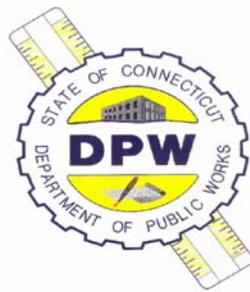


***STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC WORKS***

EMPLOYEE POLICY HANDBOOK



**JAMES T. FLEMING
COMMISSIONER**

Statement of Mission

Our mission at DPW is to be the leader in providing quality facilities and in delivering cost-effective, responsive and timely services to state agencies in the areas of planning, design, construction, facilities management, leasing and real property disposition.

Our Vision

To create for and with our client state agencies innovative and responsive physical environments which support and enhance accomplishment of their workplace missions in serving their customers.

James T. Fleming
Commissioner

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AFFIRMATIVE ACTION POLICY

It is the policy and practice of the Department of Public Works to ensure that no person will be discriminated against or be denied the benefits of any activity, program or employment process receiving public funds, in whole or in part, in the areas of recruiting, advertising, hiring, upgrading, promoting, transferring, demoting, layoffs, terminations, rehiring, rates of pay, benefits, discipline and service ratings. The Department pledges to affirmatively provide services and programs in a fair and impartial manner.

The Department of Public Works is an Affirmative Action/Equal Opportunity Employer and is strongly committed to all policies which will afford equal opportunity employment to all qualified persons without regard to race, color, religious creed, age, sex, marital status, national origin, sexual orientation, ancestry, political belief, learning disability, physical disability or blindness, present or past history of mental disability, mental retardation, genetic history or criminal record. While equal employment opportunity is the purpose and need of affirmative action, the Affirmative Action Plan represents 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 full and fair participation of protected groups. The Department views affirmative action and equal employment opportunities as immediate and necessary Department objectives.

The difference between affirmative action and equal opportunity employment is that while equal opportunity employment means employment of individuals without consideration of race, color, religious creed, age, sex, marital status, national origin, sexual orientation, ancestry, political belief, learning disability, physical disability or blindness, present or past history of mental disability, mental retardation or criminal record, unless the provisions of Section 46a-60(b), 46a-80(b) or 46a-81 of the Connecticut General Statutes are controlling or there is a bona fide occupational qualification excluding persons in one of the above protected groups. Affirmative Action is the 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 any other protected group found to be underutilized in the workforce and affected by policies or practices having an adverse impact.

The Department of Public Works, in addition to the above mentioned protected group members, recognizes the hiring difficulties experienced by persons with physical disabilities, developmental disabilities, and by many older persons, and sets goals for affirmative action to overcome the present effects of past discrimination, if any, to achieve the full and fair utilization of such persons in the workforce.

My commitment and support to this policy of affirmative action is and will continue to be applied to all aspects of the employment process.

Affirmative Action plays a role in each stage of the employment process. These stages include:

- a. Advertising/Recruiting: Ensuring that there is an available pool of protected class members for vacancies.
- b. Employment Applications, Job Qualifications, Job Specifications and Personnel Practices: Are reviewed periodically to ensure that there are no artificial barriers set to prevent qualified applicants from employment.
- c. Orientation: All new employees are given a copy of the Department's Affirmative Action Policy during the orientation session.
- d. Training: Opportunities are made available by voluntary request and participation of the employee.
- e. Counseling: The diversity programs administrator for the Department is available to counsel employees regarding Affirmative Action issues and to assist them in pursuing the agency grievance procedure if applicable.
- f. Service Ratings: Based solely on job performance. They are reviewed and signed by the individual's immediate supervisor as well as the next level supervisor, the agency human resources administrator, and the employee in order to ensure the absence of bias in the evaluation process.
- g. Lay Off: Are consistent with the state regulations and applicable collective bargaining contracts.
- h. Terminations: The diversity programs administrator is advised of all dismissals. This ensures that the termination is a result of just cause and absent of discrimination due to protected class membership.

In order to ensure that all aspects of the Affirmative Action Plan are adhered to and to carry out the responsibilities as outlined in the Affirmative Action Plan, Natalie Shipman is the agency's diversity programs administrator. She is located in the Department of Administrative Services, Office of Diversity Programs, Room 577, 165 Capitol Avenue, Hartford, CT 06106 and can be reached at 860-713-5393.

All supervisory personnel and staff are directed to adhere to this policy and to familiarize themselves with the Department of Public Works Affirmative Action Plan.

Any employee wishing to review or comment on the agency's plan should contact the Office of Diversity Programs or the Human Resources Office.

James T. Fleming, Commissioner

Date

AMERICANS WITH DISABILITIES ACT

The Department of Public Works is committed to providing and promoting equal opportunities in all of its programs and services. This commitment includes adhering to the mandates of the Americans with Disabilities Act (ADA) of 1990, which makes it unlawful to discriminate against a qualified person with a disability in all aspects of the employment process and in the provision of services and benefits.

The ADA utilizes a three-pronged definition of disability. An individual with a disability is: any person that (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is perceived or regarded as having such an impairment.

The Department of Public Works is also committed to providing reasonable accommodations to qualified persons with disabilities. This will ensure the full and fair participation of all employees and the public in all Department programs and activities.

The Americans with Disabilities Act enables society to benefit from the skills and talents of individuals with disabilities, similar to those provided by Title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, sex, national origin, and religion and Section 504 of Rehabilitation Act of 1973 which is the foundation for the Americans with Disabilities Act.

As with each civil rights legislation, every employee is expected to comply with the provisions of the Americans with Disabilities Act. It is also expected that all departments and employees will support our agency efforts and programs, which are designed to promote and to achieve the principles of the Americans with Disabilities Act.

Bruce Bockstael is the ADA coordinator for DPW facility-related complaints. Any questions or concerns may be addressed to his attention at 860-713-5630. Employment-related ADA concerns should be addressed to Marcia Smith Glasper, at 860-713-5870.

To ensure that each employee is made aware of his/her right to use this Complaint Procedure, copies will be posted online and distributed to each employee via the Department of Public Works *Employee Policy Handbook*.

James T. Fleming, Commissioner

Date

ATTENDANCE POLICY

POLICY OBJECTIVE

To provide guidelines for evaluating employee attendance and procedures for implementing periodic reviews and employee recognition or corrective action as appropriate.

POLICY STATEMENT

It is the policy of the Department of Public Works that regular attendance at work is a prerequisite for continued employment. Regular attendance includes being at the prescribed work site on time, remaining for the duration of the shift, and adhering to the time frames established for meal periods and rest breaks. Frequent absenteeism reduces the level of service provided by the Department, places an extra burden on management and co-workers, and increases operational costs.

This agency is most concerned with unscheduled absences which allow little or no time for alternative planning. Thus the absenteeism referred to and dealt with in this policy will include any failure to report for or remain at work as scheduled, regardless of the reason or duration.

Each employee must be responsible for maintaining a good attendance record. Each supervisor is charged with consistently enforcing this policy within the work unit by monitoring each employee's complete attendance record including any unique circumstances that may exist. All parties will be evaluated on their performance of these responsibilities.

PROCEDURE

SUPERVISOR Provides all employees in the unit with name(s) and telephone number(s) to contact when unable to report to work.

EMPLOYEE Notifies immediate supervisor or designee within one half (1/2) hour of the start of his/her work shift and indicates the reason(s) for the absence.

Notifies immediate supervisor or designee **AGAIN** if the absence lasts longer than originally indicated.

SUPERVISOR Determines who is at work and time of arrival for attendance purposes. Maintains a record which lists the reasons for employee absences, the exact time of notification, and a summary of any discussions held with the employee.

Records all absences on the biweekly time sheet and submits through channels to Payroll Office. (Refer to attendance sheet for appropriate codes.)

Notifies the human resources to provide a medical certificate to any employee who is absent due to illness in excess of five (5) working days or is on a medical certificate requirement.

HUMAN RESOURCES Sends out medical certificate as necessary.

EMPLOYEE Returns completed medical certificate to human resources.

HUMAN RESOURCES Notifies supervisor and payroll of receipt of medical certificate.

PAYROLL OFFICE Enters time sheets into time and attendance system.

Confirms for human resources any absences requiring a medical certificate.
Sends supervisor biweekly update on employee leave balances.

SUPERVISOR Monitors employee leave usage and determines if follow-up action is required. Consults with Human Resources to initiate appropriate steps of progressive discipline.

HUMAN RESOURCES Conducts quarterly review of attendance records to ensure consistent enforcement of attendance guidelines.

NOTE: PLEASE REFER TO "GUIDELINES ON ATTENDANCE." CONTACT HUMAN RESOURCES FOR FURTHER ASSISTANCE.

GUIDELINES ON ATTENDANCE

Department of Public Works employees are responsible for maintaining a good attendance record. When it is not possible for an employee to come to work due to an illness, he/she should seek appropriate medical attention and take the steps necessary to ensure a swift return to work. It is imperative that each employee not let minor inconveniences cause him or her to be absent from work.

While the thrust of the attendance policy is on prevention and correction of problems, the Department is also establishing guidelines to assist supervisors in dealing with employees who persist in having poor attendance. Employees with problem absenteeism must be counseled by their supervisors and encouraged to improve their records. Supervisors will also explain and offer the Employee's Assistance Program to these employees. In addition, supervisors should feel free to call upon human resources for counseling assistance.

Although our main intent is to encourage employees to improve their attendance records, we will not hesitate to take appropriate action in cases where the records clearly show continuing abuse of leave privileges. The following guidelines should normally be adhered to by ALL supervisors for ALL employees. However, each supervisor should consider all the facts relating to an individual employee's attendance.

PLEASE NOTE: These steps are progressive. No matter how many occasions of absence have occurred, the first step is always counseling. Prior to taking any action beyond counseling, a supervisor should first consult with human resources.

