

10-1066

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

MAXINE RICHARDSON,

Plaintiff-Appellant,

v.

HARTFORD PUBLIC LIBRARY

Defendants-Appellees

On Appeal from the United States District Court of Connecticut

Brief for the Plaintiff-Appellant

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U.S. COURT OF APPEALS
SECOND CIRCUIT
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SUBJECT MATTER JURISDICTION STATEMENT

DISTRICT COURT JURISDICTION

This Court has jurisdiction under 28 U.S.C. and the Connecticut General Statutes Section 46a-- 60(a)(1) and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.2000.e and the Civil Rights Act of 1991(cite for 15 Individuals employed).

The plaintiff, Maxine,met all of the following HPL job requirements:

a children librarian with experience in overseeing hiring, supervising, and evaluating of staff; experience In monitoring expenditures and planning budgets, planning and Implementing services and library programs, and developing and maintaining library collection, experience in working closely with Youth Services Librarian to plan and coordinate programs and collections system wide, experience in the preparation of grants relating to services and material for youth and families (Master In Communication with an emphasis on Grant Writing from Columbia University; wrote an Art Grant for the Hartford Elementary School and Public High School), experience in assessing needs and interests of Hartford youth and families, experiences in initiating, programs of service responsive to youth and families (formerly Hartford Music teacher, and library media specialist) experience in assuming a major role in outcomes management for family literary (MA In Reading and a formerly Reading Teachers, who developed literacy programs, also a formerly YWCA Director for Teens, experience in working with library customers and participating on a Neighborhood Team, proficiency

in English and Spanish and computer literate.

Maxine,¹(hereinafter "I"), filed with the Connecticut Commission on Human Rights and Opportunities a timely complaint alleging a violation of Connecticut laws prohibiting job discrimination. The complaint was dismissed on October 14, 2008, upon grounds of alleged lack of reasonable cause, and mailed by certified mail to I on October 16, 2008. (See Exhibit A1 in the Transferred Record) ²

On October 23, 2008, I wrote a request letter to CHRO Manager, a Mr. Carrasquillo, to reconsider the dismissal of my complaint upon alleged grounds of no reasonable cause.

On January 6, 2009, I received from CHRO a certified letter rejecting my request for reconsideration, as being untimely filed. On January 6, 1990, I challenged this decision, and again requested reconsideration, or the right to bring civil action against the Respondent.

On January 15, 2009 CHRO again denied the request for reconsideration but gave appellant a right to sue letter for Superior Court.

On May 8, 2009, I was granted my motion for Reconsideration by Judge Joan G. Margolis; and filed the complaint case on January 15, 2010. On February 16, 2010, Judge Thompson granted respondent's Motion to dismiss the complaint, and I timely filed a notice of appeal, on March 23, 2010

APPELLATE COURT JURIDICTION

¹Since I was granted IFP status, this appeal is being heard on the original record transferred to this court from the District Court of Connecticut

² Exhibit A1

This Court has the jurisdiction to decide the appeal pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S. C. 2000e, and Civil Rights Act of 1991. I's appeal is from the final judgment that disposes of all claims by all parties in the case.

STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

Appellant is a female of American Indian, or Native American background and heritage, who at all times relevant herein was an experienced, competent librarian for children's libraries, with a Masters In Librarian Science, who was unlawfully denied the opportunity to become a Children and Youth Service librarian with respondent Hartford Public Library(HPL) In 2007 (See Exhibits A1a - 3). Moreover, her employment rights to obtain employment with respondent as a children's librarian appeared to be continuously violated—in the years from 1998 until 2006, by respondent (See Exhibit A4-6).

In addition, appellant sought Information from the Hartford Public Library until December 7. 2007, for the reasons that, as a library Youth Service Manager candidate, she was treated so unfairly by respondent.

On December 7, 2007, after receiving the same type of rejection reasons In other rejection letter (See Exhibits (A7-9), appellant concluded that she was being continuously discriminated against by reasons set forth In the complaint to CHRO, as set forth bellow, I.e., by reason of race, color, age, sex and national origin.

STATEMENT OF THE CASE

Appellant timely filed a discrimination complaint with the CHRO against the Hartford Public Library on May 23, 2008, alleging that the Hartford Public Library denied the plaintiff the children and Youth Service positions because of her race, color, age, sex, and national origin In violation of the Connecticut General Statutes and Acts 46a-58a and 46a-6a1, Title VII of 1964, 42 U.S.C. §2000e and the Civil Right Act of 1991, and the Age and Discrimination and Employment Act of 1976, 29 U.S.C. §§621-634. The complaint was received by CHRO on May 29, 2008.

On October 23, 2008, appellant wrote a request letter to CHRO Manager, Mr. Epiphanies Carrasquillo, to reconsider her case after receiving a decision by CHRO to dismiss her complaint(10/14/08) for lack of reasonable cause (See Exhibit A10). On 1/6/09 appellant received a CHRO letter rejecting her reconsideration letter as being untimely filed.

The CHRO reconsideration request of October 23, 2008 was timely filed.

Appellant then filed an objection to the CHRO's dismissal of her complaint in district court.

However, said objection to the dismissal of her complaint was denied by Judge Thompson, because he determined that the complaint was untimely, and I appealed.

This court granted appellant's request for certification to appeal, limited to the following Issue: "Did the District Court Improperly conclude that the violation of the 180

day time limitation for filing her complaint under General Statutes § 46a-82 (e) rendered her case as lacking in subject matter jurisdiction?" Williams v. Commission on Human Rights & Opportunities, 252 Conn. 930, 746 A.2d 794 (2001).

Appellant argued that since the discriminatory acts of respondent were continuing that the limitation period was not violated under the following principle:

"The continuing violation theory extends the statute of limitations where there is proof of specific ongoing discriminatory policies or practices, or where specific and related instances of discrimination are permitted by the employer to continue for so long as to amount to a discriminatory policy or practice." (Internal quotation marks omitted.) Cruz v. Coach Stores, 202 F.3d 560, 569 n. 4 (2d Cir.2000).

The case of Minor v. Town of Cheshire, 126 F. Sup.2d 184, 190 (D. Conn. 2000), cited by Respondent, and which concerned a claim of sexual harassment, the court noted, in discussing the plaintiff's claims under Title VII and CFEPa, that "courts in this circuit disfavor application of the continuing violations doctrine." In dismissing the plaintiff's CFEPa claim however, the court did not cite any decisional law from Connecticut's state courts, and this ruling ignores the long standing principle of the continuous treatment doctrine to extend a statute of limitations to commence from the last volatile act. See *Id.*, 126 F. Sup.2d 193.

As the Connecticut Supreme Court stated in Williams v. Commission on Human Rights and Opportunities, *supra*, 257 Conn. (2001) 271):

"In interpreting the 180 day time limit to file a discrimination complaint under § 46a-82, we do not write on a clean slate. Section 46a-82(e) comes to us at this point in our jurisprudence with a well established judicial gloss."

The court then summarized its previous decision in State v. Commission on Human Rights and Opportunities, CT Page 2451 supra, 211 Conn. 464, (1989) 559 A.2d 1120, where it affirmed the trial court's (and the CHRO's) decision in which a retired teacher was awarded an increase in his retirement benefits based on the use of gender-based tables to calculate them. See Williams v. Commission on Human Rights and Opportunities, supra, 257 Conn. (2001), 275-76.

In State v. Commission on Human Rights and Opportunities, supra, the court rejected the plaintiffs' claim that the teacher's complaint was untimely because it was not filed within 180 days of the alleged act of discrimination, which the plaintiffs asserted occurred when the teacher received written notice that his pension benefits had been formally approved. *Id.*, 211 Conn. 471. Thus, they asserted that subsequent pension check payments "represented the present effects of a past violation," and were time-barred. (Internal quotation marks omitted.) *Id.* The Supreme Court, in State v. Commission on Human Rights and Opportunities.

It is argued here that appellant's complaint should not have been dismissed as untimely under the 180-day rule because respondent committed continuing violations through acts of discrimination. The record shows that I was continuously denied the opportunity by respondent to become a Children's and Youth Service library manager candidate from 1998 through 2007.

STATEMENT OF FACTS

Appellant pursued her remedies against discrimination by her complaint with the Equal Employment Opportunity Commission (EEOC), because of the “continuously violation discrimination theory” and the violation of “leisure Interpretation” of Title VII complaints, as In McDonnell Douglas Corp. v. Green, Hartford v. Commission of Human Rights and Opportunities, Alston V. BancTec, Inc., and Griggs v. Duke Power Co.

Her protected rights to employment with respondent free from discrimination at the workplace were continuously violated by Respondent.

The record shows that appellant, a female Native American, an experienced children and youth librarian, with a Masters Degree in Librarian Science, was denied the opportunity to become a Children and Youth Service library Manager with Respondent.

During the period in question, appellant appeared to be the only American Indian female interviewed for the Children’s Library position. Also, during the relevant time period, the Chief Librarian was John S. Weed on, a white male; Maria D. Eiders, Deputy Library Administrator, were a white female, and Debra Carrier-Perry, the

Associate Librarian for Youth Services, was also a white female.

On April 30, 2007, appellant applied for Children’s Library position with respondent, and was interviewed for the position In September 2007(See Exhibit A11).

She had the necessary experience and all of the qualifications for the position, as stated In their Job Description met and had experience In all the requirements stated In the HPL Children's Library Manager Job Description(See Exhibit A12- Essential Job Functions: See Appendix I to this brief for Job Description Requirements).

In late September 2007, appellant was given a detailed, lengthy, and productive interview by: (1) Debra. C. Perry, Manager Librarian for Youth Services (a Caucasian); (2) Anwar Ahmad, Manager Librarian for Neighborhood Services (an Afro-American); and (3) Mary Labor, Manager for Adult Services (a Caucasian), where I responded to all of their questions right to the point, and promptly. She gave specific details in answering their literature questions (I have special training In Children Literature and an MS in Reading and training in publication questions).

However, appellant later learned to her shock and dismay that HPL's evaluation was that her interview was only marginally satisfactory (See Exhibit A13), and therefore they offered the position to another candidate, who did not accept the position.

However, in examining the basis for the appellant's marginal rating, It was clearly highly subjective, unsubstantiated, and not always related to the stated job requirements and I's experiences.

For instance, Ms. Perry's statements were highly subjective and unsubstantiated: "...I was not an Impressive candidate (what does Perry mean by Impressive.--spoke unintelligently?" "...not on target with her responses (what does Perry mean by "on

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July 15, 2010

PS

AC-10011

Clerk Office
2nd Circuit Court of Appeals
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RE: Maxine Richardson, Pro Se Brief for the Plaintiff-Appellant 7.15.10

Dear Office of Clerk:

Enclosed is my brief for the Plaintiff-Appellant, Maxine Richardson.

Any questions please email me at maxinerichardson@sbcglobal.net or phone me at 860 669-6998/860 796-3833. Thanks.

Sincerely,


Maxine Richardson

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target”? -used teen magazines as reference magazines to pre-teens),”; “... (there were) concerns about I's ability to perform In an Intense Inner-city environment (I grew up In a diverse Inner-city, taught music and library media to Hartford students, taught for over ten years In New Haven school system and dealt with physical and emotional Issues from the children and their parents alike, I was a YWCA Los Angeles Director for children and adults.

As well, Ahmad's comments were unsubstantiated and very subjective:”...I did not present well (what does Ahmad mean by present well?—spoke in monosyllables),” “...difficulty in answering questions, and “came across as flat” (how do you define flat? Low keyed? It is difficult to answer an unintelligent question other than flatly)”;

“...she was unable to demonstrate how those experiences would benefit the library and community... (I was a member of the only Hartford Split Feather Indian Council , she still assists American Indian causes In Hartford, when needed, and offered the library assistance In using her photography, arts, music, and Indian contacts to help the HPL In special projects with children and patrons and for fund raising—See Exhibit A14) .”

Finally, the comments of Ms. Abor: were subjective and not supported: “... (she was) not Impressed with me”... (What does she mean by Impressed? ---lacked enthusiasm?),”; “...responses missed the point... (What point?).”; “...quiet, did not feel her personality would be the right fit... (On a first meeting, how can Labor define I's personality).

It is submitted that this subjective and unsubstantiated rating that appellant's Interview was "marginal" did not make any sense, had no basis in reality, and was more a function of their discriminatory bias against I because of her American Indian heritage, than any lack of experience or competence of I.

Their interview rating statements also reflect "stereotyping", or racially profiling all members of particular ethnic groups, the very basis for a discrimination complaint under Title VII. Yet, this subjective, biased, and discriminatory rating was used to deny I a position as a Children's Library Manager on September 25, 2007 (See Exhibit A15).

