-90 to C-92, C-94 to C-96; CHRO-28, CHRO-29, CHRO-31 to CHRO-33, CHRO-137, CHRO-144, CHRO-159. Up until the time of Mr. Kupec's involvement, however, Ms. Steinbruck had no previous difficulty with the process. Ms. Deehan congratulated her on the 2013 audit. The outcome was "a fantastic result" and "a testament to how you are managing the operation. Great job and your efforts are very much appreciated." C-122. She had held an audit preparation meeting with her managers in 2013 in anticipation of the full audit. CHRO-28. No evidence was introduced of criticisms by the auditors regarding their interaction with Ms. Steinbruck.

Mr. Kupec asked Ms. Steinbruck for a document from the auditors that clearly outlined the scope of the audit; however, there was no such document as the auditors had not provided one. They simply asked for additional documents, and Mr. Kupec was copied on every request from the auditors. Vol 2, 125. When Mr. Kupec spoke with the auditors directly, he did not include Ms. Steinbruck in the conversation. C-102. Presumably, a collaborative conversation between Ms. Kupec, Ms. Steinbruck, and the auditors regarding mutual expectations would have resolved and ended Mr. Kupec's endless criticisms of Ms. Steinbruck.

4

Travelers denied Ms. Steinbruck necessary business equipment that it provided to employees who had not alleged sexual harassment or had not filed complaints with the commission. When Ms. Steinbruck's Blackberry device crashed, she requested authorization from Mr. Kupec for a new one. Although Mr. Kupec claimed he needed specifics from Ms. Steinbruck before he could authorize the replacement, she had already provided him with the specific business needs for the replacement. Vol 1, 41-43, 149-153; C-71 through C-74; CHRO-34, CHRO-115 through CHRO-117. She had explained that the Blackberry was needed for access to speedpay harness program and its importance for business continuity in the event of disruption. She had explained that she needed to be accessible to her staff on nights and weekends. Despite making numerous requests to Mr. Kupec, he waited two months before approving the request. The unwarranted delay in authorizing the replacement could have negatively influenced her job performance and success on the PFS.

Travelers repeatedly failed to provide Ms. Steinbruck with specifics regarding her purported deficiencies. Vol 1, 85, 100-106, 113-117.

Travelers terminated Ms. Steinbruck's employment in part because of her alleged lack of collaboration. Travelers, however, repeatedly denied Ms. Steinbruck collaborative opportunities. When issues arose between Mr. Kupec and Ms. Steinbruck about the audit, he contacted the auditors directedly without including her in the conversation. C-102. Ms. Steinbruck would be excluded as the contact person for various events that she had previously participated in such as feedback on the quality assurance program; C-37; the company picnic; C-38; the employee giving campaign; C-40; and the customer service week campaign; C-41. Although reduction in printing was an important corporate initiative; Vol 5, 29; Mr. Kupec excluded Ms. Steinbruck from a meeting with Mr. Johnson, who oversaw the initiative, about the discontinuance of printing reports; Vol 5, 30; C-42; CHRO 163; R-52.

Although all its employees should be held to the same standard; Vol 4, 14; Travelers treated Ms. Steinbruck different from its treatment of employees who had not alleged sexual harassment and had not filed complaints with the commission. Travelers investigated various criticisms about Ms. Steinbruck by people who had not filed discrimination complaints, but it failed to investigate her grievances about Ms. Nemphos; Vol 3, 100-105; and Mr. Kupec. While other employees who had not filed discrimination

had no trouble obtaining replacements for their Blackberries, Ms. Steinbruck had to wait two months for approval from Mr. Kupec for a replacement. Vol 1, 150-151; Vol 6, 9. Mr. Kupec reminded Mr. Lagassie, who had not filed a discrimination complaint, to complete his staff reviews on time. Mr. Kupec was expecting that Ms. Steinbruck would not complete her staff reviews on time and intentionally did not remind her. C-103; CHRO-100. Although both Ms. Brancato and Ms. Steinbruck were placed on a PFS because of the criticism made by Ms. McKevitt, Travelers determined that Ms. Brancato, who had not alleged discriminatory conduct, successfully completed her PFS and remained employed. Vol 6, 89-90. Travelers replaced Ms. Steinbruck with employees who had not alleged discrimination as the contact person for various events that she had previously participated in such as feedback on the quality assurance program; C-37; the company picnic; C-38; the employee giving campaign; C-40; and the customer service week campaign; C-41.