DEFINITIONS

1. COUNSELING - Meeting with the employee to apprise him/her of perceived deficiencies for the purpose of achieving improved performance. Counseling is not considered discipline and records of counseling should be retained only as supervisor's notes.
2. DISCIPLINE - A formal action taken by an employer toward an employee after counseling (except in cases of gross misconduct) has not produced desired results.
3. MEDICAL CERTIFICATE REQUIREMENT - A step in the progressive discipline process wherein an employee is required to provide a medical certificate to substantiate all sick leave usage. Medical certificates may also be required for non-disciplinary reasons.
4. OCCASION - An unscheduled absence of any duration for one specific reason.
5. TANDEM OCCASION - An unscheduled absence of two (2) days or less immediately prior to or following a regularly scheduled day off (weekend, vacation, holiday, etc.)
6. TARDINESS - Being late reporting to work, returning from breaks (including meal breaks), or leaving work early.
7. OCCASIONAL TARDINESS - Tardiness occurring three (3) times or less in a ninety (90) day period.
8. HABITUAL TARDINESS - Tardiness occurring more than three (3) times in a ninety (90) day period.

STEPS

1. Employees with excellent attendance records should be rewarded by their supervisors with an indication of "excellent" on their performance appraisals. Any employee with no occasions as defined above within a six-month period will have a letter of commendation placed in his/her personnel file.
2. Vacation and personal leave requests must be made in accordance with agency policy and with current collective bargaining agreements which cover each employee. Supervisors should monitor and document all "emergency" use of vacation and personal leave. Excessive and/or repeated call-ins of this nature should not be tolerated and the employee so advised.
3. An employee who fails to call in to report his/her absence, without reasonable cause, will be charged with an unauthorized leave of absence (LU) and will be advised of this in writing.
4. An employee will not be charged for occasional instances of tardiness for time periods of less than thirty (30) minutes.

Occasional instances of tardiness which equal or exceed thirty (30) minutes will be charged to the employee's vacation or personal leave or deducted from the employee's pay.

5. An employee who is tardy for the third time within a ninety (90) day period should be counseled. The counseling session should be documented by the "Supervisor's Record of Formal Oral Counseling."

NOTE: Extenuating circumstances should ALWAYS be considered prior to taking any disciplinary action. Instances of tardiness due to inclement weather or delays in mass transit are NOT to be included. Contact the human resources office if you have any questions.

6. An employee who is tardy for the fourth time should receive a written warning from the human resources administrator. This warning will advise the employee that his/her attendance needs improvement and that failure to do so will result in further action being taken. A copy of this warning will be signed by the employee or his/her union steward and placed in the employee's personnel file.
7. An employee who is tardy for the fifth time should receive a written reprimand from the human resources administrator. In addition, the time lost from work due to tardiness for this and all future occasions will be deducted to the minute from the employee's pay. This docking procedure will remain in effect until the habitually tardy employee has no instances of tardiness for twelve (12) consecutive weeks beginning on the date of the fifth occasion.

Upon the fifth occasion of habitual tardiness, a rating of "fair" may be given to an employee on his/her performance appraisal. Continued tardiness beyond this point should result in the issuance of an "unsatisfactory" performance appraisal. Failure to correct the tardiness problem should result in a second "unsatisfactory" performance appraisal and dismissal from state service.

8. An employee who has three occasions of unscheduled absence from work during a three (3) month period should normally be counseled. The supervisor and the employee should discuss the absences, any contributing problems, and possible corrective actions.
9. An employee who has five occasions of unscheduled absence within a twelve (12) month period should normally be counseled. This counseling should not be intended to penalize an employee for utilizing sick leave, but rather to advise him/her that unscheduled leave should only be taken in true emergencies or in cases when illness prevents working. The supervisor should document this counseling session with the "Supervisor's Record of Formal Oral Counseling."
10. On the seventh occasion of unscheduled absence, the supervisor must normally discuss the record with the employee and a written warning will be issued by the human resources administrator. This warning should serve as notice to the employee that his/her attendance record indicates a need for improvement and that failure to improve will result in further disciplinary action being taken. A copy of this warning must be signed by the employee or his/her union steward and will be placed in the employee's personnel file.

11. On the ninth occasion of unscheduled absence, the employee will normally receive a written reprimand from the human resources administrator and be placed on a medical certificate requirement. Signed copies of the reprimand and the medical certificate requirement notice will be placed in the employee's personnel file.
12. If an employee exceeds nine occasions of unscheduled absence within a 12-month period, his/her supervisor will notify the human resources office that disciplinary action may be appropriate. This action will normally be a suspension, but the employee's work record, pattern of absenteeism, any evidence of efforts to improve attendance, and any extenuating circumstances that may be relevant will be taken into account.

In addition, in all but the most unusual cases, an employee with more than nine occasions should receive a rating of "fair" in attendance on his/her performance appraisal.

In all but the most unusual cases, an employee with more than 10 occasions of absence within a 12-month period should receive an "unsatisfactory" rating in attendance on his/her performance appraisal.

An "unsatisfactory" rating should also be issued if seven or more occasions of absence are in tandem with scheduled days off.

13. If an employee's attendance record does not improve after these progressive steps of discipline, dismissal proceedings will be undertaken by the Agency. NOTE: Please consult with the human resources office when this course of action is anticipated.
14. Supervisors should follow the preceding guidelines for their employees in the P-5, (Administrative and Residual) Unit with the exception that "fair" or "unsatisfactory" ratings are NOT to be given solely on the employee's attendance record. Supervisors should contact the human resources office for guidance when this situation arises.

James T. Fleming, Commissioner

Date

CODE OF ETHICS POLICY

No employee of the Connecticut Department of Public Works shall, either individually (or as a member of a group), directly or indirectly, solicit, or accept any gift of gratuity from any person or organization with whom the Department has, has had, or may expect to have, a business relationship which could cause, or create the appearance of, a conflict with or influence the performance of the employee's duties with the Department.

Any gift or gratuity must be refused or returned with a copy of the letter concerning our Code of Ethics Policy which has been sent to the concerns doing business with the Department of Public Works. The only exception recognized is for advertising matter which has negligible monetary value and which is widely distributed or generally available without charge.

No employee of the Connecticut Department of Public Works shall, either individually (or as a member of a group), directly or indirectly, solicit the sale of tickets for a charitable event or accept any gift for the benefit of a charitable organization from any person or organization with whom the Department has, has had, or may expect to have, a business relationship which would cause, or create the appearance of, a conflict with or influence the performance of the Department.

No employee of the Connecticut Department of Public Works shall use or distribute State information or use state equipment or materials for other than State business purposes.

No employee of the Connecticut Department of Public Works shall allow any private obligation of employment or enterprise to take precedence over his/her responsibility to the Department.

No employee of the Connecticut Department of Public Works shall accept employment with any consultant, contractor, appraiser, or any other organization or individual which is under contract or agreement with the State of Connecticut, nor shall any employee of the Connecticut Department of Public Works have, directly or indirectly, a financial interest in any business, firm or enterprise doing business with the State of Connecticut, which could cause, or create the appearance of, a conflict with or influence the performance of the employee's duties with the Department.

In addition to the above, all employees of the Department of Public Works are to comply with Sections 1-79 through 1-89 of the Connecticut General Statutes, as amended, entitled Code of Ethics for Public Officials.

*A GUIDE TO THE
CODE OF ETHICS FOR
PUBLIC OFFICIALS AND
STATE EMPLOYEES*

1999

NOTE: This guide summarizes only the main points of the code. For the full text, with all conditions and exceptions, consult Connecticut General Statutes, Chapter 10, Part I. For interpretations of the code contact the Ethics Commission.

WHO MUST COMPLY: All state officials and employees (except judges), plus sheriffs and deputy sheriffs. NOTE: all officials and employees of the state's quasi-public agencies are included in the code's definitions of "public official" or "state employee", and are subject to the code. The provisions on the last page apply to former public officials and state employees.

WHAT STANDARDS DOES THE CODESET: The ethical rules are contained in Connecticut General Statutes §§1-84 through 1-86. Basically, these sections are intended to prevent one from using public position or authority for personal financial benefit. The principal provisions of §1-84 prohibit:

-acceptance of outside employment which will impair independence of judgment as to official duties or require or induce disclosure of confidential information gained in state service. (Generally outside employment is barred if the private employer can benefit from the state servant's official actions. For example, the individual in his or her state capacity has regulatory or contractual authority over the private entity. A state servant is not prohibited, however, from using his or her expertise for private gain, as long as no provision of the Code is violated in the process);

-use of public position or confidential information gained in state service for the financial benefit of the individual, his or her family (spouse, child, child's spouse, parent, brother or sister), or an "associated business" (defined to include any entity through which business for profit or not for profit is conducted in which the state servant, or an immediate family member, is a director, officer or owner) (NOTE: There is an exception to this definition, however, for unpaid service as an officer or director of a non-profit entity.);

-representation of another for compensation, or being a member of a business which represents a client for compensation, before: Banking Department; Connecticut Siting Council; Department of Environmental Protection; Claims Commissioner; office within Consumer Protection Department which carries out duties of the former Department of Liquor Control; Connecticut Real Estate Commission; Department of Public Utility Control; Department of Motor Vehicles; Insurance Department; State Insurance Purchasing Board; Gaming Policy Board; Division of Special Revenue; and Office of Health Care Access. (Excepted from this prohibition are members of boards, commissions, and quasi-public agencies who receive no compensation other than per diem, expenses, or both, and teaching or research professional employees of public institutions of higher education provided their actions are not otherwise in violation of the Code of Ethics.);

solicitation or acceptance of anything of value based on an understanding that one's official action will be influenced thereby. (Prohibition applies to candidates and to anyone offering or giving the thing of value);

entering into contracts with the state valued at \$100 or more, unless the contract has been awarded through an open and public process. (Ban extends to immediate family and associated businesses but excepts executive branch and quasi-public agency

officials who receive no compensation except per diem, expenses, or both, unless official has control over subject matter of contract. Contracts of employment as a state employee and contracts made by court appointment are exempt from the provision.) Additionally, no executive head of an agency; no executive head of a quasi-public agency; and no member of such individual's immediate family or a business with which he is associated may enter into any contract with that agency or quasi-public agency;

-acceptance of any gift or gifts from one known to be a registered lobbyist or lobbyist's representative. (Limitation also applies to candidates, immediate family and staff members. "Gift" does not include food and drink totaling less than fifty dollars per person in a calendar year, if consumed on occasions at which the lobbyist, or a representative of the lobbyist, furnishing the food and drink is in attendance. Among the other items excluded from the term are presents given by individuals incident to "major life events", ceremonial awards costing less than one hundred dollars, benefits costing less than ten dollars per person per occasion up to fifty dollars total in a calendar year, and gifts to the state.);

-acceptance of any gift or gifts from any person doing business with, seeking to do business with or directly regulated by the state servant's agency or department. (NOTE: the same exceptions to the lobbyist gift provision listed above also apply to this gift limitation.)