Later, after September 2007, I saw a notice for another HPL library position as a Youth Services Manager, in force until November 30, 2007. See. Exhibit A16). She then contacted the HPL personnel department (managed by the Deputy Administer Librarian, Ms. Marie Eiders) by telephone to Inquire about the procedures for applying for the Youth Service position.

The personnel department associate, told I that she did not need to apply with a another HPL application for Youth Service position, since I had a HPL children's library application already on file, and that the associate would note on I's file that I was interested In the Youth Service position. Moreover, a youth may also be considered a child. Also, most city applications are validate for one year. (See Exhibit A11c). As a

Hartford City employee, I application use to be good for one year.

Appellant did not know that the new Youth Service position was a renaming

positional title for the Children's Library Manager position that was turned down by the selected candidate. Moreover, if the Youth Service position is the same Children's Library position, I's children application should have been valid.

The first day appellant became aware of the discriminatory conduct against her was the day she received the letter of December 7, 2007, giving the same tired, and senseless reason as given for her application for the Youth Service position, as the reasons given for the Children Library position and other positions, that she was not qualified:

"We received a large number of applications, from many qualified Individuals. We often receive a large number of applications for open positions. We hire the candidate that meets our needs-" (See ExhibitA4-7).

Hence she then realized that respondent's reasons for not hiring her for multiple positions was not based upon a reasonable, accurate assessment of her abilities, but was based upon a pattern of discrimination.

When she tried to use the Freedom of Information Act (FOIL) to obtain Information regarding the qualifications of other candidates for these positions that made them superior or more qualified, by letters dated 11/28/07, 1/25/08, 4/2/08-(See

Exhibit A17-17b) HPL refused to respond and she was later told by telephone that they would not release that Information.

On April 11, 2008 (See Exhibit A18) appellant received a letter from Deputy Librarian Administrator Eiler, stating that, the Chief Librarian Administrator,

Mr. Weed on, had responded to my library concerns by mail on December 13, 2007 (See Exhibit A19), before leaving the employment of HPL, but I never received that letter, and to this day does not know why the other candidates were more qualified

On May 23, 2008, appellant filed her discrimination complaint by certified mailed to Mrs. Gale, Human Rights Representative. The complaint was received by CHRO on May 29, 2008.

On 10/23/08 appellant wrote a request letter (See Exhibit A20) to CHRO Manager, Mr. Epiphany Carrasquillo, to reconsider her case, after receiving a decision by CHRO to dismissed her complaint(10/14/08) upon finding no reasonable cause. On 1/6/09 appellant received a rejected letter (12/30/08) of her reconsideration letter as being untimely filed.

On 1/6/09, appellant wrote a letter to CHRO challenging the untimely decision of her reconsideration request, and asked again for reconsideration, or the right to bring to civil action against HPL (See Exhibit A21). On 1/15/09, she received a release letter of her complaint, instead of a Merit Review date .

The reconsideration request of October 23, 2008 was timely filed.

The Connecticut Statutes 46n-83 and Section 45a-54-67(b) of the Regulations of Connecticut State Agencies states:

"The review will be based on: c. the complainant's comments, If any, to the respondent's answer and Information responses provided that said response Is file with the Commission within fifteen (15) days of complainant's receipt of respondent's answer and responses to the Commission's request for Information..."

October 16, 2008, the date the mailing took place would make a timely request for reconsideration October 21, 2008; and mailing date October 21, 2008 would make a timely request date November 5, 2008.

The Regulation reads:

"(e) If the investigator issues a finding of no reasonable cause or if the complaint is dismissed: (1) for failure to state a claim for relief; (2) because It is frivolous on its face; (3) because the respondent is exempt from the provisions of this chapter; or (4) because there is no reasonable possibility that investigating the complaint will result in a finding of reasonable cause, or if the complaint is dismissed pursuant to subsection (c) of this section, the complainant may request reconsideration of such finding or dismissal with the executive director of the Commission, or the executive director's designee, not later than fifteen days from the issuance of such finding or dismissal. The executive director of the commission, or the executive director's designee, shall reconsider or reject within ninety days of the Issuance of such finding or dismissal. The executive director of the commission, or the executive director's designee, all conduct such additional proceedings as may be necessary to render a decision on the request for reconsideration."

"...Additional Information from the respondent shall not be considered unless the complainant has had fifteen (15) days to review and respond to such Information,"

After the dismissal, the plaintiff requested that the Equal Employment Opportunity Commission review the Connecticut Commission on Human Rights and Opportunities' decision.

On May 8, 2009, appellant was granted a motion for reconsideration of her case by Judge Joan G. Margolis. On February 16, 2010, Judge Thompson granted the Hartford Public Library, the defendant, their Motion to dismiss the case, after a dismissal hearing on January 20, 2010 (See Exhibit a 13). Appellant was granted her appeal to this decision on 3/31/10 (See Exhibit A14).

Appellant now brings this Interlocutory appeal under 28 U.S. C. §1292 (b).

Appellant has three Issues on appeal: 1) whether the district court erred In denying

plaintiff's objection motion to dismiss the complaint (I believed her complaint was filed within the 180 days of Issuance; 2) whether complaint should be deemed timely filed under the doctrine of equitable tolling; and (3) whether the district court improperly considered evidence that should be "liberally construed concerning the jurisdictional requirements for bringing suit under Title VII.

As a general matter, Title VII provides that If the EEOC dismisses a charge, or if it fails to file a civil action or enter into a conciliation agreement within the applicable time limitations, It "shall so notify the person aggrieved and within ninety days after the giving of such notice a civil action may be brought against the respondent named in the charge. "42 U.S.C. & 2000e-5(f) (1).

[17] This court has held that the 90-day rule can be equitably tolled in certain situations. *See Johnson v. Al Tech Specialties Steel Corp.*, 731 F. 2d 143,146 (2d Cir.1984). In *Johnson*, this court cited the Supreme Court for the proposition that "the `remedial purpose of the [civil rights] legislation as a whole would be defeated If aggrieved plaintiffs were absolutely barred from pursuing judicial remedies by reason of excusable failure to meet the time requirement." *Id.* (quoting *Zipes v. Trans World Airlines, Inc.*, 455 U.S. 385, 398, 102 Sect. 1127, 1135, 71 L.Ed.2d 234 (1982).

SUMMARY OF THE ARGUMENT

Unlike any other librarian, appellant, a Chickasaw American Indian, is almost

eight times as likely not to hold a library management job as a white librarian in society.

Moreover, American Indian employment positions are declining every year. Thus, American Indians, a protective class, hold the distinction of having made the least progress in the labor market. To add salt to the wound, American Indians are still affected by stereotyping.

In employment much discrimination may stem from employers, like the Hartford Public Library, to hold perceptions about the abilities of a Chickasaw American Indian to manage a library in an inner-city. Moreover, the danger of stereotypes is that these beliefs may be held without the employer and employee being aware of them.

Attitudinal factors affect the employment opportunities available to I—a Chickasaw American Indian—in a number of ways. The phenomenon of statistical discrimination for example, involves the deliberate substitution of generalization often embodying stereotypes and preconceptions about group for individualized judgments of productivity. It is engaged in by employers who wish to minimize both their information costs, and the risks of uncertainty.

One is reminded of the statement attributed to former United States Senator George Murphy in speaking of crop harvesting. "You have to remember that Americans can't do that kind of work...it's too hard. Mexicans are really good at that. They are built low to the ground, you see, so it is easier for them to stoop." *Time*, Oct. 16, 1964, at 36. This statement reflects the phenomenon of stereotyping all members of groups

because of the characteristics (or the perceived characteristics) of the groups as a whole.

Even the Supreme Court is not free from it. If one source, discussing *Phillips v. Martin*

Marietta, 400 US 54442 (1971), is to be believed:

“...Later that term, in a sex discrimination case...Burger wanted to rule in favor of a company that refused to hire women with preschool-age children. He strongly supported the company's policy. “I will never hire a woman clerk,” Burger told his clerks. A woman would have to leave work at 6 p.m. to go home and cook dinner for her husband. His first clerk back in 1956 at the Court of Appeal had been a woman, he told them. It had not worked out well at all. As far as he was concerned, an employer could fire whomever he wanted and for whatever reason. That was the boss' prerogative. When it was suggested that his position amounted to a Declaration that part of the Civil Rights Act was unconstitutional, Burger angrily shut off the discussion.

He didn't want to argue legal niceties. His experience showed him that women with young children just didn't work out as well as men in the same jobs. The employer was within his rights... At conference, however, the majority voted the other way. Burger, returned to his chambers and announced that he wanted a per curiam (unsigned opinion) drafted, ruling that unless the company could show that conflicting family obligations were somehow more relevant to job performance for women than for men the company would have to lose. “It was the best I could do,” Burger told his amazed clerks. The decision became another liberal opinion for the Burger Court.”

The above Burger case was “liberally construed.”

Moreover, in other instances, even where the employer does make some

Individual Inquiry, group stereotypes may cause the employer to discount or reinterpret

the objective data produced by the inquiry.

In appellant's interview, the librarians discounted some of her qualifications and did not interpret the qualifications properly.

Social psychologists have documented extensively similar effects in the perception and evaluation of individual competence. The same professional article, for

example had been rated higher when attributed to a male, rather than a female author.³

Male artistic endeavors were judged, in the absence of authoritative criteria, superior to those attributed to a female.

Likewise, appellant's qualifications appeared to be equal to Anwar Adam, but Hartford Public Library did not deny him employment and gave his qualifications a superior rating. Also, Anwar Ahmad gave appellant an unfavorable interview rating as stated above.

The U.S. Supreme Court has stated that:

"... [I]n then . . . context of racial discrimination in the workplace we have rejected any conclusive presumption that an employer will not discriminate against members of his own race. Because of the many facets of human motivation, it would be unwise to presume as a matter of law that human beings of one definable group will not discriminate against other members of their group." (Internal quotation marks omitted.) *Ocala v. Sundowner Offshore Services, Inc.*, 523 U.S. 75, 78, 118 S.Ct. 998, 140 L.Ed.2d 201 (1998).

Equally Important, male success is attributed to skill, while female success is seen more often as a matter of luck.⁴ Other studies show that for a highly competent female to gain recognition for her work, her accomplishments must be regarded as demonstrably exceptional. Not only must a woman be seen as succeeding in a realm outside traditional women's roles within a context requiring unusual drive and dedication, but

³ Bern & Bern, *Case Study of a Non-conscious Ideology: Training the Woman to Know Her Place, Beliefs, Attitudes and Human Affairs* (D. J. Burned. 1970); Goldberg, *Are Women Prejudiced against Women*, 5 *Transaction* 28 (1968).

⁴ *Id.*

her worth must be supported by the positive evaluation of an authoritative source.⁵

These findings would seem to account for the phenomenon reported by sociologists of competent women simply “not being heard.”⁶

Studies focusing specifically on employment decisions also show the impact of sex-based biases on perception. In simulated hiring situations, male applicants for managerial positions are rated higher and accepted more frequently than equally qualified females, particularly for more demanding positions.

Anwar Ahmad was accepted as Hartford Public Librarian manager, but not appellant, who was just as qualified for a library management position.

The critical Issue before us concerns the allocation of proof In the Hartford Public Library dismissal motion action, challenging appellant’s (a female Chickasaw American Indian) disparate discrimination employment complaint.

The language of Title VII makes plain the purpose of Congress is to assure equality of employment opportunities and to eliminate those discriminatory practices and devices which have fostered racially stratified job environments to the disadvantage of female Chickasaw American Indian or minority citizens. Griggs v. Duke Power Co., 401 U.S. 424,429 (1971). As noted In *Griggs*, supra:

“Congress did not intend by Title VII, however to guarantee job to ever person regardless of qualifications. In short, The Act does not command that any person be

5 O’Leary, Some Attitudinal Barriers to Occupational Aspirations In Women, 81 Psych. Bull. 809, 812 (1974), citing findings of Taylor & Dues, When Women are More Deserving than Men; Equity, Attribution and Perceived Sex Differences, 28 J. Peers. & Soc. Psyche. 360-67 (1973).

6 Epstein, What Keeps Women Out of the Executive Suite, [In] BringIng Women Into Management (F. Gordon & M. Strober, eds., 1975).

hired simply because she was formerly the subject of discrimination, or because she is a member of a minority group. Discriminatory preference for any group, minority or majority, is precisely and only what Congress has proscribed. What is required by Congress is the removal of artificial, arbitrary, and unnecessary barriers to employment when the barriers operate invidiously to?