8

Ms. Steinbruck successfully served in the position of director of billings operations for nearly two years without any disciplinary action being taken against her. The adverse employment actions, resulting in her termination, followed her discrimination and sexual harassment grievances to Travelers and her complaint to the commission.

VII DAMAGES

A STATUTES

The relief a complainant can be awarded is found generally in General Statutes § 46a-86. This section provides in relevant part that:

(a) If, upon all the evidence presented at the hearing conducted pursuant to section 46a-84, the presiding officer finds that a respondent has engaged in any discriminatory practice, the presiding officer shall make written findings of fact and file with the commission and serve on the complainant and respondent an order requiring the respondent to cease and desist from the discriminatory practice and to take such affirmative action as is necessary to achieve the purpose of this chapter.

(b) In addition to any other action taken under this section, upon a finding of a discriminatory employment practice, the presiding officer shall (1) issue an order to eliminate the discriminatory employment practice complained of and to make the complainant whole, including restoration to membership in any respondent labor organization, and (2) may (A) determine the amount of damages suffered by the complainant, including the actual costs incurred by the complainant as a result of the discriminatory employment practice, and (B) allow reasonable attorney's fees and costs. The amount of attorney's fees allowed shall not be contingent upon the amount of damages requested by or awarded to the complainant. Liability for back pay shall not accrue from a date more than two years prior to the filing or issuance of the complaint. Interim earnings, including unemployment compensation and welfare assistance or amounts which could have been earned with reasonable diligence on the part of the person to whom back pay is awarded shall be deducted from the amount of back pay to which such person is otherwise entitled. The amount of any deduction for interim unemployment compensation or welfare assistance shall be paid by the respondent to the commission which shall transfer such amount to the appropriate state or local agency. Not later than October 1, 2020, and annually thereafter, the executive director of the commission shall report, in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary on the commission's award of reasonable attorney's fees and costs under this section. Such report shall include, but not be limited to: (i) The awards of reasonable attorney's fees and a comparison of such awards to awards of damages; (ii) the category of complaint for which damages and attorney's fees are awarded; (iii) the commission's methodology for calculating awards of reasonable attorney's fees and costs, if such methodology may be ascertained; (iv) data on the number of employees employed by respondents who were subject to awards of reasonable attorney's fees and costs; and (v) the percentage of complainants and respondents represented

by counsel in matters in which awards of reasonable attorney's fees and costs are made.

(c) In addition to any other action taken under this section, upon a finding of a discriminatory practice prohibited by section 46a-58, 46a-59, 46a-64, 46a-64c, 46a-81b, 46a-81d or 46a-81e, the presiding officer shall determine the damage suffered by the complainant, which damage shall include, but not be limited to, the expense incurred by the complainant for obtaining alternate housing or space, storage of goods and effects, moving costs and other costs actually incurred by the complainant as a result of such discriminatory practice and shall allow reasonable attorney's fees and costs. The amount of attorney's fees allowed shall not be contingent upon the amount of damages requested by or awarded to the complainant. . . .

B STANDARD

1

"It is axiomatic that a plaintiff has a duty to make reasonable efforts to mitigate damages. . . . An employer seeking to reduce or avoid a back pay award 'bears the burden of demonstrating that a plaintiff has failed to satisfy the duty to mitigate.' . . . The employer must therefore demonstrate that 'suitable work existed, and that the employee did not make reasonable efforts to obtain it.' . . . Whether a plaintiff made a reasonable effort to mitigate her damages under the circumstances of a particular case is a question of fact." *Rossova v. Charter Communications, LLC*, 211 Conn. App. 676, 703-704, 273 A.3d 697 (2022).

2

Section 46a-86 (c) authorizes the presiding officer to award compensatory, or emotional distress, damages for violations of statutes including §§ 46a-58 and 46a-64. *Commission on Human Rights & Opportunities v. Board of Education*, 270 Conn. 665,

694, 855 A.2d 212 (2004). "Punitive damages are not authorized. The CHRO's authority for awarding damages differs from the authority of courts." *Commission on Human Rights & Opportunities v Cantillon*, Superior Court, Judicial District of New Britain, Administrative Appeals Session, Docket HHB-CV-17-6039406, n. 9 (October 2, 2019) (2019 WL 5549576) *aff'd*, 207 Conn 668 (2021), cert. granted, 340 Conn 909 (2021); *Chestnut Realty, Inc. v. Commission on Human Rights & Opportunities*, 201 Conn. 350, 366 (1986). "Awarding of compensatory damages for emotional distress is not a science." *Commission on Human Rights & Opportunities v Cantillon*, *supra*, 2019 WL 5549576, *5.

