

# Department of Emergency Management and Homeland Security



## Policy and Procedure Manual

Policy No. 1.1 Issued 4/2006  
Revised 12/2006

### AFFIRMATIVE ACTION POLICY STATEMENT

As Commissioner of the Department of Emergency Management and Homeland Security (DEMHS), I recognize the need for Affirmative Action and I pledge my commitment to undertake positive actions to overcome the present effects of past practices or barriers to equal employment opportunity and to achieve the full and fair participation of minorities, women, people with disabilities, older persons, and all the protected groups found to be underutilized in the Department's workforce or affected by policies having an adverse impact. I further state that this Department will comply with the anti-discrimination provisions of the State and Federal laws and regulations listed at the end of this section.

I recognize the hiring difficulties experienced by minorities, people with disabilities and by many older persons and, where appropriate, I have set program goals to overcome the present effects of past discrimination, if any, to achieve the full and fair utilization of such persons in the workforce. I further pledge that the agency will affirmatively provide services and programs in a fair and impartial manner.

Where adverse impact is identified, the agency will: (1) review its personnel policies and procedures to ensure that barriers which unnecessarily exclude protected classes and practices, which have an illegal discriminatory impact, are identified and eliminated; (2) explore alternative approaches to employ minorities and members of protected classes; (3) administer all terms, conditions, privileges and benefits of the employment process in an equitable manner, and (4) establish procedures for the extra effort that may be necessary to ensure that the recruitment and hiring of protected group members reflect their availability in the job market.

The Affirmative Action Plan will not only be a way by which the Department of Emergency Management and Homeland Security (DEMHS) can achieve equal employment opportunity objectives, but will also serve as a mechanism to prevent and eliminate discrimination. The Department will take additional efforts to recruit, employ, and promote members of groups, which we find should be included.

"Affirmative Action" is positive action, undertaken with conviction and effort, to overcome the present effects of past practices, policies or barriers to equal employment opportunity and to achieve the full and fair participation of Women, Blacks and Hispanics and other protected groups found to be underutilized in the work force or affected by policies or practices having an adverse impact.

**AFFIRMATIVE ACTION POLICY STATEMENT  
ATTACHMENT A**

<b><u>CONNECTICUT CONSTITUTIONAL PROVISIONS</u></b>	<b><u>SUBJECT</u></b>
Article First, Section 1	Equality of rights
Article First, Section 3	Rights of religious liberty
Article First, Section 20, as amended by Article Five and Article Twenty-One of the amendments to the Connecticut Constitution	Equal Protection
<b><u>CONNECTICUT GENERAL STATUTES</u></b>	<b><u>SUBJECT</u></b>
C.G.S. Section 2-120	Establishment of Latino and Puerto Rican Affairs Commission
C.G.S. Section 2-121	Establishment of African-American Affairs Commission
C.G.S. Section 4-61u	Programs of career mobility
C.G.S. Section 4a-60	Nondiscrimination clauses in state contracts
C.G.S. Section 4a-60a	Nondiscrimination clause in state contracts on basis of sexual orientation
C.G.S. Section 4a-60g	Establishment of small business and minority business enterprise set-aside program
C.G.S. Section 4a-61	Minority business enterprises
C.G.S. Section 4a-62	Establishment of Minority Business Review Committee
C.G.S. Sections 5-193 to 5-269	State Personnel Act
C.G.S. Section 5-227	Discrimination prohibited in state employment
C.G.S. Section 5-227a	Promotion by reclassification of position
C.G.S. Section 5-228	Meeting affirmative action goals in state agencies
C.G.S. Section 5-267	Officers, appointing authorities and employees to comply with law
C.G.S. Section 8-265c	Discrimination re: housing financed by CHFA barred
C.G.S. Section 10a-10	Office of Educational Opportunity