Discriminate on the basis of racial or other impermissible classification.”

There are personal as well as societal interests on both sides of this equation. The broad overriding interest, shared by employer, employee, and consumer, is efficient and trustworthy workmanship assured through fair and racially neutral employment and personnel decisions. In the implementation of such *decisions*, it is abundantly clear that Title VII *tolerates no racial discrimination, subtle or otherwise.*

Appellant, a Chickasaw American Indian, charges in her case:

“The Hartford Public Library repeatedly discriminated against her and denied her an equal opportunity to become children’s and youth service library manager, because of her race, age, color, sex, and national origin, and through the bona fide absence of consideration of her qualifications”

Title 42 of the United States Code, § 2000e-2(a), provides in relevant part:

“It shall be an unlawful employment practice for an employer — (1) to fail or refuse to hire . . . any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race . . . [or] color. . . or; (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race . . . [or] color..”

Although appellant met the HPL job requirements and she had outstanding qualification, she was given a subjective, biased, stereotypical marginal job rating score that eliminated her job opportunities with the HPL

The District Court improperly concluded that the 180-day time limitation for filing her case rendered it untimely, and her case was dismissed by the judge.

The Hartford Public Library denied discrimination of any kind and that appellant's complaint should be dismissed. HPL asserted that its failure to employ appellant was based upon and justified by an artificial competency and marginal rating score.

Thus, the issue on appeal is framed by those opposing factual contentions.

ARGUMENT

Far from sleeping on her rights, appellant acted with utmost diligence in pursuing her discrimination claim, first through administrative channels with the Hartford Public Library, and next with the Connecticut Commission on Human Rights and Opportunities under the Connecticut General Statutes and Acts 46a-82(f) and 46a-6a1, Title VII of 1964, 42 USC 2000e-5-(f)(1), the Civil Rights Act of 1991, the Age and Discrimination and Employment Act of 1967, 29 USC 621-634, the EEOC, and ultimately to the district court in a timely manner.

The former section of the Civil Right Act of 1964 prohibits racial discrimination in any employment decision, while the latter forbids discrimination against applicants or employees, who allege discriminatory conditions of employment. Hence, Judge

Thompson dismissal of appellant's disparately discrimination complaint should be reversed.

In seeking to purse all administrative avenues before resorting to litigation,

appellant did not waive her right to sue. The 180-day limitation period for filing appellant's Civil Rights Action did not commence until she received the notice of CHRO's denial of her request for reconsideration (Dated, December 30, 2008 and received on January 6, 2009). See Exhibit.

Appellant also argued that: (1) "final action" for purposes of the CHRO reconsidering its dismissal of complaint due to finding of *reasonable cause* did not arise until October 31, 2008, because appellant received the Issuance Notice on October 21, 2008. Appellant's reconsideration request was timely filed within 15 days from the Issuance of the Commission's determination. The Connecticut Statutes 46a-83 and the Section 45a-54-67(b) of the Regulations of Connecticut State Agencies states in pertinent part:

"(e) If the complaint is dismissed... (4) because there is no reasonable possibility that investigating the complaint will result in a finding of reasonable cause..., the complainant may request reconsideration of such finding... not later than fifteen days from issuance of dismissal... Information from the respondent shall not be considered unless the complaint has had fifteen (15) days to review and respond to such information..."

This is not the first litigant to have been caught in a procedural trap of unknowingly waiving her right to sue while attempting to pursue her claim administratively with an agency. In Canaan v. Beneficial Finances Corp., 553 F.2d 860 (3rd Cir. 1977), the appeals court overturned the granting of defendants' motion to dismiss the complaint for lack of subject matter jurisdiction and timeliness on the same

grounds.

Moreover, appellant argued that In Martinez v. Orr, 738 F. 2d 1107 (10th Cir. 1984) the court agreed with Martinez, a qualified mechanic, that under the circumstances his discrimination complaint should not have been dismissed (preselection bias as mechanic Inspector) as untimely, and that equitable consideration require that Martinez be allowed to proceed with his claims.

Hartford Public Library discriminated against appellant because of her national origin, race, sex, and age and through the lack of bona fides consideration attributable to preselection bias (bias rating system).

Moreover, suits by private citizens and federal employees for limitation period in 2000e-16(c) and 2000e-5(f) (1) should be treated the same way for the purposes of equitable tolling. The decision for equitable tolling is not uniform. Both the Eleventh and the District Circuits have *applied Zipes* to holdings to actions brought by federal employees under Title VII. See Salts v. Lehman, 672 F. 2d 206, 208 (D.C...1982) See Miriam v. US Post Office 674 2d 860, 862 (11th Cit. 1982).

Historically, section 2000e was added to the Civil Rights Act In 1972 In order to correct the “entrenched discrimination In Federal Services,” and insure the “effective application of uniform, fairs, and strongly enforced policies.” H.R.

Rep.No.25.....Congress wanted federal employees to have the same rights as employees in private sector. American Indian librarian managers should also be given the same

rights as other librarian managers

In view of the principle that Title VII is a remedial statute to be “*liberally construed*” in favor of victims . . . discriminated (against) ,” see also Davis v. Valley Distributing Co., 522 F.2d 827, 832 (9th Cir. 1975); cert. denied. 42 U.S. 1090, 97 S.Ct. 1099, 51 L.Ed.2d 535(1977).

Appellant argues in conclusion that the 180-day time limitation of section 2000e-5(f) (1) is not a jurisdictional bar here, as it may be subject to equitable tolling in appropriate cases, such as appellant’s.

The circuit courts’ decisions have indicated that time limits contained in Title VII will be tolled if a litigant is “actively misled,” or “has in some extraordinary way been prevented from asserting her rights”--”...we will permit tolling of the limitations period. Wilkerson v. Siegfried Insurance Agency, Ind., 683 F. 2d 344, 321 (10th Cir. 1982); see See also Cottrell, 590 F. 2d at 838.

Appellant elected to defer bringing a civil rights action until the HPL Youth service librarian had an opportunity to reconsider the HPL decision. This case does not involve an unreasonable delay. Nor does it constitute an attempt to revive a long stale claim, or otherwise designed to circumvent the statutory period at issue. *Cf. Hofer*, 581 F.2d at 976-78, *Clark*, 499 F. 2d at 132-34; *Chickillo*, 406 F. Supp. at 808-10. See *Gonzalez-Aller Balseyro*, 707 F.2d at 859.

Moreover, when Congress in 1978 revised the filing requirement of the Age

Discrimination In Employment Act of 1967, 81 Stat. 602, 29 U.S.C. A § 621 seq. (1976 ed. and Supp. V), which was modeled after Title VII, (see Oscar Mayer & Co. v. Evans, 441U.S. 750 (1979)), the House explicitly stated that the “the charge” requirement is not a jurisdictional prerequisite to maintaining an action under the ADEA and that therefore equitable tolling for failing to file within the time period will be available to plaintiff under this Act.” H.R. Conf. Rep. No. 95-950, p.12.

Ultimately, the question now, is whether the record before the [agency and court] supports the action taken.

Moreover, McDonnell Douglass Corp. v. Green established the proof of Individual Title VII disparate treatment cases and it is reaffirmed In Texas Dept. of Community Affairs v. Burdines. Under *Burdines* once appellant presents a *prime facie* case, an inference of discrimination arises.

Burdines states that a litigant may succeed in meeting his or her ultimate burden of persuasion “either directly by persuading that court that a discriminatory reason more likely motivated the employer—the HPL—or indirectly by showing that the employer’s pro-offered explanation is unworthy of credence.” Under the first of these two alternative methods I may meet her burden if she can “[persuade the court that the employment decision more likely than not was motivated by a discriminatory reason USPS Board of Governors v. Likens, 460 U.S. 711, 717-718, 103 S. Ct. 1478, 75 Led. 44403(1983) (Blackman, J., concurring).

Burdines compels the employer to come forward with its explanation of the decision and permits the party to offer evidence under either of the logical methods for proof of discrimination. Burdines also provides an orderly and adequate way to place both Inferential and direct proof before the fact finder for a determination whether Intentional discrimination has caused the employment decision.

Aikens Illustrate the point:

“There, the evidence showed that the plaintiff, a black man, was far more qualified than any of the white Applicant promoted ahead of him...”

Court Justice Brennan and Justice Blackman concurred to stress that the plaintiff could prevail under the Burdines scheme in either of two ways one of which was directly to persuade the court that the employment decision was motivated by discrimination. The 'pretext' framework of Burdines has been considered to provide a flexible means of addressing all Individual disparate treatment claims.

The Civil Rights Act of 1991, sec. 107 of the amends 703 of Title VII (Unlawful Employment Practices) by adding the following subsection:

“Except as otherwise provided in this title, an unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex, or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice.”

The Hartford Public Library violated the Connecticut General Statues and Acts 46a-58a and 46a-6a1, the Civil Rights Act of 1991 and Title VII Of 1964, 42 U.S.C., and

the Age and Discrimination and Employment Act of 1967, 28 and 29 U.S.C., 621, 632, when It denied I an employment opportunity as a library manager and Title VII when It failed to consider all of I's qualifications for an advertised library managers position comparisons to the qualification of other candidates.

CONCLUSION

FOR ALL THE FOREGOING REASONS THE DECISION OF THE DISTRICT COURT TO DISMISS THE ACTION UPONGROUNDS OF UNTIMELINESS SHOULD BE REVERSED AND THE MATTER REMANDED TO THE DISTRICT COURT FOR FURTHER PROCEEDINGS

Respectfully submitted, ,



Maxine Richardson

Appellant, Pro Se

APPENDIX

To: Whom it may concern: envelope
letter about EEOC complaint and
CHRO complaint dismissal

cover

CERTIFIED MAIL



State of Connecticut
COMMISSION ON HUMAN RIGHTS
AND OPPORTUNITIES
Capitol Region Office - 999 Asylum Aven
Hartford CT 06105



