

VALLEY

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Borough gender bias case begins

By Ray Burton

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NAUGATUCK — A gender discrimination lawsuit brought against the borough, the police chief and the deputy police chief by former Naugatuck police officer Caroline O'Bar began Monday in U.S. District Court in New Haven.

O'Bar, then a 10-year veteran, left the department in January 2001. In May of that year, she filed her federal lawsuit, claiming she was the victim of gender discrimination after taking maternity leave in 1999 and that she faced retaliation for attempting to fight the discrimination.

10-year veteran of police department has filed suit in U.S. District Court

The trial began shortly before 11 a.m. before U.S. District Court Judge Ellen Bree Burns in one of the original courtrooms of what once served as both a courthouse and post office. Both sides waived opening statements, and after a quick set of instructions from Burns to the

jurors on their duties, O'Bar took the stand. Her testimony filled the trial's first day.

Her attorney, Merrie Hawley of Maya & Associates in Fairfield, asked O'Bar about her background and her service as a Naugatuck police officer. From there, Hawley led O'Bar

through a recounting of her final 18 months on the force.

Over the next four hours, O'Bar's testimony was repeatedly interrupted by objections from the two attorneys defending the case: Michael Farrell of West Haven, for Chief Dennis Clisham and Deputy Chief Thomas Hunt, and Patty Swan — of the Hartford law firm Gordon, Muir & Foley — for the borough.

The first objection, within minutes of O'Bar's taking the stand, concerned two of 32

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BIAS: Case includes the police chief

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commendations or thank you notes from residents in her personnel file.

The two commendations — a thank you note from the Portuguese Club's Sao Paio festival committee and a letter from a resident whose son had been found by police — were objected to because they didn't specifically name O'Bar. Such letters are routinely placed in the personnel files of officers involved in the incident described in the letter.

Of the more than 20 objections that followed throughout the day, most dealt with issues a layman would consider simple. The most common objection was over officers' seniority: every time O'Bar or her attorney described an officer as more or less senior to O'Bar, Farrell jumped to his feet.

"I don't want to keep jumping up like this," he said during one objection. "The foundation has not been laid for us to know how the witness would know this."

Seniority of patrol officers is based on length of service and can be determined by the "PL number" or call sign every officer is given. The lower the number, the more senior the officer.

Other objections included questions on how O'Bar would know — and thus be able to testify to as fact — whether other officers had received better shifts or new special assignments.

The toughest issue — over a detrimental evaluation given to O'Bar in October 1999 — prompted a short sidebar discussion between the attorneys and the judge just after 12:30 p.m. and, after the jury had been excused for lunch a few minutes later, another 20-minute discussion.

The detrimental evaluation, which prompted O'Bar to feel she was being discriminated against, gave her an unsatisfactory rating for attendance during the period of March through September 1999, noting she took 52 sick days. From March to October 1999, O'Bar spent 52 days on maternity leave for the birth of her second child.

The rest of O'Bar's testimony described incidents that took place after she returned from maternity leave to roughly April 2000 — including her being passed over for special assignments. She also described acts she considered retaliation for filing a grievance about her unsatisfactory attendance evaluation, a later complaint to the Connecticut Commission on Human Rights, and her eventual filing of a notice of intent to sue. In certain cases under Connecticut law, a person must file a notice of intent to sue within six months of the incident for which they are suing.

O'Bar was scheduled to continue testifying under direct examination this morning, with defense attorneys expected to begin cross-examination this afternoon.

The trial is expected to continue into next week.