

Commissioner's Policy Statement and Implementing Procedures

SUBJECT/POLICY NAME:	Internal Discrimination Complaint Policy and Procedure
POLICY CHAPTER	Human Resources / Employee Services
APPROVED BY:	Commissioner's Policy Group
EFFECTIVE DATE:	DATE: 4/10/2002
LAST REVISED DATE:	DATE: 4/22/2025
POLICY OWNER:	Equal Employment Opportunity Office

STATEMENT OF PURPOSE: The Department of Mental Health and Addiction Services (DMHAS) and the Equal Employment Opportunity (EEO) Office establishes these procedures to assist it in carrying out its responsibilities in administering and enforcing applicable federal and state law and DMHAS policies related to non-discrimination. The Equal Employment Opportunity Office may, from time to time, amend these procedures as necessary.

POLICY: Jurisdiction of the Equal Employment Opportunity Office: In carrying out the applicable policies set forth by DMHAS and to conform to Section 46a-68-89 of the Regulations of Connecticut State Agencies, and consistent with federal and state law, as well as DMHAS policies related to non-discrimination, the Equal Employment Opportunity Office mitigates, investigates, and reports all findings and recommendations to the executive head of the agency or department, for complaints of alleged unlawful discriminatory action(s).

DEFINITIONS:

Equal Employment Opportunity Officer. The term associated with anyone who is employed or contracted by DMHAS, who may hold the title Equal Employment Opportunity Specialist (EEO Specialist), or Equal Employment Opportunity Director (EEO Director), and who is designated to mitigate any discriminatory conduct within the agency, to investigate such conduct, and to report all findings and recommendations to the executive head of the agency or department, per federal and state law and DMHAS policy.

Nancy Navarretta 04.22.2025

Complaint. A charge filed in accordance with either these procedures that alleges a violation of federal or state law or DMHAS policies related to unlawful discrimination.

Complainant. An employee or applicant who files a complaint alleging that s/he has been the subject of discriminatory action(s) as listed below in Discriminatory Action(s).

Respondent or Alleged Violator. A person or entity against whom a discrimination complaint is filed.

Discriminatory Action(s). Any unlawful action(s) that is taken because of an individual's race inclusive of hair texture and protective hairstyles, color, religious creed, age, sex, pregnancy, sexual orientation, sexual harassment, retaliation for previously opposed discrimination or coercion, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability (including, but not limited to, blindness), veteran status, genetic information, workplace hazards to reproductive systems, status as a victim of domestic violence, or criminal record (in state employment and licensing), unless the provisions of C.G.S. Secs. 46a-60(b), 46a-80(b), or 46a-81(b) are controlling or there is a bona fide occupational qualification excluding persons in one of the above protected groups. Equal Employment Opportunity is the purpose and goal of Affirmative Action under Sec. 46a-68-75 through Sec. 46a-68-114 of the Regulations of Connecticut State Agencies.

Finding. A determination made by an Equal Employment Opportunity Specialist (EEOS) regarding whether sufficient evidence exists to conclude that a violation of federal or state law or DMHAS policies occurred relating to unlawful discrimination as defined in the above definition of Discriminatory Action(s).

Retaliation. It is unlawful to fire, demote, harass, or otherwise “retaliate” against any DMHAS employee or applicant for employment because they filed a charge of discrimination, because they complained to their employer or other covered entity about discrimination on the job, or because they participated in an employment discrimination proceeding (such as, but not limited to, an investigation or lawsuit). Retaliation or reprisal is a separate violation of anti-discrimination laws actionable under this procedure by jurisdiction of the DMHAS EEO Office.

PROCEDURE:

1. **Who May File a Discrimination Complaint.** Employees and applicants for employment may file a complaint alleging discrimination with the EEO Office in accordance with these complaint procedures.
2. **Time for Filing a Discrimination Complaint.** Discrimination complaints should be submitted within sixty (60) calendar days of the alleged discriminatory action(s), directly to the EEO Office. The EEO Director or his/her designee may extend the deadline based on extenuating

circumstances.

3. **Requirements of a Complaint.** Although not required to be written to be accepted for filing, whenever possible the complaint should be on the **Equal Employment Opportunity Office Complaint Form AA-100 (see attachment)**. Complaints can be made in person, by telephone, electronic mail, a letter, written report, or union grievance.

All complaints should include the following:

- The full name and contact information of the Complainant, who must be the individual claiming to be harmed by the discrimination;
- The name of all parties involved;
- A clear and concise statement of the facts, which should be reduced to writing by the Complainant whenever possible, that constitutes the alleged discriminatory action(s), including pertinent dates and sufficient information to identify any other individual(s) who may be able to provide information related to the allegations.
- Information that establishes that both Complainant and Respondent(s) have a sufficient relationship to DMHAS, and its' policies related to the alleged discriminatory action(s).