UNITED STATES POSTAGE
02 1M \$ 03.
0004253809 OCT 14
MAILED FROM ZIP CODE

Also

1st NOTICE 10/14/81
2nd NOTICE 10/14/81
RETURNED 10/14/81

Maxine Richardson
286 Meadow Point Road
Westbrook CT 06408

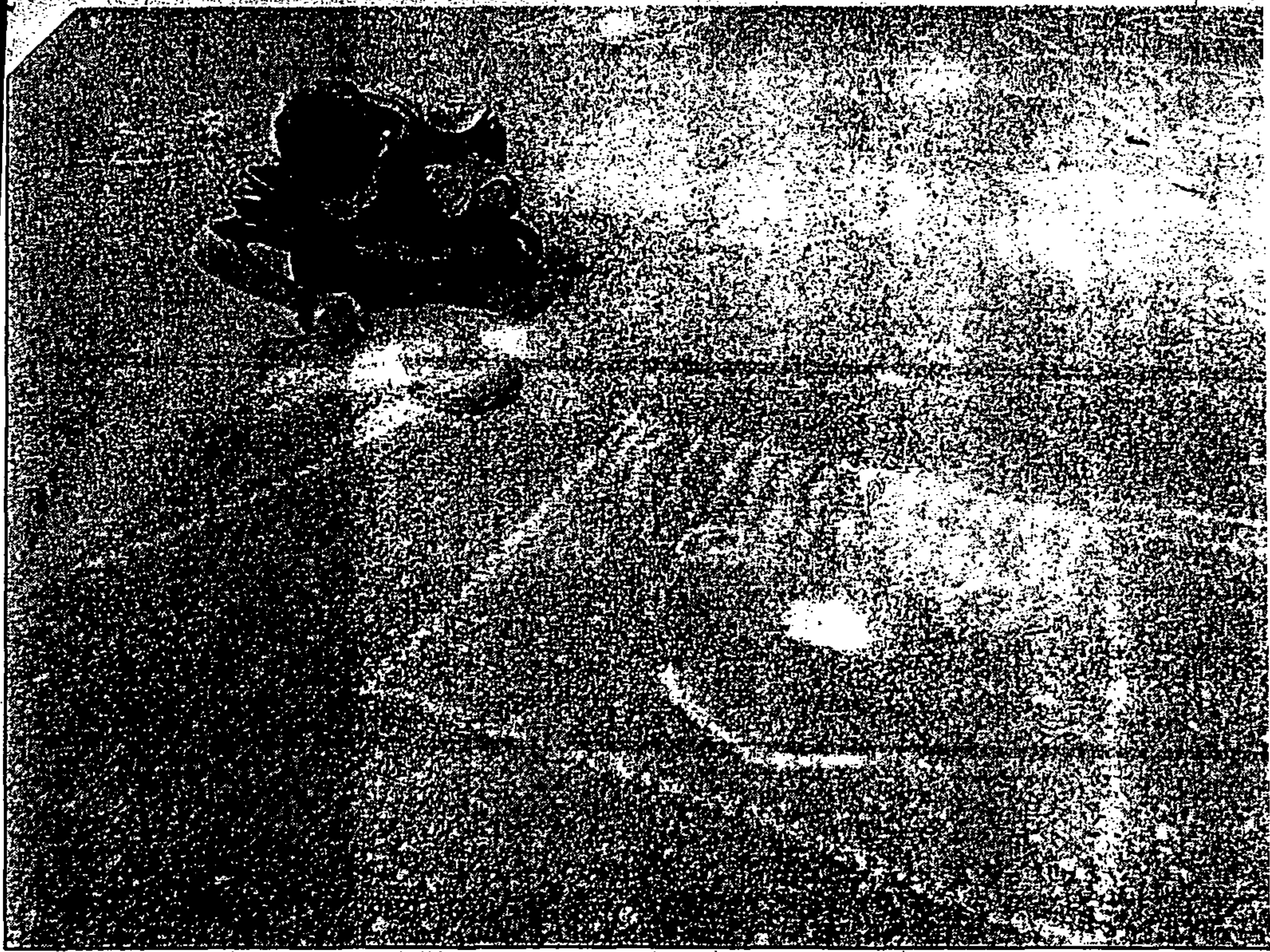
T 061 N7E 1 9081 39 10/15

RICHARDSON MAXINE
49 RIVER RD
CLINTON CT 06413-1049

EC: 06413104949 *1594-C2045-14

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0641301049

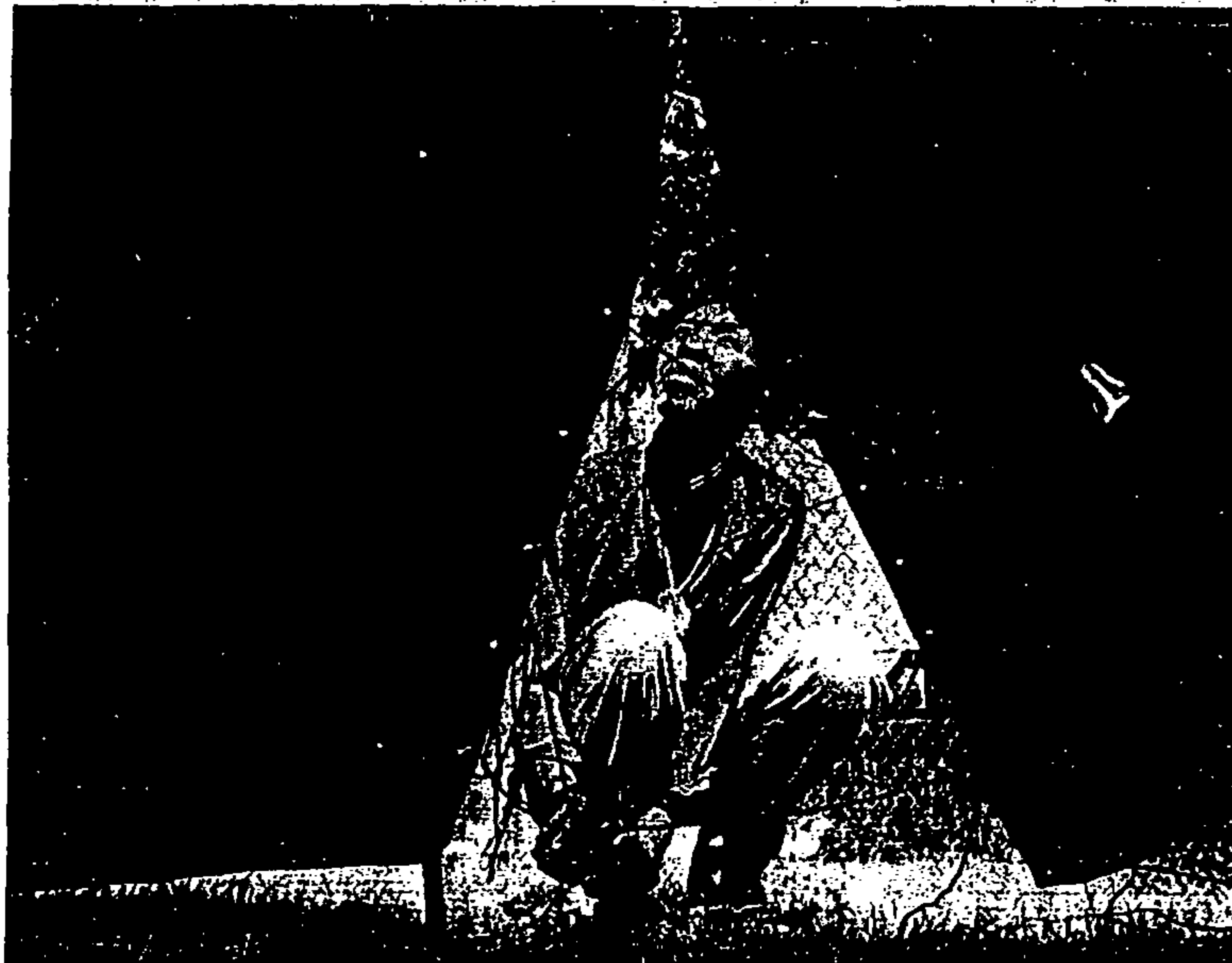




■ LEARNING THE OLD WAYS — Above, 9-year-old Jason Carrillo, a second-grader at Hartford's Kinsella Elementary School, adds his work to that of other pavement artists during a spring festival Tuesday. Right, Maxine Richardson, artist in residence at the school, ties down a tepee decorated by her students. The festival was part of the Flowers of the Sun Project, a program whose goal is to teach students about how Indians lived. It was sponsored by the Hartford Arts Department and funded with grants from the Connecticut Commission on the Arts, Southern New England Telephone, Shawmut Bank, the Connecticut Mutual Life Insurance Alliance Group and private donations. Hartford's Rawson Elementary School, M.D. Fox Elementary School and Hartford Public High School also took part in the project.

Michael McAndrews / The Hartford Courant

AI



Exhibit

500 Main Street
Hartford, CT 06103-3078



June 4, 2007

Ms. Maxine Richardson
286 Meadow Point Road
Westbrook, CT 06498

Dear Ms. Richardson:

Thank you for applying for the position of children's library manager.

Due to potential budget constraints, we are postponing the interview process for the children's library manager position. We do not know yet when we will schedule the interviews.

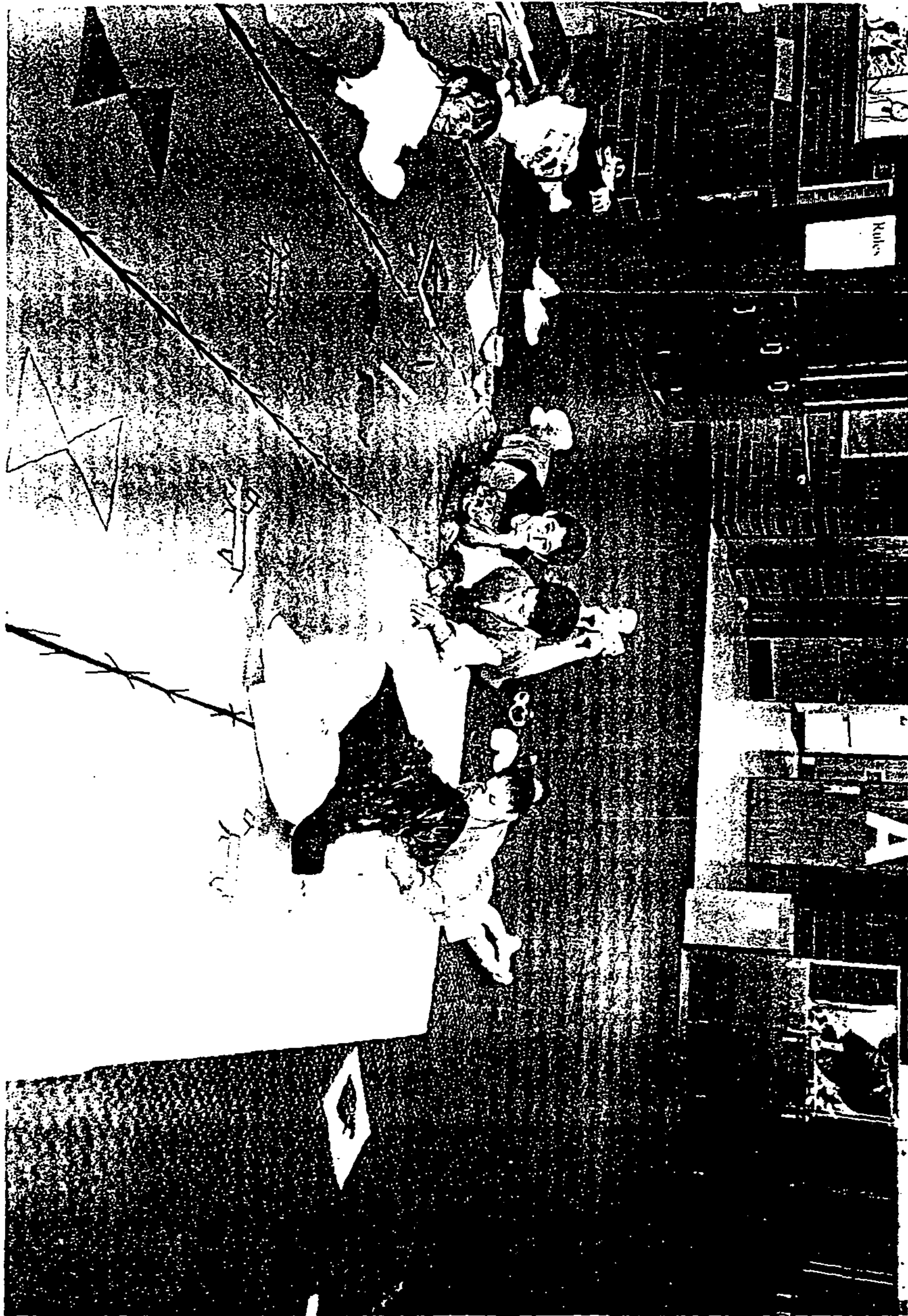
Thank you for your patience.

Respectfully,

A handwritten signature in cursive script, appearing to read "John S. Weedon".

John S. Weedon
Deputy Chief Librarian for Administrative Services

Ab



A2

HARTFORD PUBLIC HIGH SCHOOL INDIAN POTTERY
PRESENTATION SPONSORED BY MARYE RICHMOND



A 3

RECEIVED

5/23/08

MAY 29 2008

Dear Mrs. Galer here is my Complaint.

288 Meadow Point Road
Westbrook, CT 06498
May 14, 2008

Commission on Human Rights and Opportunities
CAPITOL REGION

CHRO and- U.S. Equal Employment Opportunities Commission

COMPLAINT AFFIDAVIT

1. My name is Maxine Richardson. I am a Librarian with an MLS. My address is 288 Meadow Point Road Westbrook, CT 06498. My birthday is 12/12/39 and I am 68 years old.
2. The Respondent is the Hartford Public Library. The Hartford Public address is 500 B. Main St Hartford, CT 06103. The Hartford Public Library employs 20 employees.
3. I am alleging that the Hartford Public Library denied me the youth service library position because of my race and age and did not give me an equal opportunity to become a librarian at their Library.
4. The Hartford Public Library discriminated against me based on my race and age when they did not select me as a library management candidate for the youth service library position.
5. To my knowledge there are no librarians in management position with my race and age in the Hartford Public Library.
6. I had good qualifications for the job and met the requirements and I could perform the job as youth librarian. I did not understand why I was not selected as a candidate. I called the youth service director, Mrs. Perry, about the decision. She explained that there were better candidates than me. I was still not satisfied and I decided to write Mrs. Perry a letter about the youth service position.
7. On 11/28/07 I inquired by letter to the Hartford Public Library about the library position decision not to list me as a candidate for the youth service position.
8. The first day I was aware of the discrimination was when I received a letter on December 7, 2007 stating the same reason I was not qualified for the position as the reasons given for other positions that I had applied for at the Hartford Public Library in September 2007, 2006, 2005, 2004, 2003, and 1998—" We received a large number of applications, from many qualified individuals... We

A4

Exhibit

often receive a large number of applications for open positions... "We hire the candidate that meets our needs..." — and that I realized the Hartford Public Library reason for not hiring me was a pattern response and discriminatory.