A complainant need not present expert medical testimony to establish his or her internal, emotional response to the harassment; his or her own testimony, or that of friends or family members, may suffice. *Busche v. Burke*, 649 F.2d 509, 519 n. 12 (7th Cir.1981); see also, *Marable v. Walker*, *supra*. However, medical testimony may strengthen a case. *Id.* As the Supreme Court stated in *Carey v. Piphus*, "[a]lthough essentially subjective, genuine injury in this respect [mental suffering or emotional anguish] may be evidenced by one's conduct and observed by others." *Carey v. Piphus*, 435 U.S. 247, 264 n. 20, 98 S.Ct. 1042 (1978).

In assessing damages for emotional distress the CHRO referees use a three-factor analysis which was enunciated in the case of *Commission on Human Rights and Opportunities ex rel. Harrison v. Greco*, CHRO No. 7930433 (1985), and which is sometimes referred to as the "*Harrison factors*." This analysis of emotional distress damages also has superior court support. *Commission on Human Rights and Opportunities ex rel Peoples v. Belinsky*, Superior Court, judicial district of Stamford–Norwalk at Norwalk, Docket No. 88061209 (November 8, 1988, Riefberg, J.). Under the *Harrison* analysis, the most important factor of such damages is the subjective internal emotional reaction of the complainants to the discriminatory experience which they have undergone and whether the reaction was intense, prolonged and understandable. *Harrison, supra*. Second, is whether the discrimination occurred in front of other people. *Id.* For this, the court must consider if the discriminatory act was in public and in view or earshot of other persons which would cause a more intense feeling of humiliation and embarrassment. *Id.* The third and final factor is the degree of the offensiveness of the discrimination and the impact on the complainant. *Id.* In other words, was the act egregious and was it done with

the intention and effect of producing the maximum pain, embarrassment and humiliation.

Commission on Human Rights & Opportunities v Sullivan Associates, Docket CV 94 4031061s, CV 95 4031060s, 2011 WL 3211150, *4 (Superior Court, judicial district of New Haven, June 6, 2011).

3

Pre-judgment and post-judgment interest may also be awarded on a back pay award. *Thames Talent Ltd. v Commission on Human Rights and Opportunities*, 265 Conn. 127 (2003).

C ANALYSIS

1

Ms. Steinbruck is awarded two years of back pay at \$111,462.34 per year (\$222,924.68) less unemployment compensation of \$13,988 and compensation from Amazon of \$14,906.21 for a total back pay award of \$194,030.47.

Travelers produced a forensic economist, Mr. Staller, who testified that based on Ms. Steinbruck's resume and the job codes identified by the bureau of labor statistics, there were approximately 110,000 job opportunities that Ms. Steinbruck could have explored from between the date of her termination through July of 2022. Vol 7, 102-103; R-64, R-66. He estimated that Ms. Steinbruck could have found employment between 14 weeks and 47 weeks following her termination. Vol 7, 97.

Although Mr. Staller's testimony has some weight, I do not find it completely persuasive on the issue of when Ms. Steinbruck should have obtained new employment.

Mr. Staller's data combines both people who voluntarily left their employment and those who were involuntarily separated. Vol 7, 114. His data shows opportunities that existed, not whether Ms. Steinbruck would be hired; Vol 7, 114-115; and he did not review the job descriptions of the 110,000 opportunities; Vol 7, 117-118.

Nonetheless, Travelers demonstrated by credible persuasive evidence that that two years after Ms. Steinbruck's termination from Travelers suitable work existed but she had ceased to make reasonable efforts to obtain employment.

2

Three factors are considered in determining the amount of compensatory emotional distress damages to be awarded pursuant to § 46a-86. The most important factor is the subjective internal reaction experienced by a complainant and whether that reaction was intense, prolonged, and understandable. Mr. Kupec's unrelenting and unjustified criticisms made Ms. Steinbruck feel horrible. As a result of the termination, Ms. Steinbruck felt, and continues to feel, hurt. She lost both her income and her feeling of self-worth. These feelings are understandable as her termination for job performance was clearly pretextual.

