

Subject: Affirmative Action
Discrimination Complaint Process

Memorandum

Date: July 10, 2020

To: ALL CONCERNED

From: Joseph J. Giulietti
Commissioner



It is the established policy of the Department of Transportation (Department) to guarantee equal employment opportunity and to take affirmative action to overcome the present effects of past discrimination. All services and programs of the Department will be affirmatively administered in a fair and impartial manner. Equal employment opportunity is employment without consideration of the individual's protected class status of age, ancestry, color, disability, genetic information, learning disability, marital status, present or past history of mental disability, intellectual disability, national origin, physical disability (including, but not limited to, blindness), race, religion/religious creed, sex, pregnancy, sexual harassment, gender identity or expression, sexual orientation, veteran status, or criminal record (in state employment and licensing), or previously opposing discrimination unless provisions of Connecticut General Statutes §§ 46a-60(b), 46a-80(b), or 46a-81(b) are controlling or there is a bona fide occupational qualification excluding individuals. Employees whose jobs bring them in contact with reproductive hazards are also protected under this policy statement. This policy applies to protected classes under federal law as well as Connecticut state law.

Additionally, the Department recognizes that sexual harassment is a form of sex discrimination and has established a separate comprehensive Sexual Harassment Prevention Policy and Reporting Procedure. Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct, which are used as a condition of employment and/or create an intimidating, hostile, or offensive working environment will not be tolerated. It is the Department's policy that all employees, volunteers, contractors, subcontractors, vendors, visitors, parties, and others have a right to work and be in an environment free of discrimination, which encompasses freedom from sexual harassment. Sexual harassment undermines the integrity of the workplace and the personal dignity of the individual and will not be tolerated.

This policy complies with all applicable federal and State constitutional provisions, laws, regulations, guidelines, and executive orders. It is the intention of this Department to adhere to both the letter and spirit of these laws and regulations. It is the goal of this Department to ultimately achieve full utilization of minorities, women, older persons, persons with disabilities, and other protected classes within the Department's workforce.

In order to continue meeting its lawful obligations in this area, the Department provides a process for handling discrimination complaints. Attached to this memorandum is a copy of the Affirmative Action Discrimination Complaint Process.

IT MUST BE STRESSED THAT ALL INDIVIDUALS HAVE THE RIGHT TO UTILIZE THIS COMPLAINT PROCESS WITHOUT IN ANY WAY JEOPARDIZING THEIR CURRENT OR PROSPECTIVE EMPLOYMENT STATUS.

Any questions regarding the filing of an Affirmative Action Discrimination Complaint and/or the Affirmative Action Discrimination Complaint Process can be directed to the Office of Equal Opportunity and Diversity at (860) 594-2211, or Fax No. (860) 594-3060.

Attachment

List 1

CONNECTICUT DEPARTMENT OF TRANSPORTATION
AFFIRMATIVE ACTION DISCRIMINATION COMPLAINT PROCESS

The Department has implemented a process for handling discrimination complaints that includes the components required by the Connecticut regulations for Affirmative Action Plans by State Government Agencies, Sec. 46a-68-89. This process addresses only allegations of discrimination complaints regarding the individual's protected class status of age, ancestry, color, disability, genetic information, learning disability, marital status, present or past history of mental disability, intellectual disability, national origin, physical disability (including, but not limited to, blindness), race, religion/religious creed, sex, pregnancy, sexual harassment, gender identity or expression, sexual orientation, veteran status, criminal record (in state employment and licensing) or previously opposing discrimination unless provisions of Connecticut General Statutes §§ 46a-60(b), 46a-80(b), or 46a-81(b) are controlling or there is a bona fide occupational qualification excluding individuals. Employees whose jobs bring them in contact with reproductive hazards are also protected under this policy statement. This policy applies to protected classes under federal law as well as Connecticut state law. INDIVIDUALS HAVE THE RIGHT TO FULLY UTILIZE THIS COMPLAINT PROCESS WITHOUT JEOPARDIZING THEIR PROSPECTIVE OR CURRENT EMPLOYMENT STATUS.

1. The components of the Affirmative Action Discrimination Complaint Process are as follows: The Office of Equal Opportunity and Diversity provides confidential counseling and procedures for informal resolution of complaints at the agency level by the equal employment opportunity officer. The equal employment opportunity officer receives periodic training in counseling and grievance investigations.

2. Employees are notified via the Intranet webpage, during orientation, and through periodic communications that an agency discrimination complaint process is available.