Written complaints (Form AA-100) should also include the following:

- A statement by the Complainant verifying that the information supporting the allegations of unlawful discrimination is true and accurate to the best of Complainant's knowledge;
- Complainant's signature;

4. **Intake Interview.** At or after the time a Complainant initiates a complaint, an EEO Specialist should conduct an intake interview with Complainant.
5. **Receipt of the Complaint.** If the complaint contains all of the elements stated above, a designated EEO Specialist should log the complaint and provide the Complainant with a copy, if a written complaint was submitted. A complaint will be considered "filed", when it is received by a designated staff member in the EEO Office.
6. **Complaint Processing**
 - **Notice to Respondent.** A Respondent should be given reasonable notice of the complaint, generally within five (5) business days, and a general explanation of the allegations contained therein. The Respondent will be given the opportunity to provide information and to be heard concerning the allegations of the complaint.
 - **Right to Representation.** A Respondent that is a member of a union may have rights under their union contract to have a union representative present during investigatory interviews for incidents or actions which may subject them to discipline (including an internal discrimination complaint investigation), provided it does not unreasonably delay completion of the investigatory process. A Respondent that is not a member of a union may have a representative of their choice present during investigatory interviews. Respondents are

informed of this right and are responsible for making the necessary arrangements.

- **Notice to Others Regarding the Complaint.** With the exception of Respondents, who may be given information about the allegations of the discrimination complaint, only those persons with a legitimate need to know will be apprised of the filing of and the final disposition of the complaint. Those persons may include, but are not limited to, appropriate organizational unit administrators who may have an obligation to monitor the workplace to ensure that retaliation does not occur during or after the investigation process, or who may be required to implement recommendations of the EEO Office when it completes its investigation (e.g. Commissioner, Deputy Commissioner, Chief Executive Officer, Chief Operating Officer, Chief of Administrative Services, Division Director, Human Resource Manager, etc.).
7. **Access to Information Regarding the Investigation.** Complainants and Respondents, upon inquiry and during the course of an investigation, should be advised of the status of the investigation. However, no information will be released until the investigation has been completed.
 8. **Amending a Complaint.** If, during the course of an investigation, the EEO Specialist determines that more information is required to enable a meaningful investigation, the Complainant may be asked to clarify allegations in the complaint. The Complainant may also be allowed to add a new Respondent or a new charge of discrimination related to the original complaint, so long as such additions fall within the sixty (60) calendar day limit applicable to the filing of a discrimination complaint.
 9. **Dismissal Based Upon Insufficiency of a Complaint.** If a Complainant alleges conduct that, if true, would not constitute a violation of federal or state law or DMHAS policies related to unlawful discrimination, as defined in the section regarding the definition of discriminatory action(s), the matter may be dismissed without further investigation by the EEO Office. Also, if a complaint is not filed within the sixty (60) calendar day limit; fails to identify a protected class; or does not contain sufficient evidence, such as but not limited to the name of the Respondent(s); the complaint may be dismissed.
 10. **False or Malicious Complaints.** Any Complainant who files false or malicious complaint(s) may subject an employee to disciplinary action to Human Resources and/or the Labor Relations Divisions for appropriate action in accordance with their procedures including up to termination.
 11. **Failure to Cooperate.** Employees are expected to cooperate in the investigation of a discriminatory or sexual harassment complaint.
 12. **Investigation of Complaint Allegations.** Following receipt of a complaint, the EEO Office will act as a neutral factfinder.

- **Conciliation/Mediation**

When appropriate, the EEO Office should endeavor to resolve the internal discrimination complaint through conciliation/mediation. Conciliation/ Mediation would involve meeting informally with the employee and/or the Respondent(s), or person(s) against whom the allegations have been directed and obtaining a mutual agreement for satisfactory resolution. Conciliation/Mediation may occur at any time after a complaint has been filed with the EEO Office.

- **Formal Investigation**

The EEO Specialist should assemble statements, documents, and other relevant evidence from the Complainant, Respondent, witnesses, and any other individuals who the EEO Specialist believes may have pertinent information concerning the allegations set forth in the discrimination complaint.

11. Findings and Recommendations.

- When assessing credibility, the EEO Specialist should determine from its records whether a person claimed to have violated this procedure has been identified in past complaints regarding the same, and what findings or corrective action(s) were taken by DMHAS.
- DMHAS will make every effort to comply with the Affirmative Action Regulations of CT State Agencies Sec. 46a-68-89, entitled “Discrimination Complaint Process”, that requires resolution of grievances within ninety (90) calendar days.
- In the course of an investigation, the EEO Office should report to the Division of Safety Services or the appropriate authorities (e.g. the Department of Public Safety) any conduct the EEO Specialist reasonably believes constitutes criminal conduct, regardless of any mitigating or other circumstances.
- Upon completion of an investigation, the EEO Specialist will evaluate the evidence in accordance with standards set forth in applicable federal and state law (including case law), and DMHAS policies related to unlawful discrimination, and will make a finding regarding the complaint allegations, which the EEO Specialist will usually reduce to a final investigative report.
- Upon completion of the investigation, a final draft report with recommendations will be submitted to the EEO Director or his/her designee to be reviewed for accuracy and completeness. The final written report will be submitted to the facility Chief Executive Officer and/or the DMHAS Commissioner or his/her designee (for discrimination complaints within the Office of the Commissioner) in order to review and discuss the findings and recommendations. The facility Human Resources Generalist, Labor Relations Officer, facility Chief Operating Officer or other appropriate executive staff may also be notified of final investigative findings and recommendations.