-acceptance of any fee or honorarium given in return for a speech or appearance made or article written in one's official capacity. (Acceptance of the individual's necessary expenses is permissible, however.);

-interference with or solicitation of lobbying contracts for any person.

Section 1-85 (substantial conflict) and §1-86 (potential conflict) are distinct but related provisions to consider when a possible conflict is identified:

(1) If faced with taking official action which you can expect will directly affect your financial interests, distinct from others in your occupation or group (e.g., taking official action on the awarding of a contract to a private business you own) you have a substantial conflict of interest under §1-85 and may not act under any circumstances.

However, if your financial interest is shared by the other members of your profession, occupation, or group (e.g., a public official/teacher acting on a matter that will result in a uniform financial benefit to all teachers) you proceed under the rules of §1-86. Specifically: (A) if one is a member of a regulatory agency, one must either be excused upon request or prepare, under penalty of false statement, a written statement (to be placed in the minutes of the individual's agency, copy to the Ethics Commission) describing the potential conflict and stating why, despite the situation, one can act fairly, objectively and in the public interest; or (B) if not a member of a regulatory agency, the individual must prepare a written statement, under penalty of false statement, which describes the potential conflict. The individual must deliver the statement to his or her superior, who will assign the matter to another who is not subordinate to the individual with the conflict. (If one has no immediate superior, deliver the statement to the Ethics Commission for guidance on how to proceed.)

(3) Under §1-86, if the financial effect on you, a family member, or an associated business is insignificant (i.e. less than \$100 in a calendar year), or no different than that of a substantial segment of the general public (e.g., a regulatory official approving an increase in residential electric rates), you may act without having to follow §1-86 procedures.

FINANCIAL DISCLOSURE: Certain public servants in significant positions in the legislative and executive branches of state government and the state's quasi-public agencies must file annually with the Ethics Commission by May 1 statements of financial interests held during the previous year.

Additionally, each state servant must disclose to the Commission, within thirty days, any "necessary expense" payments which the individual receives in his or her capacity as a public official or state employee if lodging and/or out-of-state travel is included, unless provided by the federal government or another state government.

Also, whenever a gift to the state incidentally benefits a public official or state employee in the amount of fifty dollars or more and is donated by an individual or entity regulated by, doing business with, or seeking to do business with the recipient agency, the individual's superior, shall certify in writing to the Ethics Commission, prior to the acceptance of the benefit, that the gift, in fact, facilitates state action or functions and is sanctioned by the recipient agency, notwithstanding any potential conflict of interests. An example of such a gift to the state is when a regulated entity pays the cost for a state regulatory employee to take a course relevant to his or her area of expertise.

ENFORCEMENT PROCEDURES, PENALTIES: Enforcement of the code is initiated by a complaint, filed by the Commission or any member of the public. (In most instances, a Commission complaint is preceded by a confidential staff evaluation.) A two-stage process follows: (1) confidential investigation and probable cause hearing; (2) if probable cause is found, a public hearing to determine if the code has been violated. (At any stage of the process the Commission and respondent may negotiate a settlement.) After a finding or admission of a violation, the Commission can order the respondent to comply with the code in the future, file any required report or statement, and pay a civil penalty of up to \$2,000 per violation.

Alternatively, for failure to file a report, statement, or other information required by the code the Commission can, after a single hearing, impose a civil penalty of up to \$10 per day, the aggregate penalty for any one violation not to exceed \$2,000.

If the Commission concludes a violation was intentional, it can refer the matter to the chief state's attorney for action. An intentional violation of the code is a misdemeanor punishable by a fine of up to \$2,000, a jail term of up to one year, or both.

The attorney general may sue for up to three times the economic gain received through knowingly committing or knowingly profiting from a violation of the code.

The Commission is authorized to protect and keep confidential the identity of any individual who provides information regarding a possible violation of the code.

IF YOU HAVE A QUESTION ABOUT THE CODE: Anyone subject to the code may request the Commission's advice (advisory opinion) as to how the code applies to a

situation. The Commission staff also provides informal advisory letters when the question posed is unambiguous or has been previously addressed by a Commission opinion. Finally, staff is available to discuss application of the code to your particular issue on a confidential basis.

If you have any questions about this guide or desire more information about the Ethics laws, please contact the Commission staff:

State Ethics Commission
20 Trinity Street
Hartford, CT 06106-1660
Phone: (860) 566-4472
Fax: (860) 566-3806
Hours: Weekdays 8:30 - 4:30

January, 1999

Poguide, Gen. Corres.

*ETHICS CODE PROVISIONS APPLICABLE TO
THOSE LEAVING STATE OR QUASI-PUBLIC AGENCY SERVICE*

1. NO FORMER PUBLIC OFFICIAL OR STATE EMPLOYEE MAY DISCLOSE OR USE CONFIDENTIAL INFORMATION, GAINED IN STATE SERVICE, FOR THE FINANCIAL BENEFIT OF ANY PERSON.

This is a lifetime prohibition. "Confidential information" is any information not generally available to the public. The information may be in any form (written, photographic, recorded, computerized, etc.) including orally transmitted information, e.g., conversations, negotiations, etc.

2. NO FORMER EXECUTIVE BRANCH OR QUASI-PUBLIC AGENCY OFFICIAL OR EMPLOYEE MAY REPRESENT ANYONE (OTHER THAN THE STATE) CONCERNING ANY PARTICULAR MATTER (1) IN WHICH HE OR SHE PARTICIPATED PERSONALLY AND SUBSTANTIALLY WHILE IN STATE SERVICE AND (2) IN WHICH THE STATE HAS A SUBSTANTIAL INTEREST.

This is a lifetime prohibition. It applies regardless of where the representation occurs and whether or not compensation is involved. The term "particular matter" must almost always be determined on a case by case basis.

Although the concept is essentially a narrow one, a specific "particular matter" (e.g., an administrative enforcement proceeding) cannot be further divided into separate phases (prehearing investigation, hearing, decision, etc.) To hold otherwise would frustrate a principal purpose of this provision: prevention of side switching in the midst of on-going state proceedings.

3. NO FORMER EXECUTIVE BRANCH OR QUASI-PUBLIC AGENCY OFFICIAL OR EMPLOYEE SHALL, FOR ONE YEAR AFTER LEAVING STATE SERVICE, REPRESENT ANYONE (OTHER THAN THE STATE) FOR COMPENSATION BEFORE THE AGENCY IN WHICH HE OR SHE WAS EMPLOYED AT THE TIME OF LEAVING STATE SERVICE, CONCERNING ANY MATTER IN WHICH THE STATE HAS A SUBSTANTIAL INTEREST.

"Represent" (under both nos. 2. and 3.) includes any action which reveals the identity of the individual, e.g., a personal appearance, phone call, signature on a document, identification on a firm's letterhead, etc.

NOTE: A Commission policy has been established to allow former state servants to enter into consulting and other employment contracts with their former agencies within the one year period. Specifically, such conduct is permitted, as long as the re-employment is at no greater pay level than the individual was receiving at the time of separation from state service plus necessary expenses. In essence, by prohibiting the negotiation of the compensation rate, this policy prevents improper use of influence and contacts for financial advantage. At the same time, employment options of former state servants are not limited unnecessarily and the State is not denied these individuals' expertise.

Those with questions concerning this policy should contact a Commission attorney.

4. NO FORMER PUBLIC OFFICIAL OR STATE EMPLOYEE WHO PARTICIPATED SUBSTANTIALLY IN, OR SUPERVISED, THE NEGOTIATION OR AWARD OF A STATE CONTRACT VALUED AT \$50,000 OR MORE MAY ACCEPT EMPLOYMENT WITH A PARTY TO THE CONTRACT (OTHER THAN THE STATE) FOR ONE YEAR AFTER RESIGNATION FROM STATE SERVICE IF THE RESIGNATION OCCURS WITHIN ONE YEAR AFTER THE CONTRACT WAS SIGNED.

Substantial participation is not limited to the chief negotiator or the individual who signs the contract. Rather, the concept of substantial participation (under both nos. 2. and 4.) applies whenever the individual exercises discretionary authority at any level of the process.

"Employment" includes work as an independent contractor or consultant.

5. PERSONS WHO SERVE IN ONE OF APPROXIMATELY 75 SENIOR POSITIONS IN THE STATE'S REGULATORY AGENCIES ARE PROHIBITED, FOR ONE YEAR AFTER LEAVING STATE SERVICE, FROM ACCEPTING EMPLOYMENT WITH ANY BUSINESS SUBJECT TO REGULATION BY THEIR FORMER AGENCY.

(NOTE: positions to which this restriction applies are listed in Regulations of Conn. State Agencies §1-92-40a.)

DISCRIMINATION COMPLAINT PROCEDURE

This complaint procedure will address only complaints of discrimination based upon race, color, religious creed, age, sex, marital status, national origin, sexual orientation, ancestry, political belief, learning disability, physical disability or blindness, present or past history of mental disorder, mental retardation, genetic history or criminal record. All employees of the Department of Public Works are entitled to file a complaint through this process. This complaint procedure also covers any requests or inquiries by someone with a question or problem concerning the Americans with Disabilities Act (ADA). The DPW agency contact person who should be notified with complaints concerning ADA employment-related issues is Marcia Smith Glasper at 860-713-5870. To ensure that each employee is made aware of his/her right to use this complaint procedure, the *Employee Policy Handbook* will be posted on the "P" drive in the diversity programs folder. Both the complaint procedure and form will be available in the Office of Diversity Programs.