3. The Office of Equal Opportunity and Diversity will receive all written and/or verbal complaints of discrimination directly from an employee or upon referral from a supervisor who has received a discrimination complaint from an employee. All complaints alleging discrimination or retaliation should be filed as soon as possible after the alleged act of discrimination, and, absent extenuating circumstances, no later than thirty (30) days of the alleged act.

4. Each complaint received will be evaluated by the Office of Equal Opportunity and Diversity who will, with the approval of the EEO Director/Manager or Specialist 2, make a determination as to whether: (1) the matter complained of is plausibly related to the individual's protected class status of age, ancestry, color, disability, genetic information, learning disability, marital status, present or past history of mental disability, intellectual disability, national origin, physical disability (including, but not limited to, blindness), race, religion/religious creed, sex, pregnancy, sexual harassment, gender identity or expression, sexual orientation, veteran status, criminal record (in state employment and licensing) or previously opposing discrimination unless provisions of C.G.S. §§ 46a-60(b), 46a-80(b), or 46a-81(b) are controlling or there is a bona fide occupational qualification excluding individuals, employees whose jobs bring them in contact with reproductive hazards are also protected under this policy statement; (2) the subject of the complaint is confined to Department policies and/or personnel; (3) the allegations of discrimination are potentially subject to verification by investigation confined to Department policies and personnel; and (4) the complaint would be more appropriately investigated and/or resolved in some manner other than the Department's Discrimination Complaint Process.

5. All complaints except those not retained by the evaluation process outlined in Item 4 above will be recorded by the Office of Equal Opportunity and Diversity on the Intake Complaint Form which will be reviewed, signed, and returned to the Office of Equal Opportunity and Diversity by the Complainant. The Complainant will also receive a copy of this Discrimination Complaint Process that includes a list of additional discrimination complaint agencies and explains the other avenues of appeal/redress open to him/her.

6. The Respondent's answer to the allegations will be recorded by the Office of Equal Opportunity and Diversity which will be reviewed, signed, and returned to the Office of Equal Opportunity and Diversity by the Respondent.

7. All complaints will be investigated by the Department's Office of Equal Opportunity and Diversity no later than ninety (90) days after the date the complaint was filed with the Office of Equal Opportunity and Diversity.

8. The Complainant and the Respondent(s) will be notified by the Office of Equal Opportunity and Diversity regarding the results of the investigation and any recommended remedial action to be taken, if necessary.

9. Should the Complainant disagree with the decision issued by the Office of Equal Opportunity and Diversity, he/she can still avail himself/herself of any of the other avenues of redress previously explained (see Number 5).

10. In the event of a complaint against the Office of Equal Opportunity and Diversity, Complainant(s) are advised to utilize the complaint procedure of the Connecticut Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission.

11. Employees should not be retaliated against for exercising their rights granted under the Discrimination Complaint Process, and such matters may be handled as a separate complaint.

12. The Office of Equal Opportunity and Diversity takes all necessary steps to ensure the confidentiality of all Discrimination Complaints filed to the extent provided by law.

13. Complainants are made aware in writing that they can file discrimination complaints with the organizations listed below, up to three hundred (300) days after the date(s) of alleged act(s) of discrimination or the date(s) that they became aware of the alleged discriminatory act(s) or within two years in State or federal District Court.

Connecticut Commission on Human Rights and Opportunities
Eastern Region
100 Broadway
Norwich, CT 06360
Telephone: 860-886-5703
TDD: 860-886-5707

Equal Employment Opportunity Commission
Boston Area Office
John F. Kennedy Federal Office Building
475 Government Center,
Boston, MA 02203
Telephone: 1-800-669-4000
TTY: 1-800-669-6820

Connecticut Commission on Human Rights and Opportunities
Southwest Region
350 Fairfield Avenue, 6th Floor
Bridgeport, CT 06604
Telephone: 203-579-6246
TTY: 203-579-6246

Connecticut Commission on Human Rights and Opportunities
Capitol Region
450 Columbus Boulevard, Suite 2
Hartford, CT 06103
Telephone: 860-566-7710
TDD: 860-566-7710

Connecticut Commission on Human Rights and Opportunities
West Central Region
Rowland State Government Center
55 West Main Street, Suite 210
Waterbury, CT 06702
Telephone: 203-805-6530, TDD: 203-805-6579

An Affirmative Action Equal Opportunity Employer