



STATE OF CONNECTICUT

DEPARTMENT OF SOCIAL SERVICES
OFFICE OF THE COMMISSIONER

AFFIRMATIVE ACTION DISCRIMINATION COMPLAINT PROCEDURE

INTRODUCTION

This Affirmative Action Discrimination Complaint Procedure explains the process for filing complaints alleging discrimination under sections 46a-60, 46a-64, 46a-70, 46a-71, 46a-80 and 46a-81 to 46a-81n, inclusive, of the Connecticut General Statutes, as applicable to the Department; the Americans with Disabilities Act and its amendments; Title VII of the Civil Rights Act of 1964; and section 504 of the Rehabilitation Act of 1973. For complaints alleging sexual harassment, see the separate document entitled "Procedures for Sexual Harassment Complaint Processing."

The Connecticut General Statutes prohibit discrimination in employment and the provision of services because of race, sex (including pregnancy), age, marital status, religious creed, ancestry, color, national origin, criminal record, genetic information, past or present history of mental disability, learning disability, physical disability (including blindness), intellectual disability, veteran's status, sexual orientation or gender identity or expression.

The federal Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12101 et seq., as amended, prohibits discrimination on the basis of a disability in employment, state and local government, public accommodations, transportation and telecommunications to qualified individuals with disabilities.

Titles VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., prohibits discrimination on the basis of race, color and national origin in programs and activities receiving federal financial assistance. Title VII of the Civil Rights Act of 1964, 42 §§ U.S.C. 2000e et seq. prohibits discrimination on the basis of race, color, religion, sex or national origin and applies to employers with 15 or more employees, including federal, state and local governments. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, prohibits discrimination on the basis of disability in programs conducted by federal agencies and in programs receiving federal financial assistance.

The Department of Social Services wants to eliminate discrimination without the need to respond to complaints. If anyone identifies a Department of Social Services program, practice, service or activity that is operating in a discriminatory manner, he or she is urged to contact the DSS Affirmative Action Division at (860) 424-5040.

Additionally, in compliance with Section 46a-68-89 of the Regulations of Connecticut State Agencies, periodic training in counseling and grievance investigations as appropriate will be provided for Affirmative Action staff and agency attorney general designee(s).

This procedure provides for the timely resolution of complaints and ensures that an individual who files an internal complaint is also advised of his or her right to file the same complaint with an outside governmental agency.

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Where to File

Department of Social Services
Affirmative Action Division
55 Farmington Avenue
Hartford, CT 06105
Tel: (860) 424-5040

Time Period for Filing

The Department encourages individuals to file internal complaints, in writing or verbally, within 30 days of, or as soon as possible after, the alleged violation or becoming aware of the alleged violation. The Affirmative Action Division shall advise the individual who is filing the complaint of his or her rights under state and federal law, as cited in the Commissioner's Affirmative Action/ Equal Employment Opportunity Policy Statement, and provide the individual with a copy of this Complaint Procedure. The Affirmative Action Division maintains all records pertaining to discrimination complaints in separate, limited-access files. Information or materials from these files is made available only as necessary for purposes of the agency's investigation of the complaint and as required by law.

If someone verbally reports an incident to the Affirmative Action Division, the Affirmative Action Division will help the complainant put the complaint in writing. All written complaints must be signed and dated by the individual making the complaint.

Investigation of a Complaint

Once a complaint is received, the Affirmative Action Division shall initiate an investigation of the complaint within fifteen (15) business days of its receipt. This will include notifying the individual(s) who is accused of discriminating against the complainant that a complaint has been filed. The Affirmative Action Division may enlist the help of other employees of the Department to conduct an investigation. The Affirmative Action Division, or anyone else designated by the Affirmative Action Division, shall conduct a thorough investigation. The Complainant and any other interested individual may submit information to the Affirmative Action Division relevant to a complaint.