INITIAL COUNSELING

An employee who feels he/she would like counseling on possible discrimination should contact the Department's Diversity Programs Administrator, 860-713-5870, who shall conduct all agency Affirmative Action counseling and investigations. At the initial counseling session, which shall be held in a private area, the employee shall be advised of his/her rights under state/federal laws as cited in the Commissioner's Affirmative Action Policy statement, given a copy of this complaint procedure, and informed that all records of the complaint shall be kept confidential. At this point, the administrator will decide if it would be in the best interest of the complainant to discuss this situation with their immediate supervisor. This is to prevent a situation where it is the immediate supervisor who is the person that the complaint is against. The administrator shall then attempt to resolve the discrimination complaint through the internal process.

INTERNAL PROCESS

1. All complaints should be filed as soon as possible after the alleged act of discrimination. Complaints shall be filed with the diversity programs office no later than ninety (90) days from the date of the alleged discriminatory act(s).
2. All complaints must be in writing on the complaint form issued by diversity programs office and signed by the complainant and the administrator. The filing date of the complaint is the day the complaint is received by the diversity programs office.
3. Each complaint shall contain:
 - a. the full name and work/home address of the complainant
 - b. the full name and work/home address of the respondent
 - c. a brief description of the alleged act(s) of discrimination
 - d. the date(s) of the alleged act(s)

4. The administrator shall conduct an informal investigation of the discrimination complaint. Within ninety (90) business days of the filing of the complaint, the administrator shall give his/her written report to the complainant, the respondent and the appointing authority.

5. If, after the informal investigation of the complaint, the administrator concludes that the complaint is not valid, or no discriminatory act occurred, the administrator may dismiss the complaint. Any complainant adversely affected by the dismissal of a complaint retains the right to pursue remedy through other administrative, collective bargaining, and/or legal channels.

6. If, after the informal investigation of the complaint the administrator finds reason to believe a discriminatory action may have occurred, the administrator shall attempt to cause reconciliation of the parties.

7. If the parties to the complaint agree on a resolution of conciliation, the terms of such resolution shall be set forth in a written consent agreement which shall not constitute an admission of committing a discriminatory act. A copy of this consent agreement shall be given to the complainant, the respondent, and the appointing authority.

8. If the parties to the complaint cannot agree on a resolution of conciliation within ten (10) business days of the issuance of the investigative report, the complainant, the respondent, and the appointing authority shall receive written notification that no resolution was reached. The complaint shall then be pursued through the appropriate formal process.

9. All records obtained during the initial counseling and/or internal complaint process shall be maintained in a confidential discrimination complaints file, which shall be made available to the Commission on Human Rights and Opportunities upon the agency's investigation of the complaint. All records will be reviewed annually by the administrator to discern any pattern(s) of discrimination.

FORMAL PROCESS

1. Employees covered by any of the bargaining unit contracts may use the formal process of the grievance procedure of the applicable contract.

2. All other employees may use the formal process of the administrative appeal procedure as provided by the state Personnel Act and Regulations of the Personnel Policy Board (1975).

3. In addition, any employee who believes he/she has been the subject of any act of discrimination is entitled to file a written complaint of discrimination with:

- a. The Connecticut Commission on Human Rights and Opportunities (CHRO)
21 Grand Street
Hartford, CT 06106
860-541-3400

Complaints shall be filed with CHRO no later than one hundred eighty (180) days after the alleged unfair employment practice or act of discrimination occurred.

- b. The Equal Employment Opportunity Commission (EEOC)
150 Causeway Street
Boston, MA 02114
617-223-4535

Complaints shall be filed with EEOC no later than one hundred eighty (180) days after the alleged unfair employment practice or act of discrimination occurred, except, that in a case when the aggrieved person has initially filed a complaint with CHRO, such complaint shall be filed no later than three hundred (300) days after the alleged act occurred.

- c. Any other agencies, state, federal or local, including the United States Department of Labor, Wage and Hour Division, that enforce laws concerning discrimination in employment.

PROTECTION FROM ADVERSE ACTION

It is imperative that all employees are aware that recriminations occurring due to the filing of a complaint are expressly forbidden under state and federal law. This Department is diametrically opposed to such recriminations. We will immediately refer any complaint of such to the Equal Employment Opportunity Commission and the Connecticut Commission on Human Rights and Opportunities and will take any appropriate administrative actions necessary to prevent and/or correct such actions.

TRAINING

The Department's diversity programs administrator will be required to attend training annually so as to enhance counseling skills and ability to conduct timely and thorough grievance investigations. If in-service training opportunities are not available, appropriate seminars will be reviewed and selected for the administrator's participation and attendance.

James T. Fleming, Commissioner

Date

DIVERSITY LEADERSHIP COUNCIL POLICY

This policy establishes the Department of Public Works Diversity Leadership Council (DLC) as an employee advisory committee to the Office of Diversity Programs. The DLC's mission is to facilitate the creation of a process by which the Department can respond to the needs and differences of all individuals regardless of their race, gender, physical or mental status, sexual orientation, and ethnic or cultural background.

I hold the leadership of each unit, office or department and each individual staff member responsible for implementing the Department's policies in these areas by:

1. Eliminating the discrimination that results from:
 - the use of language, verbal and written, that excludes or offends any individual or group based on prejudice, intolerance or bias
 - the use of forms of communication that are insensitive to people with special needs
2. Ensuring that gaps in service delivery are brought to the attention of DPW leadership and by advocating for corrective action;
3. Supporting employee and customer efforts to form networks and support groups which are consistent with the DPW mission, values, ethics and strategic direction;
4. Supporting employee and customer participation in DLC-sponsored activities;
5. Actively encouraging and providing support for ongoing efforts to make DPW responsive to the multicultural diversity of its workforce and customers.

The Department of Public Works is committed to the principles and spirit of this policy. The objectives established herein must be considered immediate and necessary and not subordinate to any other programs or initiatives of the Department.

You may contact Natalie Shipman, diversity programs administrator, at 860-713-5393 for more information.

James T. Fleming, Commissioner

Date

DRESS POLICY

The Department adopted a casual dress policy for Fridays in 1996 for those employees whose jobs usually require them to come to work in business attire. In 2000 that policy was extended to everyday during the summer. This year and for future years, unless otherwise notified, the casual dress policy will be in effect all year.

Employees are requested to keep in mind the need for neat and reasonable attire, as they are representatives of the state of Connecticut. They should also be mindful of their need to attend meetings outside the Department when considering their attire for the day. Employees are expected to dress in a manner that is respectful to themselves, coworkers, and the public and should consult their supervisors if they are unsure as to what is acceptable attire for their work units.

The attire listed below is prohibited at all times. This list is not all inclusive, and there may be other items of clothing not listed here that are equally inappropriate.

- Any type of clothing that is ripped, tattered, dirty, excessively wrinkled or baggy, or excessively revealing or provocative
- Clothing specifically designed for exercise wear, such as sweat pants, spandex capri pants or leggings, or jogging suits
- Beach wear, clothing that reveals a bare back or midriff, halter or tube tops
- Tank tops or undershirts, short shorts, cutoff jeans, beach shoes such as thongs or flip flops
- Any clothing containing writing, sayings, images, or pictures that is offensive or inappropriate for the workplace

Employees who violate this policy will be counseled regarding appropriate attire and may be required to use accrued leave time to go home and change clothes, at the discretion of the supervisor. Employees who have been counseled and continue to dress inappropriately may be subject to disciplinary action. **Violation of this policy may result in the Department discontinuing the privilege.**

James T. Fleming, Commissioner

Date

DRUG ABUSE POLICY

The Department of Public Works is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any Public Works employee uses illegal drugs or alcohol on the job, comes to work under the influence, or possesses, distributes or sells drugs in the workplace. Therefore, the Department prohibits: on-the-job use of illegal drugs or alcohol, coming to work under the influence, and possessing or distributing drugs on Department premises. Violations of this policy will result in disciplinary action up to and including discharge.

Employees are encouraged to seek assistance from the Employee Assistance Program provider or community resources on a voluntary basis for substance abuse related problems. Management is encouraged to refer employees with suspected drug problems to the Employee Assistance Program, or to Marcia Smith Glasper, program coordinator for assistance. However, employees will still be expected to correct behavioral and performance problems which caused the referral. In handling suspected substance abuse problems, the responsibility of DPW managers and supervisors is to document problems with on the job performance or behavior.

In addition, employees must be informed that professional assistance for a personal problem is available through referrals by our Employee Assistance Program.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and alcohol is incompatible with employment at the Department of Public Works.

The state of Connecticut Drug-Free Workplace Policy attached to this notice is the same that was issued by the Office of Labor Relations OLR in July 1998 and again in December 2002 (OLR General Notice 2002-27).

To ensure that each employee is made aware of his/her right to use this complaint procedure, copies will be posted online and distributed to each employee via the Department of Public Works *Employee Policy Handbook*. Please contact Natalie Shipman at 860-713-5393, if there are any questions.

James T. Fleming, Commissioner

Date

STATE OF CONNECTICUT **DRUG-FREE WORKPLACE POLICY**

The state of Connecticut is committed to winning the battle against substance abuse. Substance abuse jeopardizes a stable family structure, increases crime, impacts worker productivity, and presents a continuing and growing drain of government funds. For our youth, substance abuse is an especially serious threat. Drugs destroy their hopes and dreams and, all too often, their very lives.

The workplace is not immune to the influence of substance abuse. Worker safety, health and efficiency are adversely affected. Therefore, in harmony with Connecticut's three-pronged strategy of education, treatment and enforcement to combat substance abuse and in accordance with federal legislation, this Drug-Free Workplace Policy has been adopted.

Effective March 18, 1989, the federal government enacted the "Drug-Free Workplace Act", (41 U.S. Code §§701 et seq.). This act requires that any employer receiving federal funding must certify that it will maintain a drug-free workplace. Among other things, the act requires that a policy be published notifying employees that the unlawful manufacture, distribution, possession, or use of controlled substances is prohibited in the workplace. It also requires that certain actions be taken if this policy is broken.

