



NED LAMONT
GOVERNOR
COMMANDER-IN-CHIEF

STATE OF CONNECTICUT
ADJUTANT GENERAL'S OFFICE
MILITARY DEPARTMENT
360 BROAD STREET, HARTFORD, CONNECTICUT 06105-3706

FRANCIS J. EVON, JR.
MAJOR GENERAL

ANTI-RETALIATION POLICY STATEMENT

The State of Connecticut Military Department ("CMD") is committed to providing a work environment in which all people are treated with respect and dignity. CMD will not tolerate harassment or retaliation by anyone, including any supervisor, co-worker, vendor, visitor, client, or customer. CMD shall investigate each complaint of retaliation and each reported violation of this Policy Statement and take appropriate disciplinary action, up to and including termination of employment, implement remedial measures and/or provide resolution.

What is prohibited?

Listed below are examples of *prohibited activity*. However, this list should not be considered to be all inclusive as there may be other sources of protection from retaliation.

- Discriminating against, disciplining or discharging any employee because such employee; 1) is a candidate for office of representative, or senator in the general assembly; 2) holds such office; 3) is a member-elect to such office; or 4) loses time from work in order to perform duties as such representative, senator or member-elect.

Connecticut General Statutes Section 2-3a.

- Taking or threatening to take any personnel action against any State employee in retaliation for such employee's disclosure of information to; (A) an employee of the Auditors of Public Accounts, or the Attorney General under the provisions of the whistleblower statutes; (B) an employee of the state agency where the state employee/officer is employed; (C) an employee of a state agency pursuant to a mandated report statute; or (D) in the case of a large state contractor, an employee of the contracting state agency concerning information involving a large state contract.

Connecticut General Statutes Section 4-61dd(b)(1).

- Taking, or threatening to take any personnel action against any State employee or group of state employees in retaliation for the filing of an appeal with the Employees' Review Board or a grievance.

Connecticut General Statutes Section 5-202.

- Discharging, disciplining or otherwise penalizing any employee because the employee 1) informs another employee that such other employee is working in, or exposed to a hazardous condition, or 2) refuses in good faith to expose him/herself to a hazardous condition in the workplace provided, (A) the condition causing the employee's apprehension of death, disease or serious physical harm is of such a nature that a reasonable person, having the knowledge, education, training and experience necessary for the performance of the employee's job, under the circumstances confronting the employee, would conclude there is a hazardous condition, (B) there is insufficient time, due to the urgency of the situation, to eliminate or abate the hazardous condition through resort to regular

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STATE OF CONNECTICUT
ADJUTANT GENERAL'S OFFICE
MILITARY DEPARTMENT
360 BROAD STREET, HARTFORD, CONNECTICUT 06105-3706

statutory enforcement procedures, (C) the employee notifies the employer of the hazardous condition and asks the employer to correct, or abate the hazardous condition and (D) the employer is unable, or refuses to correct, or abate such condition. No employee shall be discharged, disciplined, or otherwise penalized while a hazardous condition continues to exist, or in the process of being corrected, or abated. A hazardous condition for purposes of this statute means a condition which, (A) causes or creates a substantial risk of death, disease, or serious physical harm, whether imminent or as result of long-term exposure, **and which is beyond the ordinary expected risks inherent in a job** (i.e. beyond the ordinary risks expected for law enforcement officers) after all feasible safety and health precautions have been taken, and (B) results from the employer's violation of applicable safety and health standards established under any federal, state and local laws and regulations, any collective bargaining agreements and any industry codes.

Connecticut General Statutes Section 31-40t.

- Discharging, disciplining or otherwise penalizing any employee because the employee, or a person acting on behalf of the employee, reports, verbally, or in writing, a violation, or a suspected violation of any state or federal law, or regulation, or any municipal ordinance, or regulation to a public body, or because an employee is requested by a public body to participate in an investigation, hearing or inquiry held by that public body, or a court action. No municipal employer shall discharge, discipline or other penalize any employee because the employee, or a person acting on behalf of the employee, reports, verbally, or in writing, to a public body concerning the unethical practices, mismanagement, or abuse of authority by such employer.

Connecticut General Statutes Section 31-51m.

- Subjecting an employee to discipline or discharge on account of the exercise by such employee of the rights guarantees by the First Amendment to the U.S. Constitution, or Sections 3, 4, or 14 of Article First of the State Constitution, provided such activity does not substantially, or materially interfere with the employee's bona fide job performance or the working relationship between the employee and the employer.

Connecticut General Statutes Section 31-51q.

