

RETURN DATE: FEBRUARY 24, 2015

MELANIE PEREZ : SUPERIOR COURT  
VS. : JUDICIAL DISTRICT OF  
WINDHAM AT PUTNAM  
STATE OF CONNECTICUT,  
JUDICIAL DEPARTMENT : JANUARY 26, 2015

**COMPLAINT**

**COUNT ONE:**      **DISABILITY DISCRIMINATION IN VIOLATION OF CONN. GEN. STAT. § 46a-60 et seq.**

1. The Plaintiff, Melanie Perez, is an individual residing in the Town of South Grafton, Massachusetts.
2. The Defendant is the State of Connecticut, Judicial Department. It's main office is located at 90 Washington Street, Hartford, Connecticut.
3. Defendant is an employer with three or more persons in its employ within the meaning of Conn. Gen. Stat. § 46a-51(10) is subject to the Connecticut Fair Employment Practices Act ("CFEPA").
4. At all times relevant to this Complaint, Plaintiff has a present or past history of a physical disability as that term is defined in Conn. Gen. Stat. §46a-51(15).  
In addition, Plaintiff has a record of such a disability, and Defendant perceived her as having such a disability.
5. Specifically, Plaintiff suffers from the serious and chronic medical condition of a moderate to severe hearing disability in both ears, a chronic condition that

meets the definition of physical disability under Connecticut General Statutes § 46a-51(15). Plaintiff was first diagnosed with this condition in 2008 and has required regular and ongoing medical treatment for the condition since her diagnosis.

6. Plaintiff's disability prevents her from being able to block out background noise.
7. At all times relevant to this Complaint, Defendant was the employer of Plaintiff.
8. Plaintiff filed a timely complaint of disability discrimination with the Connecticut Commission of Human Rights & Opportunities ("CHRO") on January 28, 2013 and was issued a Release of Jurisdiction from the CHRO on or about January 20, 2015.
9. Plaintiff began working for Defendant in May of 1993 as a Probation Officer. In 2004, Plaintiff began working for Defendant in its Danielson, CT office located at 183 Main Street, Danielson, CT.
10. In 2011, Plaintiff advised Defendant of her disability.
11. In April 2012, Plaintiff's work location was moved to 190 Main Street, Danielson, Connecticut.
12. Prior to the move to the 190 Main Street, Danielson, Connecticut, location, Plaintiff had been assigned to a private office where she could close the door to block out outside background noise.
13. In April 2012, Plaintiff was assigned to a cubicle space in an office shared with two other employees. Plaintiff could no longer conduct closed door

meetings with clients in this workspace. Additionally, Plaintiff could not meet with clients face-to-face in her workspace, which limited her ability to understand and communicate with clients related to her disability.

14. Plaintiff was exposed to excessive background and ambient noise in her workstation after it was moved in April 2012. Due to Plaintiff's disability, these factors made it more difficult for Plaintiff to perform her work assignments.
15. Plaintiff confirmed with her physician that the excessive noise in her workplace had become troublesome for her and it was affecting her work performance. In a medical note provided to Defendant in May 2012, Plaintiff's physician recommended that Plaintiff be assigned to a work area that was quiet. Defendant was also advised by Plaintiff's physician in May 2012 that Plaintiff's condition rendered her unable to block out background noise.
16. Plaintiff made several inquiries beginning in April of 2012 to move into a different room as a reasonable accommodation for Plaintiff's disability. There were several rooms available for Plaintiff to move into where Plaintiff would be able to block out background and ambient noise.
17. In response to Plaintiff's request, she was transferred from a room with two other probation officers to a room with one other probation officer.
18. Despite this move, Plaintiff was still exposed to significant background and ambient noise and she complained to Defendant. Plaintiff advised Defendant of the same and again requested a quiet workspace where she could block out ambient and background noise. Defendant denied this request.

19. In June 2012, Plaintiff contacted Defendant's EEO Representative, Mark Ciarciello, to request reasonable accommodation for her disability. Mr. Ciarciello took no action on this request for several months and told Plaintiff that Defendant would not even discuss the issue until September 2012.
20. Plaintiff again notified Defendant on September 27, 2012 that she required the reasonable accommodation for her disability of a quiet workspace. Defendant denied this request despite the availability of workspaces appropriate to accommodate Plaintiff's disability.
21. On or about October 1, 2012, Mark Ciarciello visited Plaintiff's work site, purportedly to determine what accommodation would be made for Plaintiff's disability.
22. After the October 1, 2012 site visit, Plaintiff called Mr. Ciarciello multiple times and left several messages. Mr. Ciarciello did not return Plaintiff's calls.
23. Plaintiff was notified in writing October 22, 2012 that the Defendant would not be providing her with any reasonable accommodation.
24. In January 2013, in response to a request from Plaintiff through her Union representative for a meeting with Defendant for purposes of engaging in an interactive good faith process to determine what reasonable accommodation could be made for Plaintiff, Defendant advised Plaintiff's Union representative that Defendant was unwilling to meet with Plaintiff.
25. In April 2013, after a delay of several months, Defendant provided Ms. Perez with a Cap Tel telephone. This was however, an imperfect accommodation as it is not compatible with the telephone system in the building in which

