

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

CHRO ex rel. Clive Duncan,
Complainant

CHRO No. 0410319
Fed No. 16aa400809

v.

CT Trane,
Respondent

June 1, 2006

Ruling on Motion to Stay

The complainant filed his complaint with the commission on February 18, 2004, claiming discrimination in employment in being laid off on account of his race and color (black) in violation of General Statutes 46a-58(a), 46a-60(a)(1) and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 20003 and the Civil Rights Act of 1991. The case was certified for public hearing on March 8, 2006.

The complainant has filed a motion to stay, dated May 19, 2006. The basis for the motion is the complainant's filing of a civil action in federal court on April 16, 2006. More specifically the complainant claims that a commission ruling may have a preclusive effect impairing his right to a federal trial by jury on his Title VII claims and may result in duplication of effort and costs.

The Commission on Human Rights and Opportunities ("commission") is our country's first civil rights watchdog agency and is "...charged by [law] with the initial responsibility for the investigation and adjudication of claims of ...discrimination." *Sullivan v. Board of Police Commissioners*, 196 Conn. 208, 215 (1985). The commission has been

assigned the duty, "...to do away with discrimination...altogether." *Evening Sentinel v. NOW*, 168 Conn. 26, 34 (1975). The commission also reserves to itself an independent role as a guardian of the public as well as the complainant's interests. *Miko v. CHRO*, 220 Conn. 192 (1991).

There is no pressing need to indefinitely disenfranchise the commission and the unique and efficient mechanism it affords for the resolution of discrimination claims. The scheduled dates assigned by the commission to this matter, culminating in a public hearing scheduled for April, 2007, afford ample time for intelligent coordination of the parallel matters. Additionally, it was the complainant's option to engage the commission in the first instance, to allege only its federal claims in federal court and not to seek a release of jurisdiction so as to pursue its state claims in superior court. Finally, as many—if not more—preclusion issues can be envisioned if this matter is stayed pending an outcome in federal court, as can be envisioned if this matter should proceed without interruption. This decision is consistent with a previous commission decision denying a stay solely on the basis of the general existence of a parallel federal action. *CHRO ex rel. Edward J. Carey and Carolyn Carey v. Imagineers, LLC*. Complaint No. 9850104 (September 2, 1999).

For the reasons set forth, the complainant's motion is herewith DENIED.

J. Allen Kerr, Jr.
Presiding Human Rights Referee

cc.
Clive Duncan
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J. William Gagne, Esq.
Wendi Kemp, Esq.