



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

**ANTI-RETALIATION POLICY STATEMENT**

**Policy Statement**

The State of Connecticut 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. The Department will not tolerate harassment or retaliation by anyone, including any supervisor, co-worker, vendor, client or customer. DESPP shall investigate each complaint of retaliation and each reported violation of this policy statement and take disciplinary action, implement remedial measures and/or provide resolution, as appropriate.

**What is prohibited?**

Listed below are examples of *prohibited activity*. 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; 2) holds such office; 3) is a member-elect to such office; or 4) loses time from work in order to perform duties as such representative, senator or member-elect. *Connecticut General Statutes Section 2-3a.*
- 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. *Connecticut General Statutes Section 4-61dd(b)(1).*
- 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. *Connecticut General Statutes 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



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hazardous condition or 2) refuses in good faith to expose himself 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 in the process of being corrected or abated. A hazardous condition for purposes of this statute 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. *Connecticut General Statutes Section 31-40t.*

- 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. No municipal employer shall discharge, discipline or other penalize any employee 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. *Connecticut General Statutes Section 31-51m.*
- Subjecting an employee to discipline or discharge on account of the exercise by such employee of the rights guarantees by the First Amendment to the U.S. Constitution or Sections 3, 4, or 14 of Article First of the State Constitution, provided such activity does



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not substantially or materially interfere with the employee's bona fide job performance or the working relationship between the employee and the employer. *Connecticut General Statutes Section 31-51q.*

- 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 himself or others has exercised any rights afforded by those provisions. *Connecticut General Statutes Section 31-69b.*
- Discharging, disciplining, penalizing or in any manner discriminating against any employee because the employee has filed a 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 himself or others has exercised any rights afforded by those provisions. *Connecticut General Statutes 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 his or her behalf or on behalf of others any right under OSHA. *Connecticut General Statutes 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. *Connecticut General Statutes 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. *Connecticut General Statutes Section 46a-13n (b).*
- 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. *Connecticut General Statutes Section 52-361a.*



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- 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. *Connecticut General Statutes 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 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. *Connecticut General Statutes Section 54-85d.*
- Anti-retaliation protections are also provided under the Connecticut Fair Employment Practices Act (**Connecticut General Statutes Section 46a-51 et seq.**) and federal law (**Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the American with Disabilities Act**) which prohibit retaliation against an employee because (s)he has either opposed an unlawful employment practice or made a charge, testified, assisted or participated in an investigation or proceeding under these laws; and 2 the First Amendment to the United States Constitution which prohibits retaliation against an employee because the employee engaged in speech or activity protected by the First Amendment.

Any conduct that constitutes retaliation is prohibited. The current test adopted by the United States Supreme Court in Burlington Northern & Santa Fe Railway. Co. v. White, 126 S. Ct. 2405 (2006) is whether there have been materially adverse employer actions that are likely to dissuade a reasonable employee from engaging in a protected activity (i.e., making or supporting a charge of discrimination).

The following are examples of retaliatory conduct that violates this 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 the employee;



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- Refusing or threatening to refuse to provide back-up support in performing work duties, including emergencies;
- Tampering with, vandalizing or interfering with the employee's equipment, vehicle or personal belongings;
- Selectively disciplining the employee or selectively threatening to impose discipline against the employee;
- Holding the 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.

**Manager or Supervisor Responsibility**

Each Department of Emergency Services and Public Protection ("DESPP") manager and/or supervisor has a responsibility to maintain the workplace free of any form of retaliation, to monitor working conditions in order to detect any violation(s) of this policy statement and to take prompt action to correct and report any violation(s).

Any DESPP manager and/or supervisor who witnesses conduct that violates this policy statement or receives a report of conduct that is alleged to violate this policy statement shall immediately report such conduct to the Department's Equal Employment Opportunity ("EEO")/Affirmative Action ("AA") Office as soon as feasible. Failure of a department manager or supervisor to take action upon witnessing or receiving a report of retaliation constitutes a violation of the policy statement.