Plaintiff works rendering it impossible for Plaintiff to use the Cap Tel phone to make outgoing calls. Likewise, it was only possible for Plaintiff to take phone calls made directly to her extension. Further, the technology of the Cal Tel phone does not permit it to caption uncommon names, telephone numbers, and it regularly did not correctly identify the gender of the person calling.

26. Plaintiff advised Defendant, and her physician has recommended, that the reasonable accommodation that she requires is a workspace in an area which is quiet and as free as possible of background noise.

27. Due to Defendant's refusal to provide reasonable accommodation for Plaintiff's disability, Plaintiff was frequently forced to conduct phone calls with clients, service providers, and other professionals in a bathroom.

28. In April 2014, Plaintiff again requested the reasonable accommodation of a quiet workspace where she could block out noise. Plaintiff made a number of suggestions regarding the location of this workspace but was met with refusal, resistance, and denial by Defendant.

29. In July 2014, Defendant agreed to provide Plaintiff with the reasonable accommodation of moving her to Room #107 conditioned on obtaining approval.

30. Shortly thereafter, Defendant informed Plaintiff that it would not provide Plaintiff the reasonable accommodation Defendant had agreed to unless Plaintiff withdrew her CHRO charge.

31. Defendant delayed providing Plaintiff with a reasonable accommodation until late 2014.

32. Plaintiff has been shunned by her supervisor since her request for reasonable accommodation for her disability.
33. Plaintiff has been assigned to less favorable work assignments since she requested reasonable accommodation for her disability.
34. Defendant's failure to engage Plaintiff in an interactive process and to provide Plaintiff with a reasonable accommodation violated Plaintiff's right to be free of discrimination under the Connecticut Fair Employment Act, Conn. Gen. Stat. § 46a-60 *et seq.*
35. Defendant discriminated against Plaintiff on the basis of disability in violation of Conn. Gen. Stat. § 46a-60 *et seq.*
36. Defendant acted with malice or reckless indifference to Plaintiff's rights, or an intentional and wanton violation of Plaintiff's rights, thereby entitling Plaintiff to punitive damages.
37. Plaintiff has suffered damages, including, but not limited to, lost wages, lost employment benefits, emotional distress, loss of enjoyment of life, and loss of enjoyment of profession.
38. Plaintiff has also incurred, and will continue to incur, attorney's fees and costs in order to enforce her rights under law.
39. Defendant's failure to engage Plaintiff in an interactive process and to provide Plaintiff with a reasonable accommodation violated Plaintiff's right to be free of discrimination under the Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60.

40. As a result of Defendant's violation of the Connecticut Fair Employment Practices Act, Connecticut General Statutes § 46a-60, Plaintiff has sustained economic and non-economic damages, including lost wages and benefits, loss of enjoyment of life, and emotional distress.

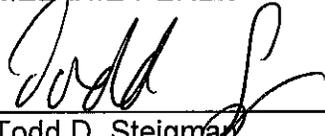
WHEREFORE, Plaintiff claims judgment against Defendant and damages and equitable relief as follows:

1. Compensatory damages, including, but not limited to, lost wages, lost employment benefits, emotional distress, loss of enjoyment of life, and depletion of personal savings;
2. Legal and Equitable Relief as provided for by Connecticut General Statutes § 46a-104, including punitive damages;
3. Attorneys' fees and costs of litigation as provided for in Connecticut General Statutes § 46a-104;
4. Interest pursuant to Conn. Gen. Stat. § 37-3a;

5. Such other relief in equity or law that may pertain.

PLAINTIFF,  
MELANIE PEREZ

By: \_\_\_\_\_

  
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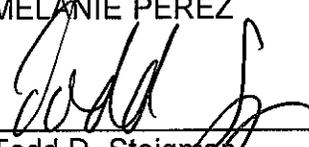
STATE OF CONNECTICUT,  
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**STATEMENT OF AMOUNT IN DEMAND**

The amount in demand is greater than \$15,000.00, exclusive of interest and costs.

PLAINTIFF,  
MELANIE PEREZ

By: \_\_\_\_\_

  
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