GENERAL POLICIES

It is the policy of the state of Connecticut that each employee has a right to come to work and perform his or her job in an environment that is free from the illegal use of drugs. It is also in the interest of the state and the public that employees be able to perform their duties safely and efficiently. The state is firmly committed to promoting high standards of health, safety, and efficient service. Thus, our goal is to maintain a work environment free from the effects of drug abuse.

It is the policy of the state of Connecticut that employees shall not unlawfully manufacture, distribute, dispense, possess or use a controlled substance while on the job or in the workplace, or be under the influence of a controlled substance, not prescribed for him/her by a physician, while on the job or in the workplace. Any employee violating this policy will be subject to discipline, up to and including termination.

It is the policy of the state of Connecticut that employees with substance abuse problems are encouraged to participate in a counseling or rehabilitation program prior to being in a disciplinary situation. Employees should be advised of the Employees Assistance Program provided by the agency and any available drug counseling or rehabilitation programs.

EMPLOYEE REQUIREMENTS

Employees shall not unlawfully use, possess, distribute, dispense or manufacture controlled substances or be under the influence of a controlled substance while on the job or in the workplace. Any employee violating this policy will be subject to discipline, up to and including termination.

“Controlled substances” are specifically defined in federal law and consist of two classes of drugs: (1) those commonly thought of as “illegal” drugs; and (2) certain medications if not being taken under a physician’s prescription or according to a physician’s orders, which the federal government has determined have a potential for abuse, or are potentially physically or psychologically addictive.

Employees must give notification in writing to their agency’s personnel director (or other official serving in that role for the agency) within five (5) calendar days of any conviction for violation of a criminal drug statute if the violation occurred in the workplace. A conviction means a finding of guilt (including a plea of nolo contendere) and/or the imposition of a sentence by a judge or jury in any federal or state court. This reporting requirement is in addition to any agency work rules that require notice of arrests and/or convictions. An employee who is so convicted or who fails to report such a conviction is subject to discipline, up to and including termination.

“Workplace” includes any locations owned, operated or controlled by the State, whether the employee is on or off duty, and any other locations while on duty where State business is conducted, including traveling on State time to or from such work locations.

The agency must notify the appropriate federal agency in writing, as well as the Office of Labor Relations, within ten (10) calendar days of receiving notice that one of its employees funded under a federal grant or contract has been convicted for a violation of a state or federal drug statute occurring in the workplace.

Employees who have substance abuse problems are encouraged to participate in a rehabilitation program and should be notified of the Employee Assistance Program and available drug counseling or rehabilitation programs. The federal act requires that an employer take action within 30 calendar days of receiving notice of a workplace drug conviction to impose discipline upon and/or to require satisfactory participation in a substance abuse rehabilitation program by the convicted employee.

Since it is a federal certification requirement that employees be notified of this policy, each employee will receive a copy of it. The policy will also be available at agency personnel offices.

EMPLOYEE ASSISTANCE PROGRAM **(EAP) POLICY**

The Department of Public Works is committed to providing the necessary services to assist employees in the identification and resolution of personal problems. To meet this objective an Employee Assistance Program (EAP) has been established. The objective of the EAP is to reduce problems in the workforce and to retain valued employees.

It is recognized that problems of a personal nature, not directly associated with one's job, can have an adverse effect on an employee's job performance. It also is a fact that early identification and intervention results in less intensive treatment and lower medical costs, benefiting both the employee and the employer. Additionally, early identification of a problem results in fewer disruptions in the employee's work and personal life.

All aspects of a person's EAP interaction are handled in a confidential manner within the limits of the law. The program offers assistance in dealing with a wide range of emotional and behavioral problems such as drug/alcohol-related issues, family/marital concerns, financial difficulties, legal matters, and other personal problems. The program provides assessment, brief counseling, referral when necessary, and follow-up services.

These services are provided at no cost to the employee. Costs incurred for services offered outside the EAP are the responsibility of the employee, although many are covered by insurance.

The program is available on a self-referral basis to all employees – and their families – regardless of the employee's job title or responsibilities. If employees or family members have personal problems that may benefit from assistance, we encourage them to use the program. We particularly encourage employees to seek assistance if they believe that personal problems are causing unsatisfactory job performance.

If performance problems exist and are corrected through the services we recommend, no further action is taken. Participation in the program will not jeopardize one's present job, future employment, or career advancement.

The presence of a personal problem is not justification for lowering performance standards; however, after an employee has sought help; it is realistic for a supervisor to consider allowing a reasonable transition period before performance is expected to return to an acceptable level.

If performance problems persist, the employee is subject to normal corrective procedures and disciplinary action, though services of the EAP will continue to be offered.

Management has a genuine concern for improving employee performance through reducing personal problems that may affect employees on the job. All levels of management are therefore responsible for using this program to assist in resolving job performance problems.

The Wheeler Employee Assistance Program is the agency's current EAP provider. To make a confidential appointment, contact the EAP directly by calling 800-275-3327. You may call at anytime. If you have questions or if you need help on any aspect of the program, contact Natalie Shipman, the Department of Administrative Services EAP coordinator at 860-713-5393.

James T. Fleming, Commissioner

Date

ENVIRONMENTAL HEALTH and SAFETY INFORMATION

EMERGENCY RESPONSE INFORMATION

The DPW emergency response plan is available on the DPW Website under "Security". A hardcopy of the plan is also available in human resources. The plan contains important information on what employees should do in an emergency situation such as a medical emergency, fire, bomb threats, severe weather and elevator malfunction. **Be sure to familiarize yourself with the plan and know your evacuation route out of the building.**

JOB SAFETY and PERSONAL PROTECTIVE EQUIPMENT

For those employees involved in the trades or construction, please see your supervisor regarding personal protective equipment and training that may be required to do your job safely. You need to be aware of potential hazards on the job and know how to protect yourself.

Personal protective equipment required on an active construction site typically includes hard hats and safety shoes at a minimum. Hearing protection or safety glasses may also be required depending on what operations are taking place. Contact your supervisor for more information.

DPW ENVIRONMENTAL HEALTH and SAFETY POLICIES and PROGRAMS & PROCEDURES

Contact your supervisor for information on policies, programs and procedures such as hazard communication, use of holiday decorations, portable heater usage, indoor air quality and deliveries.

James T. Fleming, Commissioner

Date

HIV/AIDS POLICY

PURPOSE:

The purpose of this policy is to provide guidance to employees of the Department of Public Works (DPW) in dealing with work situations involving employees who have, or are perceived to be at risk of acquiring, any of the following:

- Human Immune Deficiency Virus (HIV) Infection or a related condition
- Acquired Immune Deficiency Syndrome (AIDS)

The term “HIV/AIDS,” as used in the policy, should be understood as encompassing all of the above.

NON-DISCRIMINATION:

The Department of Public Works recognizes its' obligation to provide a safe and healthy work environment and to assure fair, non-discriminatory treatment of all employees. Therefore, it is the policy of the agency and the Americans with Disabilities Act (ADA) that individuals with HIV/AIDS be treated with the same compassion and consideration given to any other employee with a health problem or an ADA recognized disease. No person will be treated differently in the workplace as a result of having or being perceived as having HIV/AIDS.

Present or prospective employees will not be tested for the presence of the HIV antibodies in the blood for the purpose of assessing their ability to be employed or continue to be employed at DPW.

INFORMATION AND EDUCATION:

Efforts will be made to offer to all DPW employees information about HIV/AIDS which is comprehensive, factual, understandable, direct, age and group appropriate, culturally sensitive and linguistically appropriate. Other HIV/AIDS education will be provided to DPW employees as appropriate. This information and education can assist employees in lowering their personal risk of becoming infected with HIV. It is also designed to reduce prejudice and discrimination against persons with or perceived to have HIV/AIDS. It is important to remember that, according to the U.S. Centers for Disease Control, there is no risk of an individual becoming infected with HIV in a workplace such as DPW's. Thus, DPW employees are expected to work with co-workers and any other individuals who have HIV/AIDS.

Managers and supervisors should be sensitive to employee concerns about the transmission of HIV in the workplace and assist in informing and educating employees about the methods of transmission. However, DPW employees who still have unwarranted fears of exposure to the virus in the workplace will not be allowed to refuse to work with anyone with HIV/AIDS.

A DPW employee with HIV/AIDS can continue to work as long as he or she can perform job duties satisfactorily. Managers and supervisors will make reasonable

accommodations per the HIV/AIDS protocol. This protocol adheres to strict confidentiality practices.

CONFIDENTIALITY:

The identity of DPW employees who have chosen to disclose their HIV/AIDS status will remain confidential, per confidentiality protocol.

If any HIV/AIDS- or ADA-related information about a DPW employee is received at DPW, such information will be maintained by DPW's diversity programs administrator in a locked file cabinet, apart from the employee's personnel file.

Disclosure of such information will be made only with the written authorization of the employee. Any and all unauthorized disclosure of such information by any DPW employee will result in appropriate disciplinary action.

This policy is intended to be consistent with the Connecticut AIDS Testing and Confidentiality Law of 1989.

CONTACT PERSON:

DPW's diversity programs administrator is designated as the contact person in the agency for all questions concerning this HIV/AIDS policy.

Ms. Natalie Shipman will consult, as necessary, on issues or questions concerning workplace safety and HIV/AIDS with the AIDS section of the state Department of Mental Health and Addiction Services.

If there are any questions, you may reach Natalie Shipman at 860-713-5393.

James T. Fleming, Commissioner

Date

DEPARTMENT OF PUBLIC WORKS

INTERNET/ E-MAIL/ MICROSOFT

OUTLOOK™ USE POLICY

Scope of Policy

This document sets forth the policies of the Department of Public Works (DPW) regarding the use of its e-mail system/Internet system/Microsoft Outlook™ system (“systems”), which includes but are not limited to electronic mail; computers and related equipment; Microsoft Outlook; the Internet and the World Wide Web.

All employees who use DPW systems agree by such use to comply with the expectations outlined in this policy statement.

DPW reserves the right to change this policy at any time.

