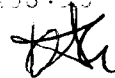


STATE OF CONNECTICUT
OFFICE OF PUBLIC HEARINGS

CHRO ex rel. Barbara DuBois,
Complainant
v.
Maharam Fabric Corp.,
Respondent

CHRO Nos. 0920414, 1120319
(consolidated cases)

07-15-13 A03:35 IN



Ruling on Motion to Dismiss

The consolidated affidavits of illegal discriminatory conduct (affidavits) filed in Commission on Human Rights and Opportunities (Commission) case numbers 0920414 and 1120319 contain, in part, allegations of age discrimination and retaliation based on Conn. Gen. Stat. § 46a-60(a)(1) and § 46a-60(a)(4), respectively.

The Respondent filed a motion to dismiss, on October 1, 2012, that sought, in part, to dismiss these claims. In its motion, the Respondent asserted that the Commission and the Office of Public Hearings (OPH) lack jurisdiction over the affidavits because, as defined in the Fair Employment Practices Act (FEPA)¹, an employer must have three or more individuals employed in the state of Connecticut, and, at the time of the alleged violations, the Respondent employed only one in the state. For the following reasons, the motion to dismiss the § 46a-60 claims is denied.

The Complainant filed a Petition for Declaratory Ruling, dated November 1, 2012, with the Commission regarding the scope of Conn. Gen. Stat. § 46a-51(10).² On April 10, 2013, the Commission issued its ruling. It stated that "Conn. Gen. Stat. § 46a-51(10) includes employers who have three or more employees, regardless of whether they are working in Connecticut. However, one employee must work in Connecticut."

So ordered.

Dated this 15th day of July 2013



Alvin R. Wilson, Jr.
Presiding Human Rights Referee

cc:

George F. Brenlla, Esq. – via fax only
David M. Cohen, Esq.-via fax only
Michelle Dumas Keuler, Esq. – via fax only

¹ Section 46a-51(10) states - "Employer" includes the state and all political subdivisions thereof and means any person or employer with three or more persons in such person's or employer's employ.

² On November 28, 2012, the undersigned granted the Commission's motion to stay the issuance of a decision on the instant motion to dismiss in response to the Complainant's Petition for Declaratory Ruling, dated November 1, 2012, filed with the CHRO.