9. I inquired by letter (1/25/08) again asking what qualifications the other candidate had that made her superior to me and what race did she have.

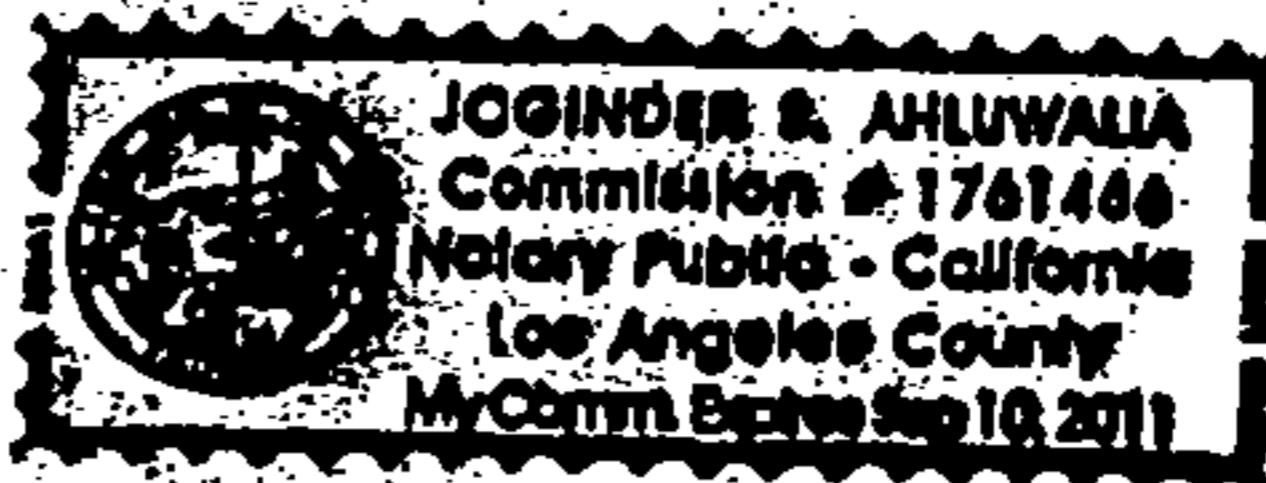
10. I did not hear anything from the library and I was told they could not give me any information about the other candidate. Later in April 2008, I received a letter that did not answer my questions.

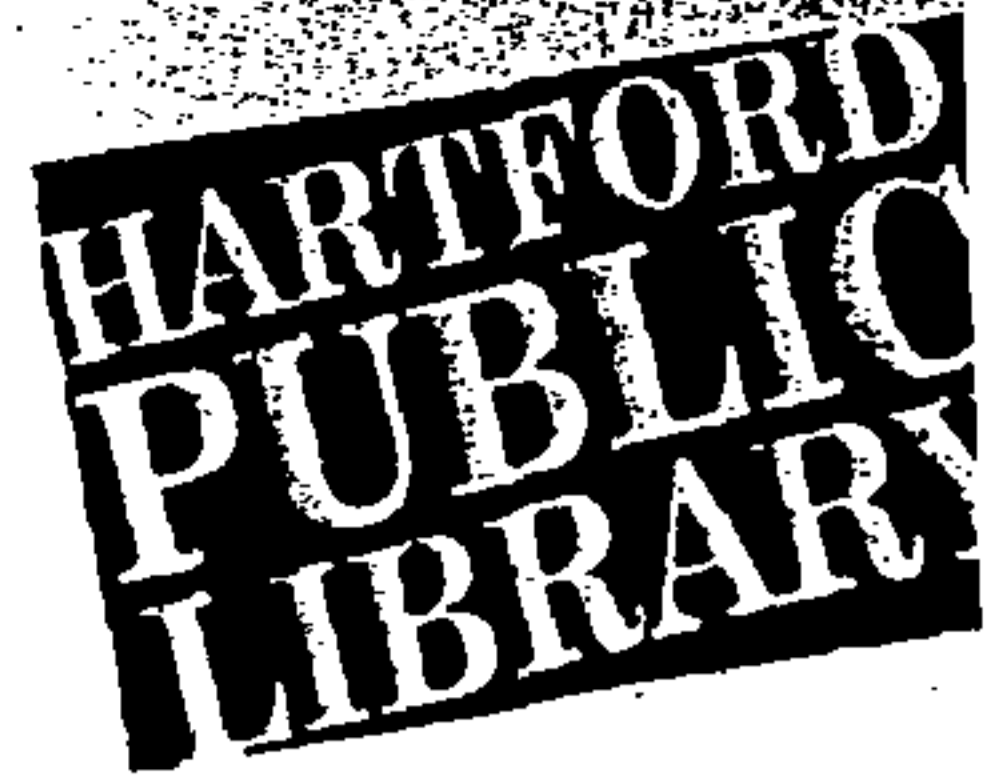
11. I therefore charge the Respondent with discriminating against me because of my race and age in violation of the Connecticut General Statutes and Acts 46a-58a and 46a-6a1, Title VII of 1964, 42USc 200e and the Civil Rights Act of 1981, and the Age and Discrimination and Employment Act of 1967, 29USc 621-634.

Complainer Maxine Richardson Date: 5/23/08

State of California, County of Los Angeles
Subscribed and sworn to (or affirmed) before me on
this 23 day of MAY 20 08 by
MAXINE RICHARDSON
proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.

Notary Joginder S. Ahluwalia





September 7, 2007

Dear Ms Richardson:

Thank you for your letter. It is very important to the Hartford Public Library to maintain a diverse workforce.

The library is a great place to work. We have the opportunity here to make a real difference in the lives of children, teens, and families. We have excellent support for our work from within the organization. We can express our creativity through our program

We often receive a large number of applications for open positions. It can be difficult to select only a few candidates for interviews, knowing that other applicants offer good combinations of skill and experience. It can be difficult to finally recommend just one candidate for employment.

As I am sure you understand, we are committed to maintaining as much confidentiality around the interview and employment process as possible. I have forwarded your letter to John Weedon, Deputy Chief Librarian for Administrative Services. I am sure he will respond.

Sincerely,

Debra Camier-Perry For Children Library Position

FOR
BLI
RA

Note: I receive a I regret
letter for this position, MR



September 14, 2004

Ms. Maxine Richardson
286 Meadow Point Road
Westbrook, CT 06498

Dear Ms. Richardson:

We have received your application for the position of Associate Librarian for Public Services with the Hartford Public Library.

We will be reviewing applications and scheduling interviews within the next four to six weeks.

Thank you for your interest in working with the Hartford Public Library.

Sincerely,

Lucy B. Gangone
Associate Librarian

AB

Exhibit B

December 7, 2007

Dear Ms Richardson:

Thank you for your letter. It is very important to the Hartford Public Library to maintain a diverse workforce.

This library is a great place to work. We have the opportunity here to make a real difference in the lives of children, teens, and families. We have excellent support for our work from within the organization. We can express our individual interests and creativity through our programs.

We often receive a large number of applications for open positions. It can be difficult to select only a few candidates for interviews, knowing that other applicants offer good combinations of skill and experience. It can be difficult for members of the interviewing panel to finally recommend just one candidate for employment.

As I am sure you understand, we are committed to maintaining as much confidentiality around the interview and employment process as possible. I have forwarded your letter to John Weedon, Deputy Chief Librarian for Administrative Services. I am sure he will respond.

Sincerely,

Debra Carrier-Perry
Associate Librarian for Youth Services

Note for Youth Service Postbox

A7

Exhibit

500 Main Street
Hartford, CT 06103-3075

**HARTFORD
PUBLIC
LIBRARY**

Maxine Richardson
286 Meadow Point Road
Westbrook, CT 06458

Dear Maxine Richardson,
You submitted an application for the position of Teen Coordinator with the
Hartford Public Library.

We received a large number of applications, from many qualified individuals.
After the screening of applications, I regret that you were not chosen for an
interview. Interviews have been held and the candidate chosen.

Thank you for your interest in the Hartford Public Library, and the best of luck in
your career.

Sincerely,

Personnel

A8

500 Main Street
Hartford, CT 06103-3075



December 13, 2007

Maxine Richardson
286 Meadow Point Road
Westbrook, CT 06498

Dear Ms. Richardson:

Ms. Debra Carrier-Perry, Associate Librarian for Youth Services, forwarded your letter to me concerning your recent application for Youth Services Manager – Central Library.

I want to assure you that the library follows the City of Hartford's Affirmative Action and Equal Employment Opportunity Policy.

The hiring process used at Hartford Public Library is consistent with state and federal laws and is designed to ensure we hire the best candidate that meets our needs. Specifically, we advertise internally and externally, screen candidates to ensure they meet the minimum qualifications, assembly an interview panel made up of staff from multiple departments, and check references for the finalist. In addition, successful candidates are subject to a criminal background check.

The library has a proud tradition of hiring and maintaining a diverse workforce. We have staff from Sierra Leona and Puerto Rico and Nepal as well as Native Americans and Europeans. It is this diversity that helps us achieve our number one goal, which is to offer best library service possible to our city residents.

Thank you for your attention.

Respectfully,

A handwritten signature in black ink, appearing to read "J.S. Weedon".

John S. Weedon
Deputy Chief Librarian for Administrative Services

A9

6. Respondent is a federal government agency.
7. Respondent is a business owned and operated by a federally recognized Indian tribe.
8. There are other legal bases to exempt Respondent from the CHRO's jurisdiction.

CHRO has jurisdiction over respondent.

Respondent is exempt from the CHRO's jurisdiction and the complaint should be dismissed because:

MERIT ASSESSMENT STANDARD 4 – Is there no reasonable possibility that investigating the complaint will result in a finding of reasonable cause?

Determination of this standard seeks to evaluate the merits of the complaint as evidence by the parties' respective positions. Dismissing a case pursuant to this standard requires that the file contain evidence that, when construed in a light most favorable to the complainant, nonetheless requires dismissal. **Cases requiring credibility determinations should not be dismissed under this standard.**

There is a reasonable possibility that an investigation would result in a finding of reasonable cause.

There is **NO REASONABLE** possibility that investigating the complaint would result in a finding of reasonable cause, and the complaint should be dismissed because:
Based on a review of the facts presented in the affidavit and response documents, it is the reviewer's conclusion that the complainant will not be successful in getting a reasonable cause finding if the captioned complaint were to be subjected to a full investigation. The reasons for this conclusion are:

1. There are insufficient facts alleged in the affidavit, based upon complainant's information and belief, that could form the basis for a reasonable cause finding for the allegation of "failure to hire";
- ✱ 2. Complainant failed to seek comparative information on the selected candidate (e.g. through FOIA) upon which to base her allegations of discrimination on the basis of age and race/ancestry (Native American); *Note I sought information thru FOIA.*
3. The respondent's proffered reason and explanation of the selection decision is likely to be found credible.

For the above reasons, it is unlikely that a finding of reasonable cause would be entered upon a full investigation of this complaint.

DISPOSITION:

Notice is hereby given that pursuant to CONN. GEN. STAT. § 46a-83(b), the commission has dismissed your complaint following its Merit Assessment Review process because:

A10

Personnel, Office

From: Maxine Richardson-Nischan [maxinerichardson@sbcglobal.net]
Sent: Monday, April 30, 2007 8:18 PM
To: Personnel, Office
Subject: Children Library Position

4/30/07

My children and academic library experience and my strong academic background in information technology, reading, and education will enable me to make a significant contribution to the Library position at your library.

The library field requires discipline and a meticulous concern for detail and organization. My education at Columbia Teachers College and Southern Connecticut State University has prepared me for these demands. Moreover, I am flexible, a self-starter with knowledge of many disciplines, and experiences as library director and in reference services, teaching library media skills, technical skills, and information literacy. I have a workable knowledge of web based instructional design, bibliographic databases, educational planning, report writing, and working with diverse patrons.

The librarian increasingly relies on computers to aid in the research and analysis of information. My course work in communication and technology has provided me with the ability to work efficiently with library patrons using various databases, media systems, and software. Furthermore, I possess the technical skills necessary to rapidly familiarize myself with computer systems, thus reducing training time.

I believe you will see from my resume that I am well equipped to fill the position and have both the skills and experience to immediately contribute to the organization. I hope I can meet with you and further discuss how my background would fit your needs. Thank you for your time and consideration.

Sincerely,

Maxine Richardson

Delete Reply Forward Spam Move...