If a discrimination complaint is made against the Commissioner or against an equal employment opportunity officer at the Department, alleging that such person directly or personally engaged in discriminatory conduct, or if a discrimination complaint is made by the Commissioner or an equal employment opportunity officer at the Department, the complaint is referred to the Commission on Human Rights and Opportunities (CHRO) for review and, if appropriate, investigation by the Department of Administrative Services.

Written Determination

The Affirmative Action Division shall make all reasonable efforts to complete its investigation within 90 days of receipt of a complaint. Once the investigation is completed, the Affirmative Action Division will send a written determination to the Complainant detailing the outcome of its investigation

The Affirmative Action Division will maintain the files and records of all complaints processed under this procedure. If the Affirmative Action Division finds that an employee has engaged in discriminatory action, it will refer its determination to Human Resources for appropriate action.

Appeals

If the complainant is not satisfied with the resolution of his or her complaint, he or she may appeal the Affirmative Action Division's determination to the Commissioner of Social Services or his or her designee. Such appeal must be in writing and filed with the Commissioner of Social Services or his or her designee, within ten (10) calendar days of the date of the Affirmative Action Division's written decision, with a copy sent to the Affirmative Action Division.

The appeal should include:

- the reason for the appeal;
- the basis for disagreement with the Affirmative Action Division's determination; and
- any other information or evidence not previously provided

The Commissioner of Social Services or the Commissioner's designee shall:

- review the information submitted by the individual who is appealing;
- review the Affirmative Action Division's determination; and
- make a final determination of the matter and, within ten (10) calendar days of receipt of the appeal, notify the individual who filed the appeal, in writing, of the results of the review.

Any person who willfully interferes with or otherwise impairs the processing of any discrimination complaints, or in any way restricts or impairs the employment rights of the complainant or any witnesses involved in a complaint, is subject to disciplinary action, up to and including written reprimand, suspension or dismissal.

Complaints Associated with the Supplemental Nutrition Assistance Program (SNAP)

The United States Department of Agriculture (USDA) standard allows individuals to file internal complaints, in writing or verbally, within 180 days of the alleged event. If a complaint is to be made after 180 days justification must be made as to why the complaint was not able to be made within the approved timeframe.

If an individual(s) wishes to file a complaint with DSS, they may do so at the address listed under the section "Where to File". All discrimination complaints received by the Department associated with SNAP will be forwarded to FNS within five (5) calendar days of receipt. DSS will keep a dedicated log of all complaints forwarded to FNS. This log will contain, at minimum, complainant(s) name, contact information, date filed, date referred to FNS, and basis of alleged complaint.

The Department will maintain a copy of any correspondence regarding the complaint for at least four years after the date the State agency is notified that the complaint is closed.

The Department will provide necessary documents, evidence and, upon request, an Agency Position Statement (APS) regarding allegations of discrimination to FNS within the timeframes established by FNS or within a reasonable time.

The Department will make employees available to FNS to be interviewed as necessary during investigations, including for purposes of providing sworn testimony and clarifying general information. The department will also grant FNS access to facilities, and to complaint communications, records and systems, as necessary during investigations.

The department agrees to participate in attempts to resolve complaints in good faith, and will comply with corrective actions necessary to address findings of discrimination or compliance violations within the timeframes established by FNS in their determination.

Filing an External Complaint

Filing an internal complaint with the Affirmative Action Division using the above-described complaint procedure does not preclude someone from also filing a complaint with the appropriate state or federal department or agency, such as the Connecticut Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission.

SNAP applicants and participants have the right to contact the USDA, Food and Nutrition Services (FNS) directly to submit a complaint and do not have to contact the Department of Social Services.

In addition, employees who are in a collective bargaining unit may file a grievance pursuant to the terms of his or her collective bargaining agreement.

The Department's Affirmative Action Division, in conjunction with the Human Resources Division, as appropriate, investigates, and responds to complaints submitted to external agencies in accordance with the requirements of the respective external agencies. The Department of Social Services cooperates fully with external agencies and makes available any relevant information and materials pertaining to its or their investigation.