C.G.S. Section 10a-11(a)	Strategic plan to ensure racial and ethnic diversity
C.G.S. Section 10-15c	Prohibits discrimination in public schools
C.G.S. Section 10-17f	Bi-lingual education
C.G.S. Section 10-18a	Use of instructional materials in public schools representative of all races, ethnic origins and both sexes
C.G.S. Section 10-153	Nondiscrimination of teachers on basis of sex and marital status
C.G.S. Section 17a-541, 17a-549	Denial of employment, housing, licenses because of history of mental disability
C.G.S. Sections 19a-498a	Whistleblower protection for Healthcare employees
C.G.S. Sections 19a-581 to 19a-594a	AIDS testing and medical information
C.G.S. Section 27-59	Discrimination prohibited by armed forces
C.G.S. Section 31-40w	Breastfeeding in the workplace
C.G.S. Section 31-51d	Apprenticeship programs
C.G.S. Section 31-51ll	Family and medical leave; intermittent or reduced leave schedules
C.G.S. Section 31-51pp	Family and medical leave
C.G.S. Section 31-75	Discrimination in compensation on account of sex
C.G.S. Section 36a-737	Discrimination in making of mortgage or home improvement loans
C.G.S. Section 38a-446	Discrimination in insurance prohibited
C.G.S. Section 38a-488	Discrimination in insurance prohibited
C.G.S. Section 38a-543	Age discrimination in group insurance coverage prohibited
C.G.S. Section 38a-816	Prohibition against unfair insurance practices
C.G.S. Section 38a-824	Prohibition against redlining in real estate insurance transactions
C.G.S. Section 46a-1	Establishment of a Permanent Commission on the Status of Women
C.G.S. Section 46a-10	Establishment of an office of advocacy and

	protection for handicapped and developmentally disabled persons
C.G.S. Section 46a-27	Establishment of a commission for the advocacy of deaf and hearing impaired persons
C.G.S. Section 46a-52	Establishment of Commission on Human Rights and Opportunities
C.G.S. Section 46a-54(15)(A)	Requirement of employers with 3 or more employees to post notice of prohibition against sexual harassment; requirement of employers with 50 or more employees to provide training to supervisors regarding sexual harassment law
C.G.S. Section 46a-54(16)	Requirement that state agencies conduct diversity training for state employees
C.G.S. Section 46a-58(a)	Prohibition against deprivation of civil rights
C.G.S. Section 46a-59(a)	Prohibition against discrimination in professional and occupational associations
C.G.S. Section 46a-60	Discriminatory employment practices prohibited
C.G.S. Section 46a-60(a)(1)	Prohibition against refusal to hire or employ, to bar or discharge from employment, discriminate in compensation, or in terms, conditions or privileges of employment on the basis of race, color, religious creed, age, sex, marital status, national origin, ancestry, present or past history of mental disability, mental retardation, learning disability and physical disability (including blindness) without bona fide occupational qualification or need
C.G.S. Section 46a-60(a)(2)	Prohibition against employment agencies failure or refusal to properly classify
C.G.S. Section 46a-60(a)(3)	Prohibition against discrimination regarding membership and membership rights
C.G.S. Section 46a-60(a)(4)	Prohibition against retaliation for exercising right to file or participate in the processing of a discrimination complaint
C.G.S. Section 46a-60(a)(5)	Prohibition against aiding, abetting or inciting discriminatory employment practices

C.G.S. Section 46a-60(a)(6)	Prohibition against advertising of employment opportunities in a manner that discriminates
C.G.S. Section 46a-60(a)(7)	Prohibition against termination of employment because of pregnancy; right of reinstatement and employment benefits; right to request temporary transfer
C.G.S. Section 46a-60(a)(8)	Prohibition against sexual harassment in employment
C.G.S. Section 46a-60(a)(9)	Prohibition against requiring information on familial responsibilities, pregnancy or birth control information in employment situations
C.G.S. Section 46a-60(a)(10)	Requirement of employer to take reasonable measures to protect employee from exposure to workplace hazards
C.G.S. Section 46a-60(a)(11)	Prohibition against employer requiring genetic information; discrimination in employment situations prohibited on the basis of genetic information
C.G.S. Section 46a-64	Discriminatory public accommodations practices prohibited
C.G.S. Section 46a-64c	Prohibition against housing discrimination
C.G.S. Section 46a-66	Discriminatory credit practices prohibited
C.G.S. Section 46a-68	Establishment of affirmative action plans for state agencies
C.G.S. Section 46a-68 Subdivision (3) of subsection (b)	Training requirements concerning state and federal discrimination laws and techniques for conducting internal investigations.
C.G.S. Section 46a-69	Discriminatory practices by state
C.G.S. Section 46a-70(a)	Guarantee of equal employment in state agencies
C.G.S. Section 46a-70a	Judicial Department included in guarantee of equal employment in state agencies
C.G.S. Section 46a-71	Discriminatory practices by state agencies prohibited
C.G.S. Section 46a-72	Discrimination in job placement by state agencies prohibited
C.G.S. Section 46a-73	Discrimination in state licensing and charter procedures prohibited