ALL

Maxine Richardson
286 Meadow Point Road
Westbrook, CT
860 669-6998/796-3833
maxinerichardson@sbcglobal.net

OBJECTIVE

Academic Library position with the opportunity to work in academic, technical, and administrative services.

SUMMARY

- Experience and training as a Community College Reference Librarian
- Experience in processing interlibrary loan transactions and serials
- Computing Experience: HTML, Photoshop, Front Page, Power Point, and Microsoft Office
- Law Library Court Intern
- Certified Library Media, Reading, and Music Specialist
- Grant Writing Skills
- Experience as information instructor, planner, and collection development manager
- Ability to work as part of a team and independently
- Language Ability: reading knowledge and some speaking and writing ability in Spanish and French

PROFESSIONAL EXPERIENCE

Law Intern with Middletown and Stamford Court Middletown/Stamford, CT (Jan.-Aug., 2001)

- Provided reference assistance to library patrons
- Assisted with the basic email reference questions
- Process interlibrary loan transactions using OCLC
- Copied cataloging using the law library autographics system
- Located materials in the online catalog
- Designed an animal rights pathfinder and a Middletown court brochure guide
- Located material on the Citrix CD-ROM Tower

Hartford Capital Community-Technical College Library Intern Hartford, CT (2003)

- Provided reference and bibliographic research assistance to library patrons
- Assisted with basic reference questions
- Assisted students with computer questions
- Located materials in the online catalog and in the stacks for patrons
- Designed an African History pathfinder
- Performed other relevant duties as assigned by the Reference Librarian

Assistant Professor New York University New York, NY (1985-87)

- Assisted TV and Film Professor with TV and Film classes
- Organized pre-production activities for students video productions
- Assisted audio crew; set up props and arranged Sets; reviewed storyboards
- Hanged and focused lights; ready camera shots and other cues during production
- Assisted students in camera control room and production library

Director of Children Services Seymour Public Library Seymour, CT (2003-2004)

- Provides in-house and outreach programs and storytelling for children grades Pre-K- Teens

Alla

Maxine Richardson
286 Meadow Point Road
Westbrook, CT
860 669-6998/796-3833
maxinerichardson@sbcglobal.net

Page 2

- Develop and maintain children's collections, catalog books, and supervised assistant children's librarian
- Provided reader's advisory and reference services by assisting children in selecting books and materials for reading and school assignments
- Provided library services to all age groups and reference service to adults as needed
- Supervised and maintain circulation desk and staff; and did original and copy cataloging

Library Media Specialist and Teacher:

Public Schools Librarian (1994-2006)
New London Public Schools New London, CT
Hartford Public Schools Hartford, CT
Groton Public Schools Groton, CT

- Responsible for the administration of the operation, programs, budget, and services of the library and maintained a plan for the collection of all types of media and materials and determined the acquisitions and cataloging process
- Promoted reading of books, storytelling, and using media materials, computers, and videos
- Provided updates on library-related matters to the faculty at faculty meetings; and served on faculty committees; produced a monthly newsletter and designed a web page
- Supervised, directed, and evaluated the work responsibilities of the library aides
- Provided in-class lectures and other types of bibliographic and media research instruction as requested by the faculty
- Compiled as needed, reports, and statistical studies, relating to library growth and development

**Consultant, Grant Writer, and
Artist in Residency**

Hartford Public School Hartford, CT (1992)

- Designed, planned, and created an Arts, History, and Culture Grant Project for four elementary schools and one highschool.

Registered Representative

First Investors North Haven, CT (1988-90)

- Serviced clients portfolios and provided individual financial service to clients
- Kept clients abreast of market fluctuations; and built up clientele
- Recommended stocks, mutual funds, and insurance products to clients
- Responsible for developing research procedures for financial plans

EDUCATION

Master of Library Science
Master of Reading
Master of Education

Southern Connecticut State University
New Haven, CT
Communication, Computing & Technology in
Education

Master of Arts

Columbia University New York, NY
Corporate and Political Communication

Bachelor of Arts, Music

Fairfield University Fairfield, CT
Langston University Langston, Oklahoma

SPECIAL TRAINING

Film and Asian Studies Columbia, New York University, and Yale
University; Peace Corps; and Accounting

A116

HARTFORD PUBLIC LIBRARY

500 Main Street

Hartford, CT 06103

APPLICATION FOR EMPLOYMENT

Applicants for any position in the Hartford Public Library are considered without regard to race, color, religion, sex, national origin, marital status, or the presence of a medical condition or handicap unrelated to the position. Applicants are requested to complete this form and return it to the Associate Librarian for Administrative Services. All answers will be treated as confidential and should be as complete as possible. (Any misrepresentation is cause for rejecting this application, and for dismissal after appointment.)

Position Applying For: Children Librarian

Date: 04/30/2007

PERSONAL INFORMATION

Full Name: Richardson Maxine
Last First Middle Initial

Current Address: 286 Meadow Point Road
Number and Street or PO Box Apt. No.
Westbrook CT 06498
City State Zip Code

Permanent Address:
Number and Street or PO Box Apt. No.

Telephone Number: (860) 669-6998 (860) 796-3833 796-3833
Home Work Cell

Are you a U.S. citizen or an alien authorized to work in the U.S.? YES NO

Have you ever been convicted of a felony or misdemeanor? YES NO

If yes, use this space to explain:

Do you have any relatives working here? No If yes, list name(s) and relationship to you:

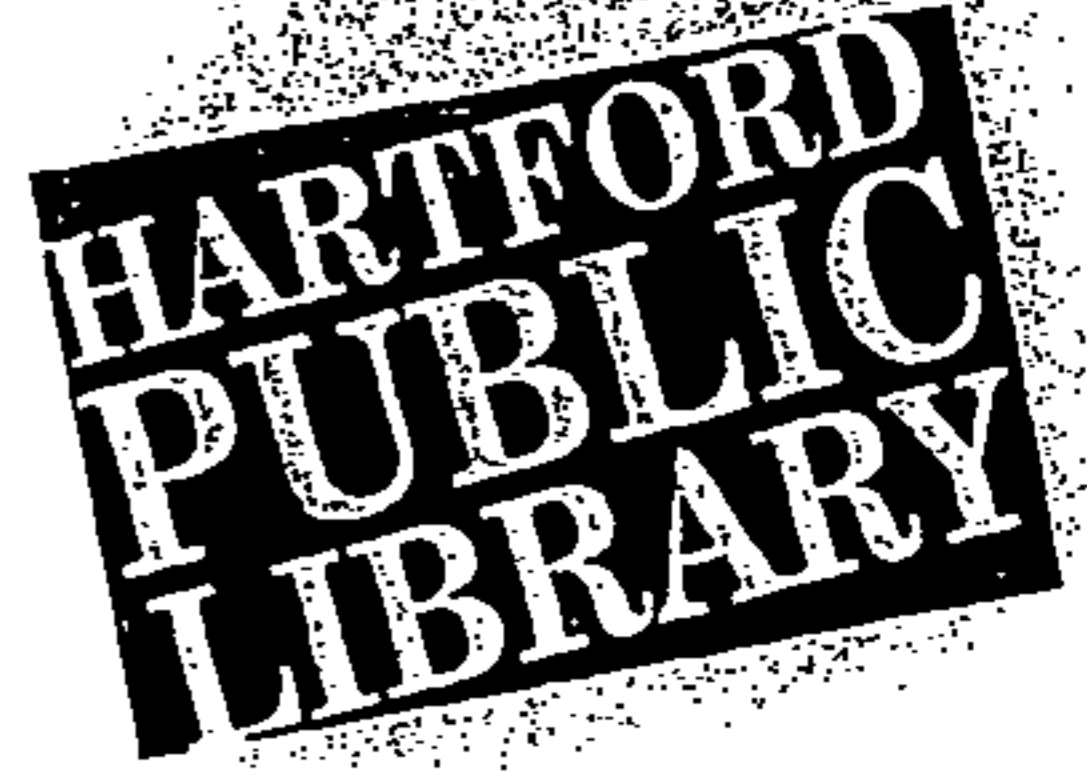
Name: _____ Relationship: _____

Name: _____ Relationship: _____

*Note: a conviction does not automatically disqualify an applicant from employment

EDUCATION AND TRAINING

	Name & Location of School	Major/Minor	Number of Yrs. Attended	Did you Graduate?
High School	B.T. Washington		3	Yes
College University	Langston University	Music Ed.	4	Yes
Library School	Southern CT State University	Library Science-Ref	4	Yes
Library Training	Law Librarianship Reference			
Other Education	Columbia Univ. NY, NY			



RATING PLAN

90 and above

EXCELLENT performance on the factor is at a superior level, of extremely high quality

80-89

VERY GOOD performance on the factor is above the level required for effective job performance

70-79

GOOD Performance on the factor is at acceptable level.

60-69

MARGINAL performance on the factor is at marginal level

Below 60

UNSATISFACTORY performance on the factor is below the level required for effective job performance

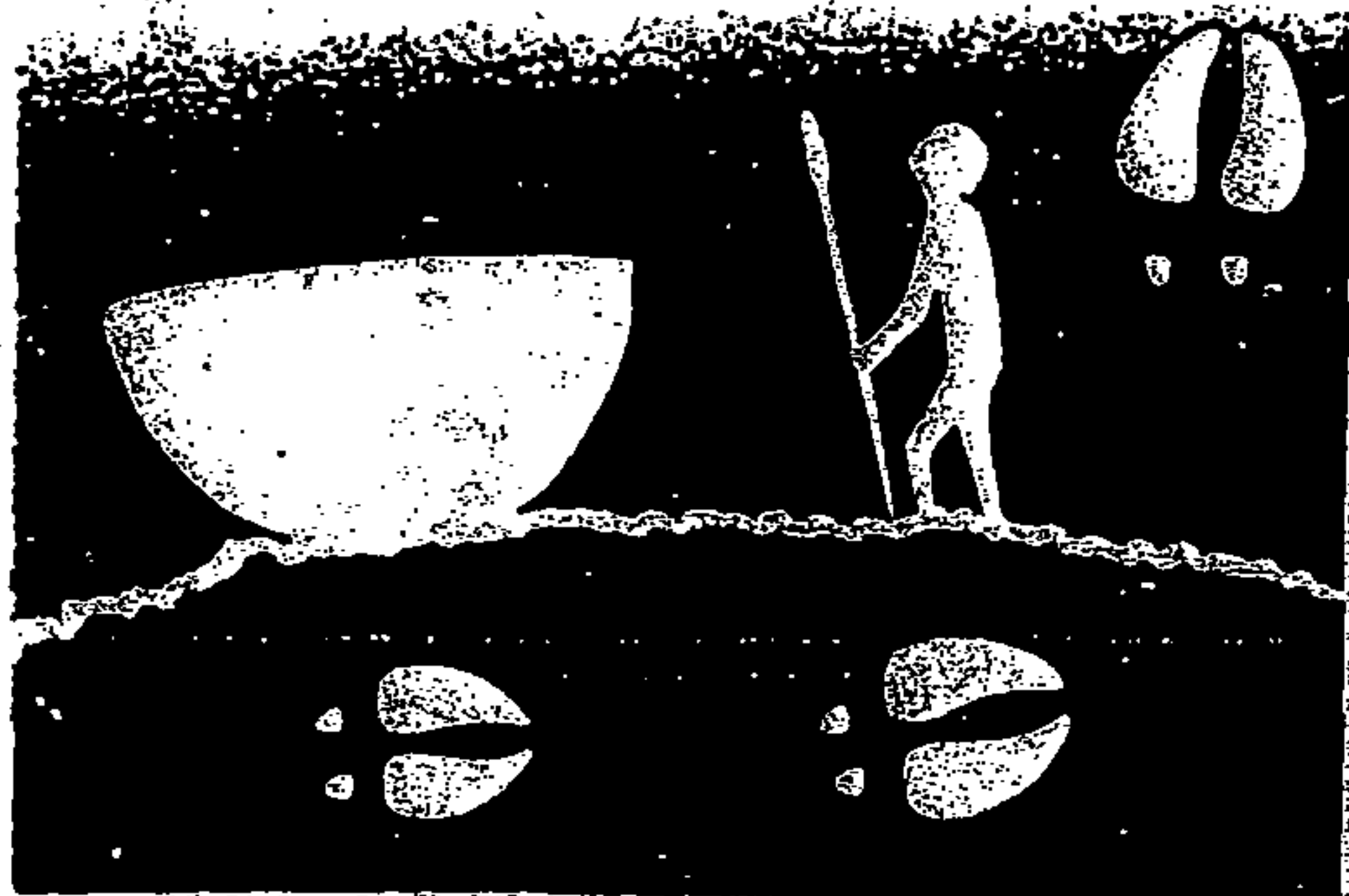
A13

"UNDER THE SUN: INDIAN ARTS FESTIVAL & MARKET
SATURDAY AND SUNDAY, JULY 19 & 20, 1997

IK-A-HO-BA-LO HA-TUK-UP-IHO-MA HOL-BA
(CONTEMPORARY NATIVE AMERICAN PHOTOGRAPHY)