The second factor to consider is whether Travelers' discriminatory conduct occurred in public. Collecting Ms. Steinbruck's personal belongings escorting her out of the building, and her no longer coming into work were all clearly public.

The third factor is consideration of whether the discriminatory acts were egregious and done with the intention and effect of producing the maximum pain, embarrassment, and humiliation. Mr. Kupec's treatment of Ms. Steinbruck was clearly egregious. He

belittled her, criticized her to management, prevented her from satisfying the conditions of her PFS and final notice, and ignored the positive remarks of her co-workers in the 360-survey. He clearly set her up to fail.

VIII CONCLUSIONS OF LAW

1. The commission and Ms. Steinbruck did not establish by a preponderance of the evidence that Travelers discriminated against Ms. Steinbruck based on her sex and age in violation of § 46a-60 (b) (1) and Title VII.
2. The commission and Ms. Steinbruck did not establish by a preponderance of the evidence that Travelers violated The Equal Pay Act as enforced by § 46a-58 (a).
3. Because “age” is not one of the enumerated protected classifications under § 46a-58 (a), an alleged violation of the Age Discrimination in Employment Act cannot be prosecuted by the commission in this forum.
4. The commission and Ms. Steinbruck established by a preponderance of the evidence that Travelers retaliated against Ms. Steinbruck in violation of § 46a-60 (b) (4) and Title VII as enforced by § 46a-58 (a).
5. The commission and Ms. Steinbruck established that Ms. Steinbruck is entitled to back pay.
6. Because of Ms. Steinbruck’s limited efforts to mitigate her damages, her back pay is limited to two years.
7. The commission and Ms. Steinbruck presented sufficient evidence for an award of emotional distress damages.

8. Ms. Steinbruck is entitled to an award of pre-judgment interest on her award of back pay and post-judgment interest on her awards of back pay and emotional distress damages.

IX ORDER

1. Travelers shall pay Ms. Steinbruck back pay of \$194,030.47. Payment is to be made on or before May 31, 2023.
2. Travelers shall pay Ms. Steinbruck pre-judgment interest on award of back pay at the rate of 10% compounded annually from the date of her termination to the date of this decision of \$166,539.⁷ Payment shall be made on or before May 31, 2023.
3. Traveler shall pay Ms. Steinbruck compensatory emotional distress damages of \$30,000. Payment shall be made on or before May 31, 2023.
4. Post-judgment interest shall accrue on the award of back pay and emotional distress damages at the compounded interest rate of 10% per annum on any balance outstanding on and after June 1, 2023.
5. Travelers shall purge from official and unofficial personnel files all references to Ms. Steinbruck's placement on the performance feedback summary, final notice and improvement plan, and termination for cause.
6. Travelers shall change all its references to Ms. Steinbruck's separation from a termination to a voluntary resignation.
7. Travelers shall remove Mr. Kupec's 2014 performance evaluation of Ms. Steinbruck from all official and unofficial personnel files.

8. Should prospective employers contact Travelers seeking references for Ms. Steinbruck, Travelers shall provide only the dates of said employment, the positions held, the rate(s) of pay, and that her separation from Travelers was the result of a voluntary resignation. In the event additional information is requested in connection with any inquiry regarding Ms. Steinbruck, Travelers shall require written authorization from Ms. Steinbruck before such information is provided, unless required by law to provide such information.
9. Travelers shall not engage in nor allow any of its employees or agents to engage in any conduct against Ms. Steinbruck or any participant in these proceedings. General Statutes § 46a-60 (b) (4).
10. Travelers shall post commission posters in conspicuous locations visible to all employees and applicants for employment. General Statutes §§ 46a-54 (13) and (15) and 46a-97.
11. Travelers shall cease and desist from the practices complained of by Ms. Steinbruck with regard to other employees who may or will in the future become similarly situated.
12. Travelers shall, within one year of the date of this final decision, undertake training(s) in both state and federal anti-discrimination laws to its supervisory and management employees located in Connecticut. Prior to the training(s), Travelers will provide the commission with the name and contact information of the trainer(s), as well as a copy of the agenda/curriculum within a reasonable time prior to the commencement of said training(s). The commission shall be afforded the

opportunity to review and comment upon the agenda/curriculum prior to the training(s). The commission's comments, suggestions, and/or additions (if any) to the agenda/curriculum shall be incorporated into the training(s). Travelers shall submit proof to the commission that said training(s) did occur, which shall include an attendance sheet signed by the attending trainer and the supervisory and management employees.