C.G.S. Section 46a-74	State agencies not to permit discriminatory practice violations
C.G.S. Section 46a-75(a)	Nondiscrimination in state educational, counseling, apprenticeship, and on-the-job training programs
C.G.S. Section 46a-76(a)	Discrimination in allocation of state benefits prohibited
C.G.S. Section 46a-77	Cooperation with CHRO required
C.G.S. Section 46a-79	Statement of encouragement for employers to hire qualified persons with criminal conviction records
C.G.S. Section 46a-80	Denial of employment based on prior conviction of a crime
C.G.S. Sections 46a-81a to 46a-81r, inclusive	Discrimination on the basis of sexual orientation
C.G.S. Section 46a-83b	Alternative dispute resolution
C.G.S. Section 46a-84	Complaint: Certification; hearing; settlement or alternate dispute resolution endeavors; default order
C.G.S. Section 47-59a	Equal rights for resident Indians of state tribes
C.G.S. Section 47-59b(a)	Establishment of Indian Affairs Council
C.G.S. Section 53-37	Ridicule on account of race, creed or color
C.G.S. Section 53-37a	Deprivation of a person's civil rights
C.G.S. Section 54-1m	Adoption of policy prohibiting certain police actions. Data collection and reporting
C.G.S. Section 54-11	Alvin W. Penn Racial Profiling Prohibition Act
<b><u>PUBLIC ACTS</u></b>	<b><u>SUBJECT</u></b>
P.A. 05-10	An Act Concerning Civil Unions
P.A. 05-287, Section 54	Training Requirements Concerning State and Federal Discrimination Laws
<b><u>REGULATIONS</u></b>	<b><u>SUBJECT</u></b>

Sections 46a-54-1 to 46a-54-152	Description of Organization, Rules of Practice and Personal Data
Sections 46a-68-1 to 46a-68-17, inclusive	Apprenticeship
Sections 46a-68-31 to 46a-68-74, inclusive	Affirmative action by state
Sections 46a-68j-21 to 46a-68j-43; Sections 46a-68k-1 to 46a-68k-8; Sections 46a-54(d)-1 to 46a-54(d)-7	Contract Compliance Regulations
<b><u>GUIDELINES</u></b>	<b><u>SUBJECT</u></b>
Guidelines prepared by the Committee on Career Mobility	Career mobility
<b><u>EXECUTIVE ORDERS</u></b>	<b><u>SUBJECT</u></b>
Executive Order No. 8 Governor Dempsey	Human and civil rights
Executive Order No. 3 Governor Meskill	Nondiscrimination in state contracts
Executive Order No. 14 Governor Meskill	Governor's Council on Opportunities for the Spanish-Speaking
Executive Order No. 17 Governor Meskill	State contractors to list employment openings
Executive Order No. 18 Governor Meskill	Nondiscrimination, affirmative action, and equal employment opportunity
Executive Order No. 11 Governor Grasso	Equal employment opportunity and affirmative action
Executive Order No. 12 Governor Grasso	Governor's Council on Opportunities for the Spanish-speaking
Executive Order No. 9 Governor O'Neill	Equal Opportunity and affirmative action
Executive Order No. 10 Governor Weicker	Governor's Council for Latino and Puerto Rican Affairs
Executive Order No. 9 Governor Rowland	Coordinating Council for Adult Protective Services
Executive Order No. 16 Governor Rowland	Violence in the Workplace Prevention Policy
Executive Order No. 7 Governor Rell	Establishment of a State Contracting Standards Board
<b><u>UNITED STATES CONSTITUTION</u></b>	<b><u>SUBJECT</u></b>