CELEBRATING WORKS BY CHICKASAW PHOTOGRAPHER AUTUMN BEAVER

THE INSTITUTE FOR AMERICAN INDIAN STUDIES
WASHINGTON, CONNECTICUT



The Homohoto Exhibit honors Autumn Beaver /Maxine Richardson-Nischan's Chickasaw, great-great-grandmother Homohoto. The Chickasaws of Mississippi Valley, who named the Mississippi River ("Father of All Rivers"), headquarters are now in Ada, Oklahoma. Homohoto and other Chickasaws were moved west of the Mississippi River during the "Trail of Tears." Today there is a Chickasaw headquarters again in Arlington, Mississippi. Autumn Beaver experiments with common things and Chickasaw/Indian things that reflect events and issues in Chickasaw/Indian Culture. Her "Broken Wings (airplane)" photo won second prize in the Mystic Art Association "Spirit of the Night" Exhibit (1/1994). Other shows at the MYSTIC ART GALLERY were the "Holiday Show (12/94), "On the Beach," and "Mystic Photo XVI." In Hartford, Autumn Beaver's work has been exhibit at the CHARTER OAK GALLERY (1993) and ARTWORKS GALLERY (1993), and THE WEST HARTFORD ART LEAGUE's SALTBBOX GALLERY (1995). Autumn Beaver is a former New Haven teacher and Peace Corps volunteer, who studied photography, music, communication, film, reading, and East Asian Studies at Columbia University, Fairfield University, New York University, Yale University, Southern Connecticut State University, and Langston University in Oklahoma.

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"UNDER THE SUN"
 CELEBRATING THE WORKS OF CHICKASAW PHOTOGRAPHER
 AUTUMN BEAVER

SATURDAY AND SUNDAY, JULY 19 & 20, 1997

THE INSTITUTE FOR AMERICAN INDIAN STUDIES

A SPECIAL THANK YOU TO ALL THOSE WHO SO WILLING GAVE OF THEIR TIME TO
 MAKE THIS SHOW A SUCCESS

PHOTO SELECTIONS*

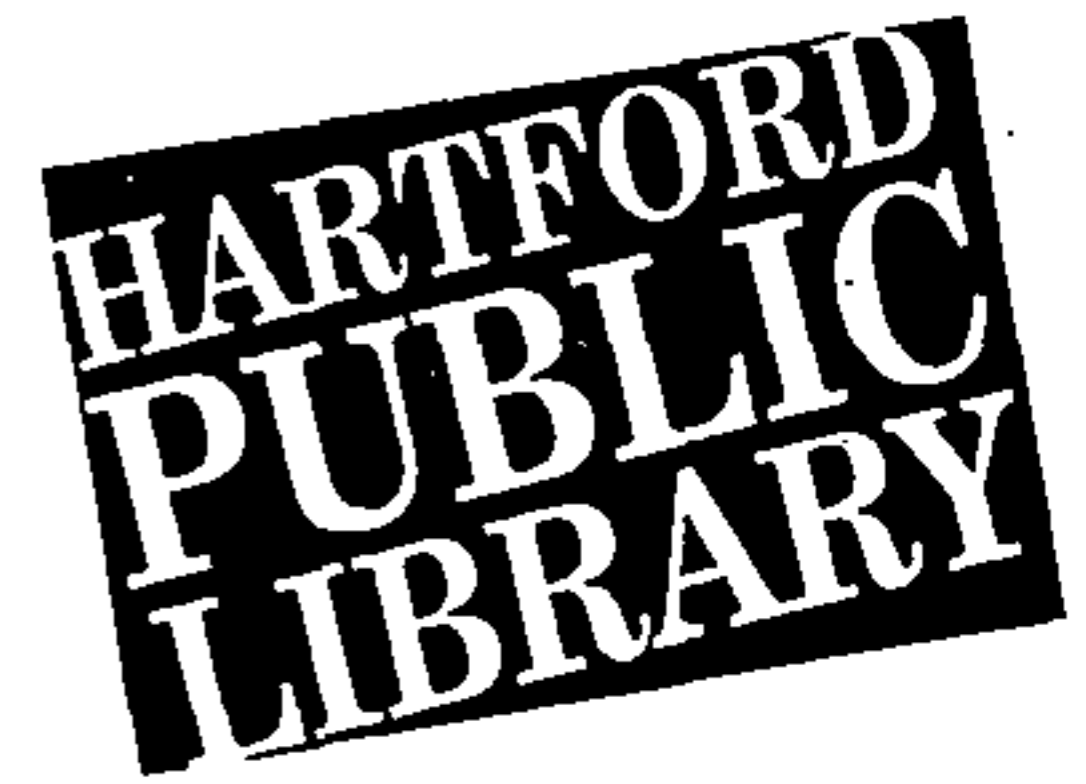
NO.	TITLE	PRICE *
1	NI-KO/CHIEF	\$115 SMALL, \$600 LARGE
2	YUN-USH/BUFFALO	\$125 SMALL, \$800 LARGE
3	PE-NI IS-KU-NO/CANOE	\$100 SMALL, \$300 LARGE
4	PUS-KUSH-IS-KUN-O-SI-O-SI/BABY LITTLE EAGLE	NFS
5	MA-LE-LE O-KA/RUNNING WATER	\$300
6	BO-SHOT-LE/FRAGMENTS	\$600
7	CHE-POH-TA NUK-NI/FLEDGING	\$100
8	IT-I FA-BUS-SA/TOTEM POLE	\$100
9	HO-BA-CHI/MASK	\$125, \$800 LARGE
10	NUK-I AI-ULH-TO/OUTVER	\$100
11	CHUK-A A-CHUF-A/FAMILY	\$300
12	YA-UMAT-LI/FRAGILITY	\$115 SMALL, \$600 LARGE
13	NA-SHO-BA/WOLF	\$100
14	KA-BA-BA FA-NULH-CHE/BROKEN WINGS	\$125 SMALL, \$800 LARGE
15	NO-TUK-FA-ISH-TO/PELICAN	\$115
16	USH-TO-LI-FO-SHI/LIGHT OF THE SPARROW	\$115
17	PUGH-YO-SHO-BA/DOVE	\$115
18	SI-LOM-BISH-TA-LHA-FI-CHI/SPIRIT OF FREEDOM	\$125 SMALL, \$800 LARGE
19	ISHT-A-TUK-LUM-MA IK-SHO/LIBERTY	\$125 SMALL, \$800 LARGE
20	HI-MIT-A HA-TUK-ISS-I-KO-PA/NEW VILLAGE	\$175
21	PE-NI A-LAI-YA/FERRY	\$125
22	A-IT-A-FA-MA/HOUSE	
23	HOO-LISS-O PI-SA/SCHOOL	\$115
24	ISS-I-KO-PA-E-CHO-LE/VILLAGE MARKER	\$115
25	IT-TI-BA-CHUF-A/SETTLER	\$115
26	NAN-A-PIS-A/CITY HALL	\$115
27	IM-MA-LUM-MI/TRANSACTION	\$125
28	TUL-LI-HI-NA A-LHO PUL-LI/IRON HORSE CROSSING	\$300
29	A-NO-WA/TRACKS	\$130
30	BRIDGE	\$150
31	E-HE-TUP/POINT	\$300
32	CONVERSION	\$500

A 14a

*ONE-HUNDREDTH (0.01) PER CENT OF PROCEEDS WILL BE GIVEN TO THE INDIAN CHILDREN'S FUND & CT CLEAN WATER ORGANIZATION 860-669-6998

Exhibit

500 Main Street
Hartford, CT 06103-3075



September 25, 2007

Ms. Maxine Richardson
286 Meadow Point Road
Westbrook, CT 06498

Dear Ms. Richardson:

I am writing to thank you for your interest in the position of Children's Library Manager for Hartford Public Library.

We received a large number of applications from many qualified individuals. After careful consideration, the interview panel has recommended another candidate for the position.

On behalf of the interview panel, I want to wish you the best of luck in your job search.

Thank you.

Respectfully,

A handwritten signature in cursive script that reads "J.S. Weedon".

John S. Weedon
Deputy Chief Librarian for Administrative Services

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YOUTH SERVICES MANAGER: Hartford Public Library seeks an experienced youth librarian to manage Youth Library at Central Library. Responsibilities: oversight of staff, budget, programs, and collection for Youth Library. Minimum Requirements: Master's Degree in Library Science or equivalent combination of education, training, and experience; 3-5 yrs professional library experience with youth and families; proficiency in Spanish desirable. Salary Range: \$48,860 - \$65,968 annually, plus excellent benefits. Job description and application are available on line at www.hplct.org or Administrative Office, Hartford Public Library, 500 Main Street, Hartford, CT 06103. Applications will be accepted until November 30, 2007.

ALB

250 Main Street
Hartford, Ct. 06103
860 669-6498 / 796-3533

November 28, 2007

17
Mrs. Debra Carrie Perry
Associate Librarian for Youth Services
Hartford Public Library
301 Main Street
Hartford, Ct 06103

Dear Mrs. Perry:

I appreciate you returning my phone call concerning the Youth Service position working with programs for children and families.

However, I have a broader issue that has come to mind with the Youth Service position. I understand the Public Library of Hartford is an Equal Opportunity Employer and you have a diverse library.

But as a Native American tax payer and citizen, I do not know of any Native Americans on your staff.

As you know the Native Americans in Connecticut have contributed a lot in taxes and funds to the

A17

State of Connecticut for Libraries
and various other State of Connecticut
concerns.

As a Native American Librarian,
I have applied for Hartford
Public Library, Library positions,
since 1998, and I have had
several interviews:

Each time I was informed
that the Hartford Public Library
had selected a better qualified
candidate.

Moreover, each time I was
denied employment with the
Hartford Public Library, I took
more Library workshops and
courses, to improve my
librarianship and status for
a position with the Public Library
of Hartford.

Do you, the Personnel Director,
and the Hartford Public Library
believe in Equal Opportunity

Employment for Native American.

I went to Library School with a Hartford Public Library staff member.

I took the same Library courses as the Hartford Public Library Staff Member and I worked on special Library class projects with the Hartford Public Library member. I also worked in Public Library.

I received an A for the same class and library project as the Hartford Public Library Staff member.

I believe it is time November 2007-- that an employment reason be given beyond the fact, that the other Library candidate had better qualifications than me and fitted your Library needs.

Ms Perry, will you please

(2)

answer my concerns and questions
in a detail manner with
the help of other Hartford
Public Library employment managers.

A Native American Librarian, teacher,
and tap piper,

Mafine Richardson

1/25/08

Hartford Public Library
500 Main Street
Hartford, CT 06103

Dear Mrs. Debbie Carrie Perry and the Hartford Personnel Director:

I hope you had a Happy New Year.

I am still interested in answers to my questions about the children library position. I would still like my questions answered –Do you believe in equal opportunity for Native Americans? Do you believe in Native Americans being your staff members and librarians?

Please answer my question? I have been waiting on your reply. I recently read on your library job(1/08) list that you wanted people of under represented groups to apply for your library positions.

As an under representative group member, I applied. Now I still want an explanations why my qualifications -- Library Degree and several advance Degrees was not considered valuable for your library position? Native Americans are citizens of Connecticut, we pay taxes, we give to libraries, we love knowledge and books. We like to be represented in your library as professionals like other groups. We like to see our children working with librarians that are Native American. Connecticut is a Native American word named by Connecticut's first people.

Sincerely,

Maxine Richardson

A7/a

286 Meadow Point Road
Westbrook, CT 06498
April 2, 2008

Mr. John Weedon or Acting Deputy Chief Librarian for Administrative Services.
Hartford Public Library
500 Main Street
Hartford, CT 06103

RE: Children Library Position and former letter to Mrs. Perry

Dear Mr. Weedon or Acting Deputy Chief Librarian:.

In the wake of Obama's speech on race and the need for America to address the racism issue,"...a part of our Union that we have yet to perfect..." I still like to know is it the goal of the Hartford Public Library to have a diverse staff and invest in the dreams of the Native American librarians as well as the white and black librarians who like to work for the Hartford Public Library.


