



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION OFFICE

ANTI-RETALIATION POLICY STATEMENT

Policy Statement

The Department of Emergency Services and Public Protection (DESPP) is committed to providing a work environment in which all people are treated with respect and dignity. DESPP will not tolerate harassment or retaliation by anyone, including any manager, commander, supervisor, co-worker, vendor, visitor, client, or customer. DESPP 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 in accordance with DESPP's Administrative and Operational Manual, Section 4.1.3.

What is prohibited?

Listed below are examples of *prohibited activities*. 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 provided that they notify their managers, commanders, and/or supervisors within thirty (30) days of nomination or 2) is a member-elect to such office, in accordance with ***Connecticut General Statutes (C.G.S.) Section 2-3a***. Employees who are federally funded in whole or in part may run for state or municipal office under the provisions of the Hatch Act and C.G.S. Section 5-266a. If elected, the employee may not be dually employed by DESPP and their elected State office under C.G.S. Section 5-266 and the Connecticut Constitution, Article 3, Section 11. Employees completely funded by federal monies may not run for such offices as per the Department of Administrative Services (DAS) General Letter 214-D, August 21, 2014.
- 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 the large state contract. ***C.G.S. Section 4-61dd(b)(1)***.



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- 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. *C.G.S. 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 himself or 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 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 is in the process of being corrected or abated. A hazardous condition 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.

- 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. An employee may not be discharged, disciplined, or otherwise penalized 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.

1111 Country Club Road, 2 North
Middletown, Connecticut 06457
Phone: (860) 685-8010/E-Fax: (860) 706-1325
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- Subjecting an employee to discipline or discharge on account of the exercise by such employee of the rights guaranteed by the First Amendment of the U.S. Constitution, or Article 1, Sections 3, 4, or 14 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. ***C.G.S. Section 31-51q.***
- Discharging, disciplining or otherwise penalizing any employee who speaks as a citizen on a matter of public concern, when the employee is not in violation of DESPP's Policies and Procedures, including DESPP's Social Media Policy.
- 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 them self or others has exercised any rights afforded by those provisions. ***C.G.S. Section 31-69b.***
- Discharging, disciplining, penalizing or in any manner discriminating against any employee because the employee has filed an unemployment compensation claim, or instituted, or caused to be instituted any proceeding under the unemployment compensation provisions, or has testified, or is about to testify in any such proceeding, or because such employee on behalf of them self or others has exercised any rights afforded by those provisions. ***C.G.S. 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 their behalf, or on behalf of others any right under OSHA. ***C.G.S. 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. ***C.G.S. 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. ***C.G.S. Section 46a-13n (b).***

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- 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. *C.G.S. Section 52-361a(j)*.
- 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. *C.G.S. 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 C.G.S. 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. *C.G.S. Section 54-85d*.

Anti-retaliation protections are also provided under the Connecticut Fair Employment Practices Act (*C.G.S. Section 46a-51 et seq.*) and federal law (**Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act**) which prohibits retaliation against an employee because they have either opposed an unlawful employment practice, or made a charge, testified, assisted or participated in an investigation or proceeding under these laws. Retaliation is also prohibited against the employee that has engaged in speech or activity protected by the First Amendment of the United States Constitution.

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

- Stalking or harassing an employee;
- Refusing or threatening to refuse to provide back-up support to an employee in the performance of their work duties, including emergencies;
- Tampering with, vandalizing or interfering with an employee's equipment, vehicle, or personal belongings;

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- 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.

Reporting Retaliation:

DESPP employees who feel that they have been subjected to or have witnessed prohibited retaliation is urged to report the conduct to any of the following:

1. Their manager, commander, or supervisor; or
2. Equal Employment Opportunity Director, Ngina McMillian
1111 Country Club Road, Middletown, Connecticut 06457-2389
Telephone: 860-685-8062 Email: Ngina.McMillian@ct.gov

All DESPP employees are also urged to review DESPP's Administrative and Operational Manual, Section 4.1.3 for specific employee responsibilities and reporting procedures.

Any DESPP manager, commander, and/or supervisor who receives a complaint about prohibited retaliation or who believes that someone is engaging in such conduct is mandated to report the same to the DESPP EEO/AA Office; failure to do so may subject the manager, commander, and/or supervisor to disciplinary action.

Complaints Against Agency Heads and Affirmative Action Officers:

Pursuant to C.G.S. Section 46a-68(b)(4)(B), the Commission on Human Rights and Opportunities (CHRO) shall receive any complaint alleging that the executive head of a state agency or department, any member of a state board or commission or any affirmative action officer engaged in discriminatory conduct to determine whether it should be forwarded to the Department of Administrative Services (DAS) for investigation. If the complaint is made against DAS, CHRO conducts the investigation. The purpose of this legislation was to eliminate the conflict that may arise if an affirmative action officer has to investigate allegations against their manager, commander, or supervisor, as such officers report directly to the appointing authority.

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Reporting a Complaint:

All DESPP employees are responsible for complying with this policy, for maintaining a high level of professional conduct in the workplace, and providing a work environment in which all employees are treated with respect and fairness.

Each DESPP manager, commander, 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.

Investigating Complaints:

DESPP shall promptly investigate all complaints and reports of retaliation and take appropriate disciplinary action, up to and including termination of employment. DESPP employees are expected to cooperate with all investigations and any actions taken by DESPP as a result of such investigations.

If you have any questions regarding the DESPP Anti-Retaliation Policy Statement, please contact:

Equal Employment Opportunity Director, Ngina McMillian
1111 Country Club Road, Middletown, Connecticut 06457-2389
Telephone: 860-685-8062 Email: Ngina.McMillian@ct.gov

4-30-19
Date


James C. Rovella
Commissioner