First Amendment	Freedom of speech/religion
Thirteenth Amendment	Prohibits slavery and involuntary servitude
Fourteenth Amendment	Equal protection
Fifteenth Amendment	Prohibition against denying voting rights on the basis of race and color
Nineteenth Amendment	Abolishment of voting restrictions on the basis of sex
<b><u>FEDERAL STATUTES</u></b>	<b><u>SUBJECT</u></b>
15 U.S.C. Section 1691	Equal Credit Opportunity Act
20 U.S.C. Section 1681(a)	Title IX of the Education Amendments of 1972
29 U.S.C. Section 260 <u>et seq.</u>	Liquidated damages under the Fair Labor Standards Act of 1938
29 U.S.C. Section 260(d) <u>et seq.</u>	Equal Pay Act of 1963, prohibiting discrimination in wages on the basis of sex
29 U.S.C. Section 501 <u>et seq.</u>	Rehabilitation Act of 1973, as amended, requiring affirmative action and prohibiting discrimination in the federal sector and federally funded activities and programs on the basis of disability
29 U.S.C. Section 621 <u>et seq.</u>	Age Discrimination in Employment Act
29 U.S.C. Section 701 <u>et seq.</u>	Vocational Rehabilitation Act
42 U.S.C. Section 1981	Equal rights under law
42 U.S.C. Section 1981A <u>et seq.</u>	Civil Rights Act of 1991, providing additional coverage and remedies under several federal anti-discrimination laws
42 U.S.C. Section 1982	Property rights
42 U.S.C. Section 1983	Civil action for deprivation of rights
42 U.S.C. Section 2000d <u>et seq.</u>	Prohibition against exclusion from federally-assisted programs (Title VI of the Civil Rights Act of 1964)
42 U.S.C. Section 2000e <u>et seq.</u>	Equal employment opportunities (Title VII of the Civil Rights Act of 1964)
42 U.S.C. Section 3601 <u>et seq.</u>	Fair housing policy (Title VIII of the Civil Rights Act of 1968)
42 U.S.C. Section 12101 <u>et seq.</u>	Americans with Disabilities Act of 1990 (PL 101-336)
<b><u>REGULATIONS</u></b>	<b><u>SUBJECT</u></b>
12 CFR 202	Equal Credit Opportunity regulations

28 CFR Part 36	Regulations on nondiscrimination towards disabled persons by public accommodations and commercial facilities
29 CFR Part 30	Equal Employment opportunity in apprenticeship and training
29 CFR Part 32	Handicap nondiscrimination regulations
29 CFR Parts 1600 through 1699	Regulations of the Equal Employment Opportunities Commission (EEOC)
29 CFR Part 1602	EEOC records and reports
29 CFR Part 1604	Sex discrimination guidelines
29 CFR Part 1605	Religious discrimination guidelines
29 CFR Part 1606	National origin guidelines
29 CFR Part 1607	Uniform Guidelines on Employee Selection Procedures
29 CFR Part 1608	Affirmative action guidelines
29 CFR Part 1620	Equal Pay Act regulations
29 CFR Part 1625	ADEA interpretations
29 CFR Part 1627	ADEA records and reports
29 CFR Part 1630	Equal employment opportunity for individuals with disabilities
31 CFR Part 51	Nondiscrimination by revenue sharing recipients
41 CFR Part 60-1	Obligations of contractors and subcontractors
41 CFR Part 60-741	Affirmative action obligations of contractors and subcontractors
<b><u>EXECUTIVE ORDERS</u></b>	<b><u>SUBJECT</u></b>
Executive Order 10652	Establishment of Equal Employment Opportunity Commission
Executive Order 10952	Establishment of Equal Employment Opportunity Commission
Executive Order 11063	Establishment of President's Committee on Equal Opportunity in Housing
Executive Order 11141	Age discrimination
Executive Order 11246 and 11375	Nondiscrimination in Federal Contracts
Executive Order 11625	Developing minority businesses
Executive Order 12067	Providing for Coordination of Federal Equal Employment Opportunity Programs
Executive Order 12138	Creating a national Women's Business Enterprise policy