As a Native American librarian, I dreamed about making a difference and helping diverse patrons as Connecticut librarian.

The Native American as well as the African American has been invisible in the professional American library field and our dreams have been placed on hold many times. Yet without the kindness and knowledge of the Native American, the European colonists and African Americas would not have survived in New England.

The Native Americans have given so much to Connecticut and over 50% of the food we put on our table each night was developed by the ingenuity of the Native Americans. Moreover, popcorn, a favorite food, of children was developed by Native Americans. Our state name, Connecticut, is an Algonquin word meaning, "long tidal river."

Mrs. Perry stated that the Hartford Public Library believes in diversity. I want to believe Mrs. Perry, but actions speak louder than words; and I have been waiting a long time for a response from you. If I do not receive a response from you soon, I will seek other avenues for an equal opportunity to work for the Hartford Public Library.

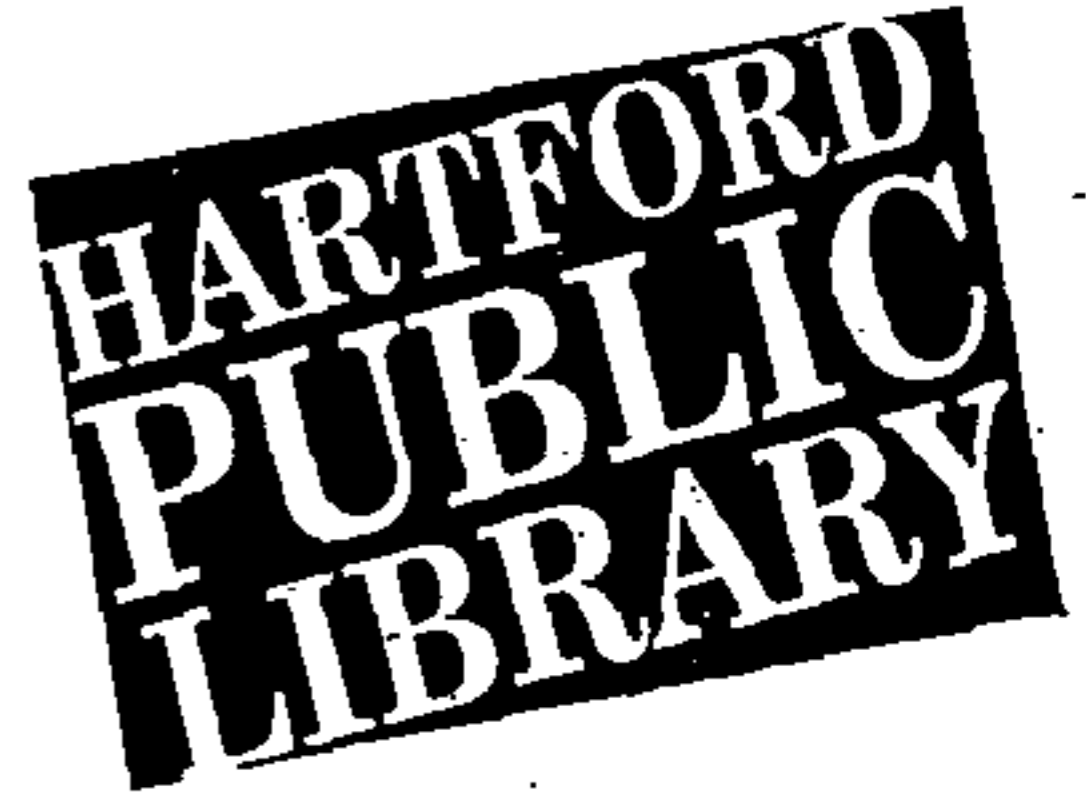
Sincerely,


Maxine Richardson

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A76

Exhibit

500 Main Street
Hartford, CT 06103-3075



April 11, 2008

Mrs. Maxine Richardson
286 Meadow Point Road
Westbrook, CT 06498

Dear Mrs. Richardson,

John Weedon recently left the employ of the Hartford Public Library. While reviewing his correspondence, I found that he had sent a response to your original letter in December. I have attached a copy of his response.

I am sorry that you never receive this letter from John and I do hope that he answered your concerns,

Sincerely,

Maria D. Eiler

Maria D. Eiler
Deputy Administrator

A18

500 Main Street
Hartford, CT 06103-3075

**HARTFORD
PUBLIC
LIBRARY**

December 13, 2007

Westbrook Public Library
Maxine Richardson
286 Meadow Point Road
Westbrook, CT 06498

Dear Ms. Richardson:

Ms. Debra Carrier-Perry, Associate Librarian for Youth Services, forwarded your letter to me concerning your recent application for Youth Services Manager – Central Library.

I want to assure you that the library follows the City of Hartford's Affirmative Action and Equal Employment Opportunity Policy.

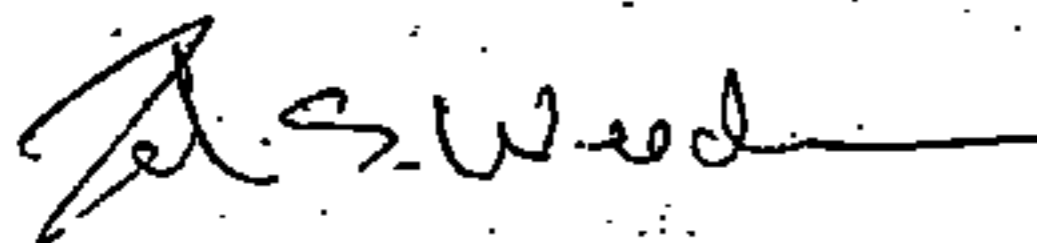
The hiring process used at Hartford Public Library is consistent with state and federal laws and is designed to ensure we hire the best candidate that meets our needs.

Specifically, we advertise internally and externally, screen candidates to ensure they meet the minimum qualifications, assembly an interview panel made up of staff from multiple departments, and check references for the finalist. In addition, successful candidates are subject to a criminal background check.

The library has a proud tradition of hiring and maintaining a diverse workforce. We have staff from Sierra Leona and Puerto Rico and Nepal as well as Native Americans and Europeans. It is this diversity that helps us achieve our number one goal, which is to offer best library service possible to our city residents.

Thank you for your attention.

Respectfully,



John S. Weedon
Deputy Chief Librarian for Administrative Services

A19

Exhibit

86 Meadow Point Road
Westbrook, CT 06498
10/23/08

RE: Case: Maxine Richardson v. Hartford Public Library
CHRO Case # : 0810441 and EEOC Case #: 16A200888881221
Request for reconsideration of decision to dismissed Maxine Richardson's
complaint

COMPLAINT RECONSIDERATION AFFIDAVIT

1. My name is Maxine Richardson. I am a Librarian with an MLS. My address is 286 Meadow Point Road Westbrook, CT 06498. My birthday is 12/12/39 and I am 68 years old.
2. The Respondent is the Hartford Public Library. The Hartford Public address is 500 E. Main St. Hartford, CT 06103. The Hartford Public Library employs 20t employees.
3. I am still alleging that the Hartford Public Library denied me the youth service library position because of my race and age and did not give me an equal opportunity to become a librarian at their Library. To my knowledge there are no female Native American librarians in management position with my race and age in the Hartford Public Library. I telephone the personnel director and I informed him that I had applied for the children library manager position and that I was interested in the youth service position. Than the personnel officer told me that I did not to have to reapply for the youth service position and that my children library application could be used for the youth service library position.
 - a. The male librarian with African American and American Indian lineage (Mr. Ahmad) is a good sign.
 - b. I was a member and board member of the only Hartford Indian Council, The Split Feather Indian Council. I never saw the Mr. Ahmad at any Indian, meetings, POWS-POWS planning meetings, or functions.
 1. The Council, other Indian tribal representatives, and I addressed the Hartford Legislature to rebury an Indian boy that had been in a children museum for over ten years. The Council got the Legislature to rebury the boy in the Mohegan cemetery.
 2. I did Indian storytelling and poetry readings at the Council and many Indian celebrations and functions.
 - c. I was an assistant Director of AID (American Indians for Development organization) and a member of its board. I never saw Mr. Ahmad at any meetings, POWS-POWS planning meetings, or functions of AID.
 - d. I did Indian storytelling and poetry readings at the AID and many Indian AID celebrations, and functions. I help plan special programs and POWS-WOWS
 - e. I was a former representative to the Connecticut Indian Affairs organization before it was changed when the Pequots and later the Mohigans gain their federal recognition. I was a former member of the Connecticut Indian Affairs organization before it was changed, when the Pequots and later the Mohigans gain their federal recognition.
 1. The Connecticut environment director (coordinator of Indian Tribes) and I, and Connecticut Indian Tribes, and organizations from Rhode Island, Massachusetts had a special meeting in Hartford to discuss Indian issues and the Pequot federal recognition.
 - a. I started a letter petition to the Connecticut Governors, Congressional members, and the President to help the Pequots gain federal recognition at the meeting.
 - b. Smoke Turtle the famous Wampanoag spoke at the meeting and blessed the meeting with a spoke pipe.
 2. I did Indian storytelling and poetry readings at some joint Connecticut Affairs and Connecticut Tribal celebrations and festivals.
 3. I never saw Mr. Ahmad at any of the Connecticut Indian Affairs functions or celebrations.

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286 Meadow Point Road
Westbrook, CT 06498
January 6, 2009

RE: CHRO Reconsideration Request-Rejected letter 12/30/08 I received on 1/6/09

CHRO Acting Executive Director Robert J. Brothers, Jr., Attorney Charles Krich, and Mr. Epifanio Carrasquillo
State of Connecticut CHRO
21 Grant Street
Hartford, CT 06106

Dear Mr. Brothers, Attorney Krich, and Mr. Carrasquillo:

I received your Rejected letter of my reconsideration request today as being untimely filed.

As soon as I received the certified letter (dated 10/21/08; see letter envelope) that was dated October 14, 2008 (see copy) I started writing my request letter for reconsideration of my case.

I was working on an issue for elderly mother out of town.

And I mailed the reconsideration request letter to The CHRO Regional Manager, Mr. Epifanio Carrasquillo, on October 23, 2008.

The reconsideration request letter of October 23, 2008 was timely filed.

I wish to file a challenge to this untimely filed decision pursuant to Connecticut Statutes.

The Connecticut Statutes 46a-83 and the Section 45a-54-67(b) of the Regulations of Connecticut State Agencies states "The review will be based on: c. the complainant's comments, if any, to the respondent's answer and information responses provided that said response is filed with the Commission within fifteen (15) days of complainant's receipt of respondent's answer and responses to the Commission's request for information..."

October 16, 2008, the date the mailing took place would make a timely request date for reconsideration October 31, 2008; and mailing date October 21, 2008 would make a timely request date November 5, 2008.

"(e) If the investigator issues a finding of no reasonable cause or if the complaint is dismissed (1) for failure to state a claim for relief, (2) because it is frivolous on its face, (3) because the respondent is exempt from the provisions of this chapter, or (4) because there is no reasonable possibility that investigating the complaint will result in a finding of reasonable cause or if the complaint is dismissed pursuant to subsection (c) of this section, the complainant may request reconsideration of such finding or dismissal with the executive director of the commission, or the executive director's designee, not later than fifteen days from

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the issuance of such finding or dismissal. The executive director of the commission, or the executive director's designee, shall reconsider or reject within ninety days of the issuance of such finding or dismissal. The executive director of the commission, or the executive director's designee, shall conduct such additional proceedings as may be necessary to render a decision on the request for reconsideration."

"...Additional information from the respondent shall not be considered unless the complainant has had fifteen (15) days to review and respond to such information,"

If the Merit Review does not take place by January 15, 2009, please release the complaint, so that I can file the complaint with the Superior Court and Equal Employment Opportunity Commission.

Sincerely,


Maxine Richardson

cc Attorney Daniel P. Murphy, Siegel, O'Connor, O'Donnell & Beck, P.C.

Enc.

United States Court of Appeals for the Second Circuit

CERTIFICATE OF SERVICE

I, Maxine Richardson hereby certify under penalty of perjury that on July 19, 2010, I served by United States Mail or by personal service a copy of Maxine Richardson's Appeal Brief, 10-1066 for the United States Courts of Appeals for the Second Circuit on Peter A. Janus, Attorney, at the following address

Siegel, O'Connor, O'Donnell & Beck, P.C.
150 Trumbull Street
Hartford, CT 06103
860 727-8900
Fax 860 727-5131

Maxine Richardson
Signature