



# STATE OF CONNECTICUT

DEPARTMENT OF REVENUE SERVICES

## OFFICE OF THE COMMISSIONER

### DISCRIMINATION, SEXUAL HARASSMENT, AND ADA COMPLAINT PROCEDURE

This complaint procedure will address only complaints of sexual harassment and discrimination based upon race, color, sex, age, religious creed, political belief, ancestry, national origin, criminal record, marital status, sexual orientation, genetic information, present or past history of mental disability, mental retardation, learning disability, or physical disability, including but not limited to blindness. All employees of the Department of Revenue Services (DRS) 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 Department of Revenue Services' agency contact person that should be notified with issues concerning ADA is Penny Potter at (860) 297-5708. To ensure that each employee is made aware of his/her right to use this Complaint Procedure, copies will be posted and distributed to each employee in the DRS. This procedure will also be posted on the Agency website for individuals utilizing agency programs and services.

Any employee/complainant who encounters workplace sexual harassment should immediately make such harassment known to his or her supervisor. In the event that the immediate supervisor is the alleged harasser, the employee should make the harassment known to the supervisor's immediate superior. This will allow supervisors to take appropriate action quickly and effectively to stop the harassment and take appropriate remedial action. Non-employee individuals/complainants who encounter sexual harassment or discrimination should immediately make the situation known to the manager of the location they are dealing with. The complainant may also contact the Department's Equal Employment Opportunity Manager at (860) 297-5708 and follow the Internal Process for complaints.

**ALL DISCRIMINATION COMPLAINTS OF ANY KIND (INCLUDING THOSE OF SEXUAL HARASSMENT) RECEIVED BY SUPERVISORS/MANAGERS MUST BE REPORTED IMMEDIATELY TO THE EQUAL EMPLOYMENT OPPORTUNITY MANAGER IN WRITTEN FORMAT.**

#### INTERNAL PROCESS

1. All complaints should be filed as soon as possible after the alleged act of discrimination. Where possible, complaints shall be filed (with the Department of Revenue Services' Equal Employment Opportunity Manager) no later than thirty (30) days from the date of the alleged discriminatory act(s). The employee/complainant shall be advised of his/her rights under State/Federal laws as cited in the Commissioner's Policy Statement, given a copy of this Complaint Procedure, and informed that all records of the complaint shall be kept confidential.
2. All complaints should be in writing on the complaint form issued by the Equal Employment Opportunity Manager and signed by the complainant and the Equal Employment Opportunity Manager. The filing date of the complaint is the day the complaint is received by the Office of Diversity & Equity.

3. Each complaint shall contain:
  - a. The full name and work address of the complainant.
  - b. The full name and work 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 Equal Employment Opportunity Manager shall conduct an informal investigation of the discrimination complaint. When feasible, the Equal Employment Opportunity Manager shall review his/her findings with the Commissioner within (30) business days of the filing of the complaint.
5. If, after the informal investigation of the complaint, the Equal Employment Opportunity Manager concludes that the complaint is not valid, or no discriminatory act occurred, the Equal Employment Opportunity Manager may dismiss the complaint. Any complainant adversely affected by the dismissal of the complaint retains the right to pursue remedy through other administrative, collective bargaining, and/or legal channels. The Equal Employment Opportunity Manager's decision may be appealed through the Commissioner's Office. See appeal process.
6. Appeal Process. The employee/complainant may file a written appeal within five (5) working days of the Equal Employment Opportunity Manager's decision. The appeal should be forwarded to the Commissioner's Office specifically stating the reason for the appeal. Copies of the appeal should be forwarded to the Office of Diversity & Equity. The Commissioner's office will make a final determination within seven (7) working days of receipt of the appeal.
7. If, after the informal investigation of the complaint, the Equal Employment Opportunity Manager finds reason to believe a discriminatory action may have occurred, the Equal Employment Opportunity Manager may attempt to cause reconciliation of the parties. If it appears disciplinary action is warranted, it will be handled by the Human Resources Office.
8. 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, the Commissioner, and Human Resources.
9. All records obtained during the Initial Counseling and/or Internal Complaint Process shall be maintained in a confidential Affirmative Action 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 Equal Employment Opportunity Manager 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/complainants 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/complainant 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) Region Offices:

Capitol Region Office 999 Asylum Ave, 2nd Floor Hartford, CT 06105 (860) 566-7710	West Central Region Office 55 W. Main Street, Suite 210 Waterbury, CT 06702-2004 (203) 805-6530
Eastern Region Office 100 Broadway Norwich, CT 06360 (860) 886-5703	Southwest Region Office 350 Fairfield Ave, 6th Floor Bridgeport, CT 06604 (203) 579-6246

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)  
475 Government Center Rm. # 475  
Boston, MA 02203  
1-800-669-4000

Complaints shall be filed with the 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/complainants are aware that recriminations occurring due to the filing of a complaint are expressly forbidden under State and Federal Law. This Agency is diametrically opposed to such recriminations, will advise all complainants of their rights and refer them 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 Agency's Equal Employment Opportunity Manager 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 Equal Employment Opportunity Manager's participation and attendance.