

Christopher M. Jiantonio : Office of Public Hearings  
v. :  
Goodwin College : OPH/WBR 2008-074  
: May 8, 2008

### **Final decision**

#### *Preliminary statement*

On May 5, 2008, Christopher M. Jiantonio (the complainant) filed a complaint with the chief human rights referee alleging that Goodwin College (the respondent) violated General Statutes § 4-61dd when it terminated his employment.

For the reasons set forth herein, the complaint is dismissed without a hearing.

#### *Analysis*

Section 4-61dd provides that any person having knowledge of corruption, unethical practices, violation of laws, mismanagement, gross waste of funds, abuse of authority or danger to the public safety occurring in any state agency, quasi-public agency or large state contract may disclose that information (1) to an employee of the state auditors of public accounts or the attorney general; (2) to an employee of the state or quasi-public agency that employs the person who retaliated or threatened retaliation;

(3) to an employee of a state agency pursuant to a mandated reporter statute; or, (4) in the case of a large state contractor, to an employee of the contracting state agency concerning information about a large state contract.<sup>1</sup> A person disclosing such information is often referred to as a “whistleblower.”

The statute further provides that no state employee, no quasi-public agency employee, no employee of a large state contractor and no appointing authority may retaliate by taking or threatening to take personnel action against a whistleblower who is an employee of the state, a quasi-public agency or a large state contractor for disclosing the information. An employee who believes he is being retaliated against for disclosing such information may file a “whistleblower retaliation complaint” with the chief human rights referee no later than thirty days after the employee learns of the retaliatory act or threat.

Thus, the human rights referees have jurisdiction over a complaint if: (1) it is filed within thirty days of the alleged retaliatory act or threatened act; (2) it is filed against a state agency, a quasi-public agency, a large state contractor or an employee thereof; and (3) the person filing the complaint is, or was, an employee of a state agency, a quasi-public agency or a large state contractor.

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<sup>1</sup> The nine quasi-public agencies are listed in General Statutes § 1-120 and a large state contractor is defined in § 4-61dd (h) as an entity with a contract with a state agency or quasi-public agency having a value of five million dollars or more.

In this case, the human rights referees lack jurisdiction over this complaint because (1) according to paragraph 6 of the complaint, the respondent is not a state agency, a quasi-public agency, a large state contractor or employees thereof and (2) from the complaint, it also appears that the complainant himself is not an employee of the state, a quasi-public agency or a large state contractor.

Section 4-61dd-15 (c) of the Regulations of Connecticut State Agencies authorizes the presiding human rights referee to dismiss a complaint if the complainant fails to establish that the human rights referees have jurisdiction. Because the complaint itself clearly establishes that the human rights referees do not have jurisdiction, the complaint is dismissed.

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Hon. Jon P. FitzGerald  
Presiding Human Rights Referee

C:  
Mr. Christopher M. Jiantonio  
Mr. Mark Scheinberg, President, Goodwin College