



State of Connecticut  
**COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

Office of Public Hearings ~ 21 Grand Street, 3<sup>rd</sup> Floor, Hartford, CT 06106

*Promoting Equality and Justice for all People*

**Jon P. FitzGerald**  
**Chief Human Rights Referee**

**February 25, 2008**

**Public Hearing of the Joint Committee on Government Administration and Elections**

**Raised Bill No. 335: An Act Concerning the Protection of Whistleblowers**

This bill would provide additional protection for certain whistleblowers who may be subject to retaliation by their employers.

Based on our experiences as human rights referees who adjudicate whistleblower retaliation complaints, the human rights referees support the legislation. The bill provides a more realistic timeframe for the filing of a complaint and greater consistency among the subsections of the statute.

Because of the increased responsibilities of the human rights referees, we would suggest providing qualifications for appointees; § 46a-57 (b).

A copy of the existing applicable statute subsection, with two alternatives, incorporating our proposal is enclosed for your reference.

In addition, we would suggest that through statutory language and legislative history it be made clear which amendments are to be applied retrospectively and which are to be applied prospectively; that is, whether the changes apply only to retaliatory acts occurring after the effective date of the public act or whether they apply to pending retaliation complaints.

Finally, we would bring to your attention the apparent statutory exclusivity of the relationship between a grievance filed pursuant to a collective bargaining agreement; § 4-61dd (b) (4); and a whistleblower retaliation complaint with the chief human rights referee, § 4-61dd (b) (3). The statute currently appears to limit

employees who are members of a bargaining unit either to filing a grievance or to filing a whistleblower retaliation complaint, even though the retaliatory incident may violate collective bargaining provisions as well as § 4-61dd.

Thank you for the opportunity to submit written testimony.

Enc.

**Section 46a-57:**

(b) Human rights referees shall serve full-time and shall conduct the settlement negotiations and hearings authorized by the provisions of this chapter. A human rights referee shall have the powers granted to hearing officers and presiding officers by chapter 54 and this chapter. A human rights referee shall be an attorney admitted to the practice of law in this state **for at least five years**. Any commissioner of the Superior Court who is able and willing to hear discriminatory practice complaints may submit his or her name to the Governor for consideration for appointment as a human rights referee. **A human rights referee shall have considerable knowledge of legal principles, practices and procedures in Connecticut; considerable knowledge of legal research techniques; knowledge of the Uniform Administrative Procedures Act; knowledge of administrative law; considerable knowledge of and ability to interpret and apply relevant state and federal laws, statutes, regulations and legislation; knowledge of the rules of evidence; knowledge of agency polices and procedures and legislative process; interpersonal skills; considerable oral and written communication skills; considerable ability to apply judicial decisions to the interpretation of statutes; considerable ability to comprehend, analyze and organize technical data and coordinate elements of legal cases; and supervisory ability.** No human rights referee shall appear before the commission or another hearing officer for one year after leaving office.

**OR**

(b) Human rights referees shall serve full-time and shall conduct the settlement negotiations and hearings authorized by the provisions of this chapter. A human rights referee shall have the powers granted to hearing officers and presiding officers by chapter 54 and this chapter. A human rights referee shall be an attorney admitted to the practice of law in this state **for at least five years**. Any commissioner of the Superior Court who is able and willing to hear discriminatory practice complaints may submit his or her name to the Governor for consideration for appointment as a human rights referee. No human rights referee shall appear before the commission or another hearing officer for one year after leaving office.