Ownership of Messages

DPW systems and all information on them are DPW property. All information and messages that are created, sent, received, accessed, or stored on these systems constitute DPW records.

Business Use Only

DPW systems are provided at DPW expense and are to be used solely to conduct state of Connecticut business, not personal business. Employees may not use DPW systems to post information, opinions, or comments to Internet discussion groups and other such forums without authorization from the Commissioner or the Commissioner’s designee.

DPW does not allow personal use of the Internet and World Wide Web under any conditions at any time.

Employees may not use DPW resources to pay subscription fees or access charges.

Employees shall not use the Internet, Microsoft Outlook™, or DPW resources in a manner that would reflect negatively upon DPW, such as pirating software, stealing passwords, hacking other machines on the Internet, participating in the viewing or exchange of pornography or obscene materials, sending discriminatory or harassing e-mail, or engaging in other illegal or inappropriate activities.

Employees shall not use DPW systems for the creation or distribution of chain letters; conducting non-state business or searching for a non-state job. Included but not limited to is the prohibition of the use DPW systems for jokes; political causes or activities; sports pools, baby pools, or other sorts of gambling; religious activities; stock quotes; personal photo archives; listservs for non-DPW purposes; or solicitations or advertisements for non-DPW purposes.

No Presumption of Privacy

Communications on DPW systems are not private and security cannot be guaranteed. Passwords and user IDs are designed to protect confidential DPW information from outside third parties, not to provide employees with personal privacy in the messages.

When drafting e-mail or a posting, consider whether you would want any of what is written appearing in a newspaper article or news broadcast. Employees should assume that any communications that they create, send, receive, or store on DPW systems may be read or heard by someone other than the intended recipient. In particular, employees should not send confidential or sensitive information via e-mail, the Internet, or the World Wide Web.

All Internet access during work hours using DPW equipment will be done through the Internet connection and software supplied by DPW. There are no exceptions.

In accessing the Internet and World Wide Web, employees should remember that all connections and sites visited may be monitored and recorded.

To ensure continuing access to information on DPW systems, employees shall not use personal hardware or software to encrypt any e-mail, voice mail, or other information contained in or transmitted by DPW systems, absent prior written consent from the Commissioner or the Commissioner's designee.

DPW Right to Monitor or Inspect Messages

DPW reserves the right to monitor, access, retrieve, read, and disclose electronic messages. Particular circumstances for monitoring messages include but are not limited to:

- a. When DPW has a legitimate business need to do so;
- b. When DPW has a reasonable suspicion that an employee has engaged, or is about to engage, in inappropriate conduct on any of the DPW systems;
- c. When DPW needs to inspect the contents of messages to obtain substantive information that is not more readily available by some other means;
- d. When required by law, by legal duties to third parties, or in order to protect its own interests when DPW has a reasonable suspicion that an employee has committed, or is committing, an activity that could hurt DPW either directly or indirectly;
- e. When the employee in question is unavailable—ill, on vacation or leave, no longer working for DPW—and time is of the essence.

When an employee leaves DPW, DPW reserves the right to keep an employee's e-mail address active for a reasonable period of time following the departure to ensure that important business communications reach DPW.

Message Restrictions

Communications created by DPW employees on DPW systems may not contain content that a reasonable person would consider to be defamatory, offensive, harassing, disruptive, or derogatory, including but not limited to sexual comments or images, racial or ethnic slurs, or other comments or images that would offend someone on the basis of race, gender, national origin, sexual orientation, religion, political beliefs, or disability, or may otherwise bring discredit to DPW.

Prohibited Activities

Employees shall not use DPW systems to:

- a. Upload, download, access, create, distribute or otherwise transmit copyrighted, trademarked, or patented material; trade secrets; or other confidential, private, or proprietary information or materials without prior authorization from the Commissioner or the Commissioner's designee;
- b. Upload, download, access, create, distribute or otherwise transmit any illegal information or materials;
- c. Upload, download, access, create, distribute, or otherwise transmit sexually-explicit materials;
- d. Gain unauthorized access to remote computers or other systems or to damage, alter, or disrupt such computers or systems in any way;
- e. Use someone else's code, password, or ID to gain access to DPW systems or disclose anyone else's code, password, or ID to a non-DPW employee;
- f. Enable unauthorized third parties to have access to or use DPW systems (including providing access to confidential information) to anyone not authorized by the Commissioner or Commissioner's designee, or otherwise jeopardize the security of DPW electronic communications systems;
- g. Conduct private marketing or business transactions or to foster personal gain;
- h. Open misaddressed e-mail;
- i. Send anonymous e-mail or facsimile messages;
- j. Upload, download, access, create, distribute or otherwise transmit any games (should there be any games on your computer they are to be removed by informing the Information Technology Office).
- k. Send or receive personal e-mail messages
- l. Engage in illegal activities.

Information Protection

Because messages can easily be intercepted over the Internet, confidential, proprietary, and sensitive information—either belonging to DPW or entrusted to DPW—must not be transmitted over the Internet.

Violations

Violations of this policy, including breaches of confidentiality or security, may result in suspension of e-mail privileges, disciplinary action, termination, and criminal charges

Message Creation

Employees must use the utmost care in creating messages on DPW e-mail. Even when a message has been deleted, it may still exist on a back-up system. It can be printed or forwarded to someone else without its creator's knowledge.

Record Retention

As with paper documents created and received by an employee, it is each employee's responsibility to ensure that those electronic messages subject to FOI are in fact retained, in accordance with DAS General Letter 98-1, **E-MAIL GUIDELINES FOR PUBLIC OFFICIALS.**

Viruses and Tampering

Any files downloaded from the Internet and any computer disks received from non-DPW sources must be scanned with virus detection software before installation and execution. The introduction of viruses, attempts to breach system security, or other malicious tampering with any DPW systems are expressly prohibited. Employees must immediately report any viruses, tampering, or other system breaches to the DPW Information Technology Office or designee.

Uploading to DPW Web Site/Internet

Employees must not place DPW or vendor material—such as copyrighted software or other materials, internal memos, DPW service marks (i.e., official logos and emblems), and so on—on the DPW Web Site or any publicly-accessible Internet computer, unless the posting of these materials has first been approved by the DPW Commissioner's office. Posting of DPW confidential or vendor trade secrets is absolutely prohibited on the DPW Web Site, the DPW e-mail system, and any publicly-accessible Internet computer. All postings to the DPW Web Site and any publicly-accessible Internet computer must comply with state and federal laws and rights of publicity and privacy. Employees must also include appropriate notices and disclaimers in such postings.

Personal Digital Assistants (PDA's)

PDAs provided by the DPW may be interfaced with desktop and laptop computers. Prohibited activities listed above apply to DPW provided PDAs. Personal PDAs are not allowed to interface with desktop and laptop computers.

Other Policies In Effect

Other related policies and guidance materials that are in full force and effect and where they can be obtained:

Electronic Mail Acceptable Use Policy

<http://www.state.ct.us/cmac/policies/emailcon.htm>

Electronic & Voice Mail Management and Retention Guide for State and Municipal Government Agencies

<http://www.cslib.org/email.htm>

Acceptable Use Policy for Telecommunication Network

<http://www.state.ct.us/cmac/policies/aup.htm>

Connecticut Software Management Policy Manual

<http://www.state.ct.us/manuals/Software/index.html>

General Letter DOIT 99-1 Information Security Policy
<http://www.doit.state.ct.us/netsecure.htm>

OLR Memo 98-15 Electronic Monitoring of Employees
<http://www.opm.state.ct.us/olr/Notices/98-15.doc>

This policy is based on the Department of Administrative Services' Internet/E-mail/Lotus Notes™ Use Policy. The Department of Public Works gratefully acknowledges their permission and assistance in the development of this policy.

James T. Fleming, Commissioner

Date

PERSONAL USE POLICY

Policy Objective

To provide clear guidelines for the employees of the Department of Public Works regarding the use of state-owned property, equipment, supplies, and contracted services and define the appropriate corrective action for unauthorized use.

Policy Statement

It is the policy of the Department of Public Works that state-owned property, equipment, supplies, and contract services are provided for employee use on official state business only. The use of state-owned items for personal purposes is NOT permitted. This includes but is not limited to motor vehicles, computers, telephones, tools, Internet services, office supplies and equipment.

Employees will be held accountable for such use under applicable state statutes, state personnel regulations, agency policies, and collective bargaining agreements. The Department of Public Works will diligently investigate any allegations of prohibited use of state-owned property or services. The finding of a violation of this Personal Use Policy may result in disciplinary action up to and including dismissal as deemed appropriate by the Commissioner of Public Works.

James T. Fleming, Commissioner

Date

PROGRESSIVE DISCIPLINE POLICY

It is the philosophy of the Department of Public Works that effective discipline is the result of constructive leadership, exercised within the framework of a clear and consistent policy. Employees must be given the opportunity to meet established standards and conform to the rules of conduct expected of them. Recognizing and resolving problems early reduces the need for disciplinary action.

Progressive discipline is a method of attempting to correct employee work deficiencies through the application of counseling, warning or other forms of remedial disciplinary action taken in a manner which is appropriate to the behavior and the circumstances surrounding that behavior. Discipline is progressive in that it starts at the least severe level. However, the process of progressive discipline need NOT start at the beginning of the disciplinary spectrum. Depending on the severity of the offense, an employee may be warned, reprimanded, or even suspended or dismissed for a first offense if the situation warrants such action.

GENERAL PRINCIPLES OF PROGRESSIVE DISCIPLINE:

- *Reasonable standards* of work performance must be established.
- These standards must be *clearly communicated* to all staff.
- The purpose of discipline is to *correct* behavior rather than to punish.
- Discipline must be administered *promptly* in order to be effective.
- Discipline must be administered with *impartiality*.
- Standards must be *consistently* maintained and enforced.
- Action taken must be *appropriate* to the offense.
- All forms of discipline must be carefully *documented* through written records.
- *Follow through* is essential to ensure that disciplinary action is effective.