- The EEO Specialist will send a letter to notify the Complainant of the completed investigation and whether the complaint was substantiated along with information necessary to file complaints with external agencies. The Respondent will also receive a letter stating the status of the completed investigation.

12. **Possible Disciplinary Action.** The EEO Director should report all internal discrimination complaints received that may subject an employee to disciplinary action to Human Resources and/or the Labor Relations Divisions for appropriate action in accordance with their procedures.

13. **Closure.** An investigation will be considered complete, and the investigation will be closed, upon review and signature of the EEO Director or his/her designee that the final investigation report has been reviewed for accuracy and completeness. The Complainant and other appropriate parties are then scheduled for notification. According to Sec. 46a-68 (b)(6) of the C.G.S., the EEO Office shall not represent DMHAS in any Equal Employment Opportunity Commission (EEOC) or Commission on Human Rights and Opportunities (CHRO) proceedings concerning complaints of discrimination. Such representation shall be assigned by the DMHAS Commissioner to his/her designee.

14. **Discrimination Complaints Against the Executive Head of a State Agency or Department, Any Member of a State Board or Commission or Any Equal Employment Opportunity Officer.** Pursuant to C.G.S. Sec. 46a-68(b)(4)(B), a discrimination complaint alleging that the executive head of a state agency or department, any member of a state board or commission, or equal employment opportunity officer directly or personally engaged in discriminatory conduct shall be referred to the CHRO for review and, if appropriate, investigation by the Department of Administrative Services (DAS), rather than being investigated by the DMHAS EEO Office.

15. **Withdrawal of Complaints.** When a complaint raising significant claims of discrimination is filed, the EEO Office has a legal obligation to investigate. In appropriate circumstances, however, and at the discretion and judgment of the EEO Director, upon receiving a written request to do so by the Complainant, the EEO Office may agree to withdraw a complaint. Such requests made using electronic mail are also acceptable. A Complainant seeking to withdraw a complaint should set forth reasons in the request that support withdrawal. A Complainant may not withdraw a complaint once the EEO Director has determined that there is a violation(s) of federal and/or state law or DMHAS policy related to non-discrimination.

16. **Information Related to Complaints and Investigations:**

Confidentiality. Employees of the EEO Office will respect confidentiality of information it obtains during an investigation, except where disclosure is required:

- By an obligation imposed on DMHAS by federal and/or state law;

- To advise Respondent, Complainant, or any individual(s) identified as having a legitimate interest in the outcome of an investigation; or
- To facilitate other legitimate DMHAS processes, on a need to know basis.

17. File Management. The complaint file, including all information and documents pertinent to the complaint, will be maintained in the EEO Office. The EEO Office has developed necessary procedures for the control and maintenance of these files in accordance with the State's file retention policy for state agencies.

18. Advisement of the Right to file External Discrimination Complaints:

Employees have the legal option of filing an external discrimination complaint with the Connecticut Commission on Human Rights and Opportunities (CHRO); the United States Equal Employment Opportunity Commission (EEOC); the United States Department of Labor, Wage and Hour Division; or any other agencies, federal, state, or local, that enforce laws concerning discrimination in employment. The deadline for filing complaints with CHRO and EEOC are 300 days from the alleged act of discrimination.

CHRO Regional Offices

CAPITOL REGION OFFICE
 450 Columbus Boulevard
 Hartford, CT 06103-1835
 Phone: 860-566-7710
 Fax: 860-566-1997
 TDD: 860-566-7710

EASTERN REGION OFFICE
 100 Broadway
 Norwich, CT 06360
 Phone: 860-886-5703
 Fax: 860-886-2550
 TDD: 860-886-5707

WEST CENTRAL REGION OFFICE
 Rowland State Government Center
 55 West Main Street, Suite 210
 Waterbury, CT 06702-2004
 Phone: 203-805-6530
 Fax: 203-805-6559
 TDD: 203-805-6579

SOUTHWEST REGION OFFICE
 350 Fairfield Avenue, 6th Floor
 Bridgeport, CT 06604
 Phone: 203-579-6246
 Fax: 203-579-6950
 TDD: 203-579-6246

Equal Employment Opportunity Commission Region 1
 John F. Kennedy Federal Office Building
 Government Center, Room 475
 Boston, MA 02203
 Phone: 617-565-3200

CT Department of Labor, Regulation of Wages Division
200 Folly Brook Boulevard
Wethersfield, CT 06109
Phone: 860-566-3450

REFERENCES: Affirmative Action Regulations of CT State Agencies Sec. 46a-68-89,
Connecticut General Statutes (CGS) Secs. 46a-60, 46a-68

FORMS AND ATTACHMENTS: Equal Employment Opportunity Complaint Form AA-100