- Discharging, disciplining, penalizing or in any manner discriminating against any employee because the employee filed a claim, or instituted or caused to be instituted any investigation or proceeding pertaining to State contracts under Part III of Chapter 557 or wages under Chapter 558, or has testified, or is about to testify in any such proceeding or because such employee on behalf of himself or others has exercised any rights afforded by those provisions.

Connecticut General Statutes Section 31-69b.

- Discharging, disciplining, penalizing or in any manner discriminating against any employee because the employee has filed a unemployment compensation claim, or instituted, or caused to be instituted any proceeding under the unemployment compensation provisions, or has testified, or is about to

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ADJUTANT GENERAL'S OFFICE
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360 BROAD STREET, HARTFORD, CONNECTICUT 06105-3706

testify in any such proceeding, or because such employee on behalf of him/herself, or others has exercised any rights afforded by those provisions.

Connecticut General Statutes Section 31-226a.

- Discharging, disciplining, penalizing, or otherwise discriminating against an employee who has, 1) filed an Occupational Safety and Health Act (OSHA) complaint or caused any proceeding under, or related to the OSHA to be instituted; 2) testified, or is about to testify in any such proceeding, or 3) exercised on his, or her behalf, or on behalf of others any right under OSHA.

Connecticut General Statutes Section 31-379.

- Discharging or in any manner discriminating or retaliating against any employee who in good faith makes a complaint to the Victim Advocate or cooperates with the Office of the Victim Advocate in an investigation.

Connecticut General Statutes Section 46a-13e(b).

- Discharging or in any manner discriminating, or retaliating against any employee who in good faith makes a complaint to the Child Advocate or cooperates with the Office of the Child Advocate in an investigation.

Connecticut General Statutes Section 46a-13n (b).

- Disciplining, suspending, or discharging an employee because of any wage execution against the employee unless the employer is served with more than seven wage executions against the employee in a calendar year.

Connecticut General Statutes Section 52-361a.

- Depriving an employee of employment, penalizing, or threatening, or otherwise coercing an employee because the employee 1) obeys a legal subpoena to appear before any court of this state as a witness in any criminal proceeding, 2) attends a court proceeding, or participates in a police investigation related to a criminal case in which the employee is a crime victim; 3) a restraining order is issued on the employee's behalf pursuant to section 46b-15; or 4) a protective order has been issued on the employee's behalf by a court of this State or another State and such out of State Court order is registered in Connecticut.

Connecticut General Statutes Section 54-85b.

- Depriving an employee of employment, or threatening, or coercing such employee because the employee, as a parent, spouse, child, or sibling of a victim of homicide, or as a person designated by the victim pursuant to section 1-56r, attends court proceedings with respect to the criminal case of the person, or persons charged with committing the crime that resulted in the death of the victim.

Connecticut General Statutes Section 54-85d.

- Anti-retaliation protections are also provided under the Connecticut Fair Employment Practices Act (**Connecticut General Statutes Section 46a-51 et seq.**) and federal law (**Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the American with Disabilities**

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MILITARY DEPARTMENT
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Act of 1990 including the Amendments Act of 2008) which prohibit retaliation against an employee because he/she has either opposed an unlawful employment practice, or made a charge, testified, assisted or participated in an investigation, or proceeding under these laws; and the First Amendment to the United States Constitution which prohibits retaliation against an employee because the employee engaged in speech or activity protected by the First Amendment.

Prohibited Activity

Cyber-harassment, is defined as repeated, unsolicited, threatening behavior by a person or group using mobile and/or Internet technology including audio/video or other recording devices with the intent to bother, terrify, intimidate, humiliate, threaten, harass or stalk someone else because of their protected class basis. The harassment can take place in any electronic environment where communication with others is possible, such as on social networking sites, on message boards, in chat rooms or through email. Just posting a general opinion on a discussion board or in a forum is not considered harassment.

The following are examples of retaliatory conduct that violates this policy statement *when such conduct is taken because the employee has engaged in any of the activities protected under state or federal law:*

- Refusing or threatening to refuse to provide back-up support to an employee in the performance of his/her work duties, including emergencies;
- Tampering with, vandalizing or interfering with an employee's equipment, vehicle, or personal belongings;
- Selectively disciplining an employee, or selectively threatening to impose discipline against an employee;
- Holding an employee to a higher standard of performance than other co-workers;
- Denying the employee training opportunities, favorable transfers, or promotions;
- Refusing to investigate when the employee reports violations of rules, regulations, or orders, or refusing to take corrective action when such violations are found to have occurred; and
- Taking adverse action against an employee who has participated in, or supported the investigation of a complaint of a violation of this policy.