13. Travelers shall reimburse the State of Connecticut for unemployment compensation paid by the state to Ms. Steinbruck in the amount of \$13,988.00. Travelers shall make payment to the commission, which shall then transfer said amount to the appropriate state or local agency. Travelers shall make payment to the commission on or before May 31, 2023.

It is so ordered this 20th day of April 2023.

/s/ Jon P. FitzGerald-
Hon. Jon P. FitzGerald
Presiding Human Rights Referee

cc.

Pamela Steinbruck
psteinbruck@yahoo.com

Margaret Nurse-Goodison, Esq.
margaret.goodison@ct.gov

Leo Ernst Esq.
leo.ernst@jacksonlewis.com

Beverly W. Garafalo, Esq.
Beverly.Garafalo@jacksonlewis.com

¹ General Statutes § 46a-60 was amended by No. 17-118 of the 2017 Public Acts, which added a new subsection (a) and redesignated the existing subsections (a) and (b) as (b)

and (c). Although the complaint referenced the earlier version of the statute, for clarity this decision references the current redesignation of the statute.

² Note that for each day, the transcript pagination begins anew with page 1. Volume number reflects the day of the hearing.

³ The speedpay harness program was a program for Travelers to recall incorrect payments that were going to the bank. Vol 1, 41-42.

⁴ The business continuity program was a contingency plan designed to allow key people to work in secure off-site locations in the event of significant natural disasters, power failures, or other cause that prevented staff from working at their current location. Vol 1, 52-53.

⁵ Performance feedback summaries are also known as performance improvement plans. Vol 2, 91.

⁶ Mr. Kupec remembered that staff meeting differently. He recalls that his "comment was intended to be we didn't want people to think that we were sitting around with fingers up our ass, pardon my language. I was trying to find another word for – blurted out the other word. I didn't remember it being that word. If others recall it being hoo-ha, I will own that and take responsibility for it." Vol 5, 189-190

⁷ Prejudgment interest, at the rate of 10% per annum, compounded annually, on her annual backpay wage loss for two years is calculated as follows:

Salary is deemed accrued on November 19th of each year; interest is deemed accrued on and as of (a/o) November 18th of each succeeding year.

Salary loss for the first year of November 19, 2014 to November 18, 2015 - \$111,462
salary less \$13,988 in unemployment compensation less \$3284 income from Amazon for
a loss of \$94,190

		<u>Annual accrued interest</u>
a/o 11.18.2016	$\$94,190 \times 10\% =$	\$9419
a/o 11.18.2017	$\$94,190 + \$9419 = \$103,609$	
	$\$103,609 \times 10\% =$	\$10,360
a/o 11.18.2018	$\$103,690 + \$10,360 = \$114,050$	
	$\$114,050 \times 10\% =$	\$ 11,405

a/o 11.18.2019	$\$114,050 + \$11,405 = \$125,455$	
	$\$125,455 \times 10\% =$	$\$12,545$
a/o 11.18.2020	$\$125,455 + \$12,545 = \$138,000$	
	$\$138,000 \times 10\% =$	$\$13,800$
a/o 11.18.2021	$\$138,000 + \$13,800 = \$151,800$	
	$\$151,800 \times 10\% =$	$\$15,180$
a/o 11.22.23	$\$151,800 + \$15,180 = \$166,980$	
	$\$166,800 \times 10\% =$	<u>$\\$16,800$</u>
		$\$89,509$

Salary loss for the second year of November 19, 2015 to November 18, 2016 - \$111,462
less \$11,622 income from Amazon results in a salary loss of \$99,840

a/o 11.18.2017	$\$99,840 \times 10\% =$	$\$9,984$
a/o 11.18.2018	$\$99,840 + \$9,984 = \$109,824$	
	$\$109,824 \times 10\% =$	$\$10,982$
a/o 11.18.2019	$\$109,824 + \$10,982 = \$120,806$	
	$\$120,806 \times 10\% =$	$\$12,080$
a/o 11.18.2020	$\$120,806 + \$12,080 = \$132,886$	
	$\$132,886 \times 10\% =$	$\$13,288$
a/o 11.18.2021	$\$132,886 + \$13,288 = \$146,174$	
	$\$146,174 \times 10\% =$	$\$14,617$
a/o 11.18.2022	$\$146,174 + \$14,617 = \$160,791$	
	$\$160,791 \times 10\% =$	$\$16,079$

$\$77.030$

\$166,539