PROGRESSIVE DISCIPLINE STEPS:

1. *Verbal counseling* by immediate supervisor recorded in supervisory notes.
2. *Formal counseling* by immediate supervisor documented in memo to employee.
3. *Written warning* issued by human resources, union representation recommended for bargaining unit employees.
4. *Written reprimand* issued by human resources, union representation recommended for bargaining unit employees.
5. *Suspension* issued by human resources. A pre-disciplinary meeting is required and union representation is strongly recommended for bargaining unit employees.
6. *Disciplinary Demotion* issued by human resources. A pre-disciplinary meeting is required and union representation is strongly recommended for bargaining unit employees.

7. *Dismissal* issued by the Commissioner of Public Works. This is a last step in the disciplinary process and requires a pre-disciplinary meeting. Union representation is strongly recommended for bargaining unit employees.

At certain times it may become necessary to remove an employee from duty for disciplinary reasons. In that instance, the human resources administrator will determine that the employee is to be placed on *Administrative Leave with Pay* until the issue is resolved.

The handling of disciplinary problems is a matter of good judgement, common sense, and agency policy formulated within the context of State regulations and negotiated bargaining unit agreements. The Department of Public Works will follow the preceding principles and steps in administering discipline within the agency. Supervisors or employees with questions regarding this policy should contact human resources.

James T. Fleming, Commissioner

Date

SEXUAL HARASSMENT PREVENTION **POLICY** **and** **COMPLAINT PROCEDURE**

PURPOSE

It is Department of Public Works' policy that all employees, volunteers, contractors, subcontractors, 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.

LAW AND SCOPE

Sexual harassment is illegal and violates Title VII of the Civil Rights Act of 1964, 42 US Code § 2000e et seq., as amended, as well as Connecticut General Statutes §§ 46a-60 (a)(1) and 46a-60 (a)(8). While the Equal Employment Opportunity Commission (EEOC) and the Commission on Human Rights and Opportunities (CHRO) establish a standard for determining employer liability for sexual harassment under federal and state law, the Department's standard exceeds that of the EEOC and/or CHRO.

The Department of Public Works prohibits sexual harassment, in any form, whether in the workplace, at assignments outside the workplace, at work sponsored social functions, or elsewhere. Off-duty or non-duty behavior or conduct that affects the Department's workplace may also be considered sexual harassment. The workplace encompasses the actual physical workplace as well as any other place that is work-connected, as well as the conditions or atmosphere under which people are required to work.

Any employee who engages in conduct prohibited by this policy will be subject to discipline up to and including termination. Any other person who violates this policy will be counseled and any person who was subjected to a party's harassment will be apprised of her/his rights.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is defined by both Connecticut and federal law as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to, or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual's employment, evaluation,

wages, advancement, assigned duties, shifts or career development; or

- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Prohibited conduct includes, without limitation:

- Repeated offensive, sexual flirtation, advances or propositions;
- Sexual assault;
- Exposing one's genitals, buttocks and/or breasts;
- Discussing sexual activities;
- Inappropriately commenting about an individual's body or physical appearance;
- Displaying sexually suggestive pictures, cartoons or drawings;
- Using unseemly gestures, whistling or catcalling;
- Using crude and offensive language, or sexually explicit jokes;
- Unnecessary touching or physical interference with a person's movements;
- Derogatory comments about another's sex or sexual orientation;
- Retaliation against an employee for reporting sexual harassment; and
- While in a supervisory or command position, condoning or ignoring sexual harassment of which one has knowledge or has reason to have knowledge.

Sexual harassment is not limited to prohibited behavior by a male employee toward a female, or by a supervisory employee toward a non-supervisory employee. The victim does not have to be the opposite sex from the harasser. The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may be someone who is a witness to and personally offended by such conduct when it is directed toward another person. Sexual harassment is unwelcome conduct that is personally offensive, that lowers morale, and that therefore interferes with work productivity. This unwelcome sexual behavior is defined from the perspective of the victim, not the harasser.

When interacting with others in the workplace, it is important to be sensitive to the way in which words and actions may be perceived by others. If they could reasonably be perceived as offensive and unwelcome, they could be unlawful harassment. Normal, courteous, respectful, pleasant and non-coercive interaction between individuals, which is acceptable to all, is not considered to be sexual harassment. The gender of the complainant and/or the alleged harasser is irrelevant, even if they are of the same gender.

SEXUAL HARASSMENT COMPLAINT PROCEDURE

Anyone who believes s/he has experienced sexual harassment, or has witnessed sexual harassment by any employee, prospective employee, vendor, or any other person in connection with his/her employment, should bring the matter to the immediate attention of Department of Public Works' diversity programs administrator at (860) 713-5393 or the human resources administrator at (860) 713-5058. If the complainant prefers, s/he may report the matter directly to her/his supervisor. If the complainant feels uncomfortable reporting the harassment to her/his supervisor, s/he should immediately report the matter to any other member of management. Both the complaint procedure and form will be available in the Office of Diversity Programs.

The Department of Public Works will not tolerate violations of this policy and strongly encourages victims of sexual harassment to report such harassment as soon as it occurs. The Department will not tolerate sexual harassment by or of non-employees and will take all reasonable measures to prevent such harassment from occurring, and to correct any such harassment that occurs.

Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. Each manager is responsible for maintaining a work environment free of sexual harassment and to ensure mutual dignity and respect. All managers and supervisory staff share responsibility for the implementation of this policy. A supervisor or manager who receives a complaint about harassment, witnesses harassment, becomes aware of or believes that someone is engaging in prohibited conduct shall report it to the Department of Public Works' diversity programs administrator or the human resources administrator. Any supervisor or manager found to be in violation of any part of this policy, shall be subject to disciplinary action, up to and including termination.

INVESTIGATION OF SEXUAL HARASSMENT COMPLAINTS

The diversity programs administrator and/or the human resources administrator will investigate all reported incidents of sexual harassment for the purpose of determining whether the incident took place, whether it constituted a violation of this policy, and to determine what remedial actions, if any, are needed. The investigation of a reported incident will be initiated within five (5) business days of the receipt of a report and conducted in a timely fashion.

- All investigations will be conducted in as confidential a manner as possible.
- The complaint will be reduced to writing and signed by the complainant. (If for any reason, however, the complainant is unwilling to submit a written complaint, the party to whom s/he complained shall make a written complaint based on the information reported.)
- Both the complainant and the alleged harasser will be interviewed as part of the investigation and both will be informed of the non-retaliation provisions of this policy. Usually, the alleged harasser will be interviewed after all other parts of the investigation are completed.

- The complainant will be asked for corroborating evidence, and corroborating witnesses identified will also be interviewed. The absence of corroborating evidence shall not, however, automatically lead to the conclusion that the alleged harasser did not violate this policy.
- The investigation will be conducted in a manner to protect the confidentiality of the parties and the witnesses. The investigator's notes will be kept confidential and not included in any personnel file.
- The investigator will report to the Department of Public Works Commissioner. The Commissioner will make the final decision on what appropriate action should be taken to stop the offending conduct, to prohibit further offending conduct, and to restore good workplace relations. Such actions may include reprimands, sensitivity training or sexual harassment awareness training, requiring apologies, written warnings, transfer, demotion, and even termination. The preceding action shall be taken only against the alleged harasser, anyone who assisted in harassment and/or retaliation against the complainant. The Department of Public Works shall not transfer the complainant in those instances where the Department of Public Works has determined that this policy has been violated, unless the complainant requests such transfer.
- The complainant will be informed of what action, if any, the Department of Public Works has taken on her/his complaint.
- The timeframe for filing, processing and resolving the complaint will be in accordance with affirmative action regulations, but in any event will be completed within ninety days from the filing of the complaint.

RETALIATION FOR REPORTING SEXUAL HARASSMENT IS PROHIBITED

Retaliation against individuals who report sexual harassment, who object to sexual harassment, or assist in a sexual harassment investigation, is prohibited by law and by the Department. There will be no adverse consequences in the terms and conditions of employment and receipt of services of such an individual. An employee who believes s/he may have been retaliated against may amend her/his complaint, or file a separate complaint, which will be investigated pursuant to this policy.

FEDERAL AND STATE REMEDIES

In addition to the above, anyone who believes s/he has been subjected to sexual harassment may file a formal complaint with either or both of the government agencies below:

United States Equal Employment Opportunity Commission (EEOC)
One Congress Street, 10th Floor
Boston, MA 02114
(617) 565-3200

Connecticut Commission on Human Rights and Opportunities (CHRO)
21 Grand Street, 4th Floor
Hartford, CT 06106
(860) 541-3400
(800) 477-5737
TDD (860) 541-3459

CONCLUSION

Although this policy sets forth the Department of Public Works goal of promoting a workplace free of sexual harassment, this policy is neither designed nor intended to limit the Department of Public Works authority to discipline or otherwise take remedial action for workplace conduct which the Department deems unacceptable, regardless of whether that conduct satisfies the legal definition of sexual harassment.

The Department of Public Works reminds all employees that engaging in any of the activities prohibited by this policy (see above) may constitute a violation of this policy without regard to whether it violates state or federal law. The Department of Public Works may take disciplinary action up to and including dismissal for engaging in any such prohibited conduct.

AMENDMENT/TERMINATION

Although the Department of Public Works expects to continue this policy/procedure indefinitely, it reserves the right to interpret, amend or terminate it at any time.

James T. Fleming, Commissioner

Date

SMOKING REGULATION

TO: All Employees and Visitors, State Office Building

FROM: James T. Fleming, Commissioner of Public Works

SUBJ: Revised Smoking Policy

Research substantiating the health problems caused both by smoking and passive smoke continues to be documented. Our goal is to provide as healthy an environment as possible for both employees and visitors at the State Office Building.

On October 17, 1994, the Department of Public Works issued a policy designating all state of Connecticut buildings managed by the DPW as smoke-free in accordance with state statute. That policy is hereby revised to include the *entire premises of the State Office Building* at 165 Capitol Avenue and the *Trades Shop* at 309 Buckingham Street.

Effective immediately, smoking will be prohibited anywhere in the building or on the grounds of the State Office Building. This includes all entrances and parking lots. Appropriate signage will be provided. Violations of this prohibition will be referred to the appropriate Commissioner and progressive disciplinary action will be initiated.