Manager or Supervisor Responsibility

Each CMD manager and/or supervisor has the responsibility to maintain a workplace free of any form of retaliation, and to monitor working conditions in order to detect any violation(s) of this Policy Statement.

Any CMD manager and/or supervisor who witnesses conduct that violates this Policy Statement or receives a report of conduct that is alleged to violate this Policy Statement shall immediately report such conduct to the Human Resources Office or CMD's Equal Employment Opportunity Designee or as soon as feasible. Failure of a CMD manager or supervisor to take action upon witnessing, or receiving a report of retaliation constitutes a violation of the Policy Statement that could result in disciplinary action up to and including termination.

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Employee Responsibility

Any CMD employee who witnesses retaliation or who becomes aware that an employee has been subjected to retaliation should report this to a supervisor, manager, CMD's Human Resources Office and/or the EEO Designee as soon as feasible and must do so immediately if the conduct jeopardizes the safety, or security of the operation or of personnel.

Filing A Complaint

The CMD strongly encourages anyone who believes that s/he is a victim of retaliation to report such retaliation as soon as it occurs.

The CMD's Human Resources Office and/or the EEO Designee may investigate and remedy retaliation that comes to its attention whether, or not an employee has filed a complaint. A jurisdictional assessment will be made by the EEO Designee regarding the complaint.

The following procedures apply to complaints:

A complaint of retaliation shall be made within thirty (30) days of the conduct complained of. The CMD's EEO Designee shall accept and investigate such complaints with a showing of good cause for delay if they allege ongoing or continuous misconduct that has continued by the same alleged Respondent(s) or Opposing Party(s) within the thirty (30) day period.

If a complaint is received by any CMD personnel, such personnel shall transmit such complaint to the CMD EEO Designee as soon as possible. Retaliation complaints may also be filed with other agencies which have jurisdiction to investigate and remedy such complaints.

Complaint Investigation and Disposition

The CMD's EEO Designee shall conduct and complete a fair, objective, comprehensive investigation into each and every complaint of retaliation. This investigation is confidential to the extent provided by law. Upon completion of the investigation, the report shall be forwarded to the CMD Major General, the Adjutant General (or his or her assigned designee) for a determination on appropriate action, where necessary.

Any employee who is found, after investigation, to have violated this Policy Statement shall be subject to consequences appropriate to the violation up and to including termination.

EEO Complaints made against the CMD Adjutant General and/or the EEO Designee, will be automatically referred to the State of Connecticut Commission on Human Rights and Opportunities ("CCHRO") and if appropriate, investigation by the Department of Administrative Services ("DAS"), under §46a-68(b).

The Adjutant General (or his/her assigned designee) may order appropriate measures to remedy conditions that violate this policy. Such remedial measures may include steps necessary to protect the Complainant, other employees, and supportive witness(es) from retaliation during and after the investigation, including

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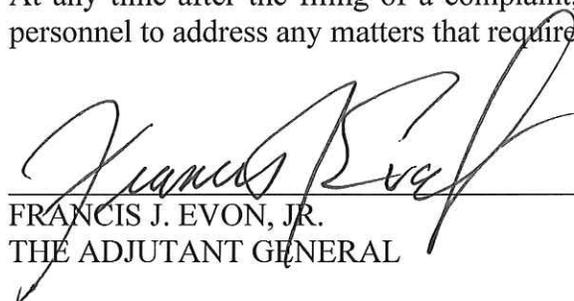
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but not limited to: counseling the alleged harasser(s) to refrain from conduct that may be, or perceived to be retaliatory; transferring the alleged harasser(s); or offering the Complainant, where available, an administrative transfer to another facility or location.

If you have any questions, concerns, complaints, or requests for additional information regarding the CMD Anti-Retaliation Policy Statement, please forward all matters by either regular mail, electronic mail, fax and/or telephone contact to the CMD's EEO Designee:

Anthony Lewis, Human Resources Manager/EEO Designee
State of Connecticut Military Department
360 Broad Street Hartford Armory
Hartford, Connecticut 06105-3706
Telephone: (860) 548-3248
Fax: (860) 548-3218
Email:anthony.lewis@ct.gov

At any time after the filing of a complaint, the CMD EEO Designee may coordinate with any necessary personnel to address any matters that require immediate action.


FRANCIS J. EVON, JR.
THE ADJUTANT GENERAL

11 FEB 2019
DATE

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