Executive Order 12190	Establishment of Advisory Committee on Small and Minority Business Ownership
Executive Order 12259	Leadership and Coordination of Fair Housing in Federal Programs
Executive Order 12432	Development of Minority Business Enterprises
Executive Order 12640	Re-establishment of the President's Committee on Employment of People with Disabilities
Executive Order 12898	Environmental justice
<b><u>104th Congress</u></b>	<b><u>SUBJECT</u></b>
Public Law 104-1	Applying and extending rights and protections including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and Title 1 of the Americans with Disabilities Act of 1990 to the Legislative branch of the Federal Government "Congressional Accountability Act of 1995"
Public Law 104-76	Housing for Older Persons Act of 1995
Public Law 104-188	Small Business Job Protection Act of 1996
Public Law 104-331	Same as Public Law 104-1, applied to Executive Office of the President "Presidential and Executive Office Accountability Act"
<b><u>105th Congress</u></b>	<b><u>SUBJECT</u></b>
Public Law 105-114	Equal Employment Opportunities for veterans, Amending Title 38
Public Law 105-220	Workforce Investment Act of 1998
Public Law 105-255	To establish the Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development
<b><u>106th Congress</u></b>	<b><u>SUBJECT</u></b>
Public Law 106-50	To provide technical, financial and procurement assistance to veteran owned small businesses
Public Law 106-205	Day of Honor 2000, to honor and recognize the service of minority veterans in the US Armed Forces during WWII

"Equal Employment Opportunity" is the employment of individuals without consideration of race, color, religious creed, age, sex, marital status, national origin, ancestry, mental retardation, physical disability, learning disability, sexual orientation, past or present history of mental disability, genetic information, or criminal record, unless the provisions of Sections 46a-60(b), 46a-80(b), or 46a-81(b), of the Connecticut General Statutes are controlling or there is a bona fide occupational qualification excluding persons in one of the above groups. Equal Employment Opportunity is the purpose and goal of Affirmative Action under Sections 46a-68-31 through 46a-68-74 of the Regulations of Connecticut State Agencies.

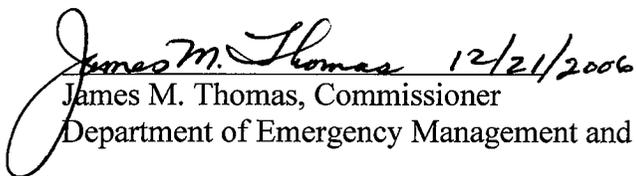
In order to implement affirmative action policies and to achieve equal employment opportunities for legally protected classes, staff has prepared an *Affirmative Action Plan*, which identifies where underutilization of legally protected classes exist. This plan includes programs which will eliminate overutilization and underutilization; it also incorporates specific actions, goals, objectives, timetables, and a complaint procedure. Additionally, it will provide positive benefits to the Department of Emergency Management and Homeland Security (DEMHS) by utilizing and developing the potential of all current employees. This Plan is an action-oriented document requiring aggressive action to eradicate any identified discriminatory employment practice or pattern.

As Commissioner the Department of Emergency Management and Homeland Security (DEMHS), I will make each person involved in the implementation of this Plan aware of his/her responsibilities to integrate this program into the Department's daily activities. I will hold staff accountable for their affirmative action performance.

This policy statement will be given annually to all Department employees and will also be posted throughout the agency. I also expect each supplier, union, consultant and other state agencies with which we do business to comply with all applicable State and Federal Equal Opportunity laws and regulations. The agency will not knowingly do business with any entity debarred from participation in any federal or state program or found to be in violation of any state or federal antidiscrimination law.

I also promise to make every good-faith effort to achieve the goals within the timetables set forth in this Plan.

I have assigned the responsibility to achieve the successful implementation of our goals and objectives to Timothy J. Geary, Personnel Officer, Department of Administrative Services, 165 Capitol Avenue, State Office Building 5<sup>th</sup> Floor East, Hartford, CT 06106, telephone at (860) 713-5307, e-mail at [timothy.geary@ct.gov](mailto:timothy.geary@ct.gov) and Alicia Nuñez, Affirmative Action Officer, Department of Administrative Services, 165 Capitol Avenue, State Office Building 5<sup>th</sup> Floor East, Hartford, CT 06106, telephone at (860) 713-5317, e-mail at [alicia.nunez@ct.gov](mailto:alicia.nunez@ct.gov)

 12/21/2006  
James M. Thomas, Commissioner

Department of Emergency Management and Homeland Security (DEMHS)