**Filing a complaint**

The Department of Emergency Services and Public Protection ("DESPP") strongly encourages anyone who believes that s/he is a victim of retaliation to report such retaliation as soon as it occurs. Any employee who witnesses retaliation or who becomes aware that an



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employee has been subjected to retaliation should report same to a supervisor, manager, the Department's Human Resources Unit and/or the Employment Opportunity ("EEO")/Affirmative Action ("AA") Office as soon as feasible and must do so immediately if the conduct jeopardizes the safety or security of the operation or of personnel.

The Department's EEO/AA Office shall investigate and remedy retaliation that comes to its attention whether or not an employee has made a complaint. The following procedures apply to complaints:

A complaint of retaliation shall be made within thirty (30) days of the conduct complained of; however the Department's EEO/AA Office shall have the discretion to accept and investigate complaints made after thirty (30) days and shall do so for good cause shown. The Department's EEO/AA Office shall accept and investigate such complaints without a showing of good cause for delay if they allege ongoing or continuous misconduct that has continued by the same alleged Opposing Party(s) within the thirty (30) day period.

A complaint of any violation of this policy statement may be made directly to any of the following:

1. Equal Employment Opportunity ("EEO")/Affirmative Action ("AA") Office;
2. Human Resources Unit; or
3. Any Manager or Supervisor.

If a complaint is received by any DESPP personnel other than personnel in the Department's EEO/AA Office, such personnel shall transmit such complaint to the Department's EEO/AA Office. Retaliation complaints may also be filed with other agencies which have jurisdiction to investigate and remedy such complaints.

**Complaint Investigation and Disposition**

The Department's EEO/AA Office or in the event of a conflict of interest, the Director of the Human Resources Unit (or his or her assigned designee), shall conduct and complete a fair, objective, comprehensive, and to the extent possible, confidential investigation into each and every complaint of retaliation. Upon completion of the investigation, the report shall be forwarded to the DESPP Commissioner (or his or her assigned designee) for a determination on appropriate action, where necessary.



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Any employee who is found, after investigation, to have violated this policy statement shall be subject to consequences appropriate to the violation.

The DESPP Commissioner (or his or her assigned designee) may order appropriate measures to remedy conditions that violate this policy. Such remedial measures may include steps necessary to protect the complainant, other employees, and supportive witnesses from retaliation during and after the investigation, including but not limited to: counseling the alleged harasser to refrain from conduct that may be, or perceived to be retaliatory; transferring the alleged harasser; or offering the complainant, where available, an administrative transfer to another facility or location.

The Department's Equal Employment Opportunity ("EEO") Officer (or his or her assigned designee) or in the event of a conflict of interest, the Director of the Human Resources Unit (or his or her assigned designee), shall conduct a final interview with the Complainant to explain the results of the investigation and the determined course of action. If the Complainant does not agree with the investigation or the determined course of action, the Department's EEO Officer (or his or her assigned designee) or the Director of the Human Resources Unit (or his or her assigned designee), as the case may be, shall advise the Complainant that they may still file a complaint with the outside agency having jurisdiction to investigate and remedy such complaint.

In the event of a determination that there is not sufficient evidence to substantiate a finding of a violation of this policy statement, the Complainant and the Opposing Party(ies) of the complaint shall be notified within five (5) business days of the determination.

Complaints of retaliation and all related records that do not result in an Administrative Inquiry ("AI") or Internal Affairs ("IA") complaint shall be retained by the Department's EEO Officer who will maintain such records securely. If you have any questions, concerns, complaints, or requests for additional information regarding the DESPP Anti-Retaliation Policy Statement, please forward all matters by either regular mail, electronic mail and/or telephone contact to the Department's EEO Officer (or his or her assigned designee):

Jewel White, EEO Specialist I  
Equal Employment Opportunity ("EEO")/Affirmative Action ("AA") Office  
State of Connecticut Department of Emergency Services and Public Protection  
1111 Country Club Road  
Middletown, Connecticut 06457  
(860) 685-8010  
[Jewel.white@ct.gov](mailto:Jewel.white@ct.gov)

1111 Country Club Road, 2 North  
Middletown, Connecticut 06457  
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At any time after the filing of a complaint, the Department's EEO/AA Office may coordinate with the Human Resources Unit and any necessary personnel to address any matters that require immediate action or an attempt to a resolution of conflict mediation of the complaint.

1-11-13

Date

Reuben F. Bradford  
Reuben F. Bradford  
Commissioner