

Office of the Child Advocate

Discrimination Complaint Procedure

As required by section 46a-68-46 of the Affirmative Action Regulations, this complaint procedure will address complaints alleging discrimination based upon any legally protected class, including race, color, religious creed, age, sex, national origin, marital status, sexual orientation, gender identity or expression, learning disability, physical disability or blindness, present or past history or mental disability, mental retardation, genetic history, and criminal record. Retaliation complaints are also covered under the OCA discrimination complaint procedure. Additionally, any member of the public alleging discrimination in the provision of services, activities, programs or benefits of the Office of the Child Advocate related to a qualifying disability may use the OCA discrimination complaint procedure.

The OCA Discrimination Complaint procedure will be distributed biennially to all employees and will be posted on the agency's intranet. All employees shall also be notified of the right to file with state enforcement agency Connecticut Commission on Human Rights and Opportunities (CCHRO) and that such complaints shall be filed with the CCHRO within **180 days** of the alleged discriminatory treatment. Each new employee upon appointment shall receive and acknowledge a copy of the OCA Discrimination Complaint Procedure.

*Any person requiring a copy of this procedure in an alternative format should contact Ngina Gibson, Equal Employment Opportunity Specialist and ADA Coordinator for OCA; via phone (860) 713-5258 or email ngina.a.gibson@ct.gov

All employees are expected to cooperate fully with all administrative complaint investigations and any actions taken by OCA as a result of such investigations.

Counseling

OCA is committed to providing a work environment in which all people are treated with respect and dignity. Accordingly, the Equal Employment Opportunity Specialist (Ngina Gibson) is available to counsel employees with questions or concerns about OCA's anti-discrimination policies. Any individual requesting counseling will meet with the Equal Employment Opportunity Specialist in a private area. Issues discussed during such counseling sessions will be kept as confidential as possible, consistent with OCA's legal obligations.

During such counseling sessions, the participants will be advised of their rights under state and federal anti-discrimination laws and the right to file directly with the CCHRO or other appropriate enforcement agencies to ensure that legal options for filing with these agencies are not foreclosed. Participants will be provided with applicable OCA policies and will be given a copy of the OCA Discrimination Complaint Procedure.

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*Ngina Gibson may be contacted at (860) 713-5258 and is located on the 5th floor of the State Office Building at 165 Capitol Avenue, Hartford.

Internal Complaint Process

All complaints alleging discrimination or retaliation should be filed as soon as possible after the alleged act of discrimination or retaliation, and, absent extenuating circumstances, no later than thirty (30) days from the date of the alleged act.

Complaints may be made verbally or in writing to the Equal Employment Opportunity Unit or the OCA Human Resources Division. The OCA Human Resources Division shall promptly forward any complaint alleging discrimination or retaliation to the Equal Employment Opportunity Unit for investigation. Accommodations to the filing process will be made available for persons with disabilities upon request. The filing date of the complaint is the day the complaint is received in the Equal Employment Opportunity Unit or Human Resources Division.

Each complaint must contain the following:

- The full name and address of the complainant;
 - The full name and work address of the respondent;
 - A brief description of the alleged act(s) of discrimination and location(s)
 - The date(s) of the alleged act(s)
 - The complainant's protected class(es);
 - The complainant's signature and date.
- 1) The Equal Employment Opportunity Specialist shall notify the respondent (person(s) against whom the complaint is filed) that a complaint has been filed.
 - 2) The Equal Employment Opportunity Specialist shall notify the Child Advocate of the necessary details of the allegations.
 - 3) The Equal Employment Opportunity Specialist shall try to facilitate conciliation between the complainant and the respondent where there is an indication that both parties are willing to work together towards a resolution.
 - 4) If no conciliatory agreement is possible, the Equal Employment Opportunity Specialist shall continue with the investigatory process, keeping the Child Advocate fully informed of its progress.
 - 5) The Equal Employment Opportunity Specialist shall investigate all complaints and prepare a summary of the findings for administrative review. The investigative process shall not exceed ninety (90) days.
 - 6) The Equal Employment Opportunity Specialist will notify the complainant, respondent and the parties listed above of the final determination in writing. In this notification, complainants shall be advised of their avenues of appeal if they are not satisfied with the decision.
 - 7) If the complainant disagrees with a finding that the complaint is not substantiated, he or she may file a written appeal with the Child Advocate, Ms. Jeanne Milstein within ten (10) business days of receipt of the written determination. Ms. Jeanne Milstein will contact the complainant to discuss the complaint and any possible resolutions.

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- 8) All complainants retain the right to pursue a remedy through other administrative, collective bargaining, and/or legal channels or with appropriate enforcement agencies.
- 9) If the investigation of the complaint indicates a policy violation occurred, the findings will be reviewed with the Child Advocate who will determine appropriate disciplinary action.
- 10) The Equal Opportunity Unit shall maintain all records of affirmative action complaints, investigations, outcomes, and their disposition. Records so retained shall be confidential, except where disclosure is required by law. These records are subject to examination by the Commission on Human Rights and Opportunities. OCA will notify the Commission on Human Rights and Opportunities annually, through its Affirmative Action Plan, of all discrimination complaints and any remedial actions taken. The Equal Employment Opportunity Specialist will review all records of complaints and their dispositions annually to discern any pattern(s) of discrimination.

Legal Remedies

In addition, any person who believes he/she has been the subject of any act of unlawful discrimination may file a written complaint of discrimination with:

1. Connecticut Commission on Human Rights & Opportunities (CHRO)
Capital Region Office
999 Asylum Avenue, 2nd Floor
Hartford, CT 06105
(860) 566-7710
(860) 566-7710 (TDD also)
(860) 566-1997 (FAX)
Complaints must be filed with the CHRO no later than one hundred and eighty (180) days after the alleged act of discrimination occurred.
2. Equal Employment Opportunity Commission (EEOC)
Boston Area Office
John F. Kennedy Federal Building
(800) 669-4000 (Voice)
(800) 669-6820 (TTY)
Complaints must be filed with the EEOC no later than three hundred (300) days after the alleged act of discrimination has occurred.
3. United States Department of Justice (DOJ)
950 Pennsylvania Avenue NW
Civil Rights Division
Disability Rights Section
Washington, DC 20530
(800) 514-0301 (Voice)
(800) 514-0383 (TTY)

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4. Any other state, federal or local agency, including the United States Department of Labor, Wage and Hour Division, that enforces laws concerning discrimination in employment.

Protection from Retaliation

OCA strictly forbids retaliation against employees reporting discriminatory acts or participating in internal or external investigations. Agents of OCA shall not retaliate against, coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying his or her rights under Federal or State law or because an individual aided or encouraged any other individual in the exercise of rights granted or protected by State or Federal law. OCA will take any appropriate administrative actions necessary to prevent and/or correct any retaliatory measures. All employees are strongly urged to report all instances of retaliation to Ngina Gibson, Equal Employment Opportunity Specialist, at (860) 713-5258 or Debby Hearl, Human Resources Specialist, at (860) 713-5314.

Revised: 12/10