Commission on Human Rights and Opportunities (CHRO)

A complaint may be filed directly with the CHRO. Complaints must generally be filed within 180 calendar days of the date that the complainant became aware of the act. The complainant's reasonably written complaint must be filed in a commission office and entered into the commission records before the 180 day time frame expires.

Further information on filing a Connecticut Commission on Human Rights and Opportunities (CHRO) complaint can be found on the CHRO website:

<http://www.ct.gov/chro>

A person wishing to file a complaint should contact an intake officer at one of the Commission's regional offices listed in this document. The intake worker will discuss any concerns; explain the complaint process and, advise you about what help CHRO may be able to provide. If a complaint can be taken, the complainant will be given an appointment to go to a regional office to file a complaint.

The Connecticut Commission on Human Rights & Opportunity Regional Offices

Southwest Region

350 Fairfield Avenue, 6th Floor
Bridgeport, CT 06604
Telephone: (203) 579-6246

Eastern Region

100 Broadway
Norwich, CT 06360
Telephone: (860) 886-5703

West Central Region

Rowland State Government Center
Suite 210
Waterbury, CT 06702
Telephone: (203) 805-6530

Capitol Region

450 Columbus Boulevard
Suite 2
Hartford, CT 06103
Telephone: (860) 566-7710

Equal Employment Opportunity Commission (EEOC)

A complaint may also be filed with the Equal Employment Opportunity Commission (EEOC) office listed in this document. The EEOC enforces federal laws prohibiting employment discrimination. If you believe that you have been discriminated against at work because of your race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information, you can file a complaint of discrimination with the EEOC.

In general, a complaint of discrimination must be filed with the EEOC within 180 calendar days from the day the discrimination took place. The 180 calendar days filing deadline is extended to 300 calendar days if a state or local agency enforces a law that prohibits employment discrimination on the same basis. A complaint may be filed by mail or in person at the nearest EEOC office. Further information on filing an EEOC complaint can be found on EEOC's website: <http://www.eeoc.gov>.

The Equal Employment Opportunities Commission (EEOC) Area Office

JFK Federal Building
Room 409 B
Government Center
Boston, MA 02203
Telephone: (617) 565-3200

Other External Agencies:

United States Department of Labor, Wage and Hour Division (WHD)

William Cotter Federal Building
135 High Street, Room 210
Hartford, CT 06103
Telephone: (860) 240-4160

New Haven CT Area Office
150 Court Street, Room 208
New Haven, Ct 06511
Telephone: (203) 773-2249

United States Department of Health and Human Services (Region1)

John F. Kennedy Federal Building
Room 1875
Boston, MA 02203
Telephone: (617) 565-1340

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United States Department of Agriculture (USDA) (SNAP Program)

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, S.W.
Washington, D.C. 20250-9410
Telephone: (866) 632-9992
Fax: (202) 690-7442
Program.intake@usda.gov

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

The Department of Energy (DOE)

Director
Federally Assisted Programs Division
Office of Equal Opportunity
Department of Energy
Washington, D.C. 20585

And any other agencies; state, federal or local, that enforces laws concerning discrimination in employment.

Guarantee of Non-Retaliation

No person shall be restrained, intimidated, threatened, coerced, or discriminated against by any administrative/supervisory personnel or associates because he/she made a complaint, testified, assisted in or participated in an investigation, proceeding or hearing. Such actions are a protected activity. The protection from adverse action is held to be inviolate by the Department of Social Services and alleged violations by a person(s) are to be brought immediately to the attention of the DSS Affirmative Action Director by the complainant, by his/her representative or by any other adversely affected person, for investigation and appropriate disciplinary action if warranted.

All employees, clients, and grantees of the Department of Social Services shall have the right to make a complaint under this procedure, regardless of protected group or other status, classification or length of services.

Revised 2/14/19