Your anticipated cooperation with this policy change is appreciated.

James T. Fleming, Commissioner

Date

SUMMARY OF PROVISIONS OF THE FEDERAL FAMILY AND MEDICAL LEAVE ACT (FMLA)

[As It Applies to State of Connecticut Employees (Not Private Sector)]
AND
STATE C.G.S. 5-248a (Family and medical leave from employment)

Over the past several years legislation has been passed at both the state and federal levels with the objective of providing employees with special leave benefits in certain circumstances. The provisions of the two pieces of legislation differ in many respects. In most cases, employees are eligible for the combination of benefits that is most favorable to them.

Minimum Service Requirement: To qualify for federal FMLA, employees must have at least 12 months of total service (in the aggregate) and have worked at least 1,250 hours in the 12 months immediately preceding the commencement of leave. (“Hours worked” does not include time spent on paid or unpaid leave). To qualify for state family/medical leave, employees must have permanent status with the state of Connecticut.

Qualifying Events: The circumstances covered under either the state family/medical leave or federal FMLA or a combination of the acts are as follows:

1. the birth of employee’s child or adoption of a child by the employee (*both*); the placement of a foster child with the employee (*federal only*);
2. the “serious illness” (*state*) or “serious health condition” (*federal*) of a child, spouse or parent; or
3. the “serious illness” (*state*) or “serious health condition” (*federal*) of the employee.

Documentation Requirements: The following documents must be submitted in support of an FMLA request:

- birth of child: “employee request” (**Form HR-1**) and medical certificate **P-33A-Employee**) indicating the pre-delivery disability period (if applicable), delivery date and post-partum disability period.
- adoption (*both state and federal*) or foster care (*federal only*) of child: “employee request” (**Form HR-1**) and letter from the adoption/foster care agency confirming the event and its effective date.
- serious illness/health condition of child, spouse or parent: “employee request” (**Form HR-1**) and medical certificate (**Form P-33B-Caregiver**).
- serious illness/health condition of employee: “employee request (**Form HR-1**) and medical certificate (**Form P-33A-Employee**) (only if employee is on paid or unpaid leave for more than five days).

Employees who request a leave under the State’s C.G.S. 5-248a are required to sign a statement confirming their intent to return to work immediately following the leave (**HR-3—“Intent to Return to Work”**). Although the federal FMLA does not require such certification, employees whose leave is covered by federal law only may be required to submit this form after leave has begun or, if covered by both state and federal law, prior

to beginning leave if the total period of leave exceeds their federal 12-week entitlement. Failure to return to work at the end of the leave period may be treated as a resignation unless an extension has been agreed upon and approved in writing by the agency.

Duration of Entitlement: Under federal FMLA, employees are entitled to 12 weeks of unpaid leave in a 12-month period. The federal law allows employees to elect or the employer to require that the employee's paid leave be substituted for this time. Under state family/medical leave, employees are entitled to a maximum of twenty-four (24) weeks of unpaid leave within a two-year period. The state entitlement is applied after the employee has exhausted any sick leave accruals that may be applicable. The state's policy is to allow the substitution of personal leave and vacation accruals; however, this will not extend the 24-week entitlement period. Where possible, leave time granted under the state's family/medical leave legislation will run concurrently with the federal FMLA entitlement.

Benefits: During periods of paid and/or unpaid family/medical leave, employees continue to receive the same benefits as if they were actually working. The state of Connecticut continues to pay the same portion of employees' individual and/or dependent insurance coverage as it did previous to the leave; however, employees on unpaid leave are billed directly by business management for the same portion of the cost that was previously withheld from their paychecks for that purpose. Those who have dependent health coverage but wish to change to individual health coverage need to contact the payroll unit immediately for forms to cancel dependent coverage. Employees who have state-sponsored group life insurance will be billed directly by business management for the same amount they contributed prior to the leave. In the case of any other deductions being made from paychecks (e.g. disability insurance, BSL life insurance, deferred compensation, credit union loans), employees must deal directly with the appropriate vendor to discuss payment options. Upon return from the leave, service time accrued up to the beginning of the leave is restored to the employee for longevity and seniority purposes; some bargaining unit contracts even provide for service credit for the time spent on leave. Consult your union contract for further information.

If the employee does not return to work immediately following the leave for reasons other than a health condition or another good reason beyond the employee's control, the employer may charge the employee retroactively for the employer's portion of the cost of the health insurance during the unpaid leave.

Return to Work. At the conclusion of family/medical leave, employees are entitled with limited exceptions to return to the same position or an equivalent position with equivalent pay, benefits and working conditions. In the vast majority of cases, they will be returned to the position they occupied prior to the leave. If this is not possible, the agency will notify them of their new position prior to their return from leave. In cases involving the serious health condition of an employee, the agency will require the employee to produce a fitness-for-duty report on which the physician has certified the employee is able to return to work. This requirement protects the employee, co-workers and the public from the negative consequences that can result when an individual returns to work before being medically ready to do so. Therefore, employees who are notified of the need for a fitness-for-duty certification will not be allowed to return to work without it.

Application Procedure: Employees who wish to apply for family/medical leave must complete **Form HR-1**, “employee request for leave of absence under the federal FMLA and/or state C.G.S. 5-248a,” which is available from human resources. Where the employee has advance notice of the need for the leave (e.g., an anticipated birth, adoption or surgery), the form should be submitted several weeks in advance, using approximate dates if definite ones are not yet available. Where there is no forewarning (e.g., major illness), the form should be submitted as soon as the employee becomes aware that he/she is to be absent for an FMLA qualifying reason. The form is to be submitted through the department/unit manager to human resources along with required documentation. Failure to provide the needed documentation may result in a disapproval of the leave or a delay in its commencement. Upon receipt, human resources will review the request and complete **Form HR-2**, “agency response to employee request for leave of absence under the federal FMLA and/or state C.G.S. 5-248a.” That response will be mailed back to the employee, with a copy to the cost center/department/unit manager. Questions should be addressed to the appropriate human resources representative.

(January 2000)

VIOLENCE IN THE WORKPLACE **ISSUED IN AUGUST 1999**

The State of Connecticut adopts a statewide zero tolerance policy for workplace violence. Therefore, except as may be required as a condition of employment—

- No employee shall bring into any state worksite any weapon or dangerous instrument as defined herein.
- No employee shall use, attempt to use, or threaten to use any such weapon or dangerous instrument in a state worksite.
- No employee shall cause or threaten to cause death or physical injury to any individual in a state worksite.

Weapon means any firearm, including a BB gun, whether loaded or unloaded, any knife (excluding a small pen or pocket knife), including a switchblade or other knife having an automatic spring release device, a stiletto, any police baton or nightstick or any martial arts weapon or electronic defense weapon.

Dangerous instrument means any instrument, article, or substance that, under the circumstances, is capable of causing death or serious physical injury.

Any weapon or dangerous instrument at the worksite will be confiscated and there is no reasonable expectation of privacy with respect to such items in the workplace. Violation of the above reasonable work rules shall subject the employee to disciplinary action up to and including discharge.

Any employee who fears for their personal safety or for the safety of others should contact building security at 860-713-5555 for situations that require immediate attention or **call police at 911**. Contact your supervisor or the Human Resources Office, Natalie Shipman at 860-713-5393 for emergency and non-emergency situations.

James T. Fleming, Commissioner

Date

WHISTLEBLOWER POLICY

This policy is established to notify Department of Public Works employees of the Public Act No. 02-91 (amending General Statutes §4-61dd) as it relates to An Act Concerning State Employee and Contractor Whistleblowing Complaints. The Department of Public Works prohibits retaliation against employees who report such matters.

As set forth in General Statutes §4-61dd, any person having knowledge of any matter involving corruption, unethical practices, violation of laws, mismanagement, gross waste of funds, abuse of authority, or danger to the public safety occurring in any state department or agency, any quasi public agency, or any large state contractor may report such matter to the state auditors of public accounts. The statute further protects employees who report such matters (commonly known as “whistleblowers”) from retaliatory personnel actions taken or threatened by the employer who is the subject of a report to the auditors.

Until recently, an aggrieved state or quasi-public agency employee could file a claim with the Employees’ Review Board under §5-202 or, in the case of an employee covered by a collective bargaining agreement, in accordance with contractual procedures. An employee of a large state contractor, after exhausting all administrative remedies, could also pursue a civil action.

On June 3, 2002, Public Act 02-91, amended §4-61dd. The amended statute now provides an additional forum for employees who claim that they were the subjects of retaliatory actions or threats for making whistleblower complaints. The existing procedures and remedies remain as options, but aggrieved employees – including those covered by a collective bargaining agreement – may, after investigation by the attorney general, choose instead to file complaints with the chief human rights referee at the CHRO Office of Public Hearings. The matter is then assigned to one of the five human rights referees who will conduct a hearing and issue a written decision. If the referee determines that a violation occurred, the referee may award the aggrieved employee “reinstatement to the employee’s former position. Back pay and reestablishment of any employee benefits to which the employee would otherwise have been eligible if such violation had not occurred, reasonable attorneys’ fees, and any other damages.” Any party may appeal the referee’s decision in accordance with the provisions of General Statutes §4-183.

The new public act also creates a rebuttable presumption that any personnel action taken or threatened against a whistleblowing employee is retaliatory if it occurs within one year of the complaint.

The human rights referees have presided over a wide range of contested cases at the CHRO since 1999, when their positions were created in part to eliminate a severe backlog of contested complaints. All of the referees are impartial adjudicators, experienced in employment discrimination law, including cases involving retaliation against employees who have engaged in activities protected by state and federal anti-discrimination law. The referees already have a protocol in place for the new whistleblower retaliation complaints, and they expect regulations to be implemented by the end of April 2003.

Complaints may be filed with the chief human rights referee at the Office of Public Hearings, 21 Grand Street, Hartford, CT 06106. To obtain a complaint form or to obtain additional information about §4-61dd hearings before the Office of Public Hearings, please call 860-541-3452.

James T. Fleming, Commissioner

Date

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