



# Memo

To: Department Employees  
From: Robert J. Klee, Commissioner  
Date: June 7, 2016  
Re: Affirmative Action Plan and Goals and Objectives

I am pleased to share with you that the 2016 Affirmative Action Plan for the Department of Energy and Environmental Protection was approved by the Commission on Human Rights and Opportunities (CHRO) at its May Commission meeting. The Plan is a road map of the goals and objectives established to help move the Department forward in its commitment to affirmative action and equal employment opportunity.

I am encouraged by the progress we made last year. There were a total of 37 hires, fifteen (40.5%) of which represent a goal achievement: 1 White Male, 9 White Females, 1 Black Male, 1 Black Female, 1 Hispanic Male, 1 Other Male, and 1 Other Female. There were a total of 20 promotions, four (20.0%) of which represent a goal achievement: 3 White Males and 1 Other Female.

I recognize that there is still more work to be done in furthering our affirmative action and equal employment opportunity goals and objectives. I encourage all managers and supervisors to work with the Affirmative Action Office Staff to identify creative initiatives that will help move us forward in achieving our affirmative action objectives.

Attached for your information are the following documents: 1) Zero Tolerance Sexual Harassment Prevention Policy; 2) Affirmative Action Policy Statement; 3) ADA & Affirmative Action Discrimination Complaint Procedure; and 4) Hiring, Promotional and Programmatic goals. The policies and goals have been established to guide supervisors and managers in the Department's efforts to address the underutilization of protected classes in the workforce.

A copy of the Plan is available for your review and comment at the Affirmative Action Office. I encourage you to familiarize yourself with the stated policies, goals, and objectives. Please refer your written comments and/or questions to Barbara K. Viadella, Equal Employment Opportunity Manager, by **July 19, 2016**. Barbara may be contacted at (860) 418-5937 or [Barbara.Viadella@ct.gov](mailto:Barbara.Viadella@ct.gov).

Please remember that copies of the Affirmative Action Policy Statement and Zero Tolerance Sexual Harassment Prevention Policy Statement must be given to contractors and other parties with whom the Department does business, and that supervisors must review the Zero Tolerance Sexual Harassment Prevention Policy Statement with new staff.

Attachments



Connecticut Department of

**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

**AFFIRMATIVE ACTION POLICY STATEMENT**

It is the policy of the Department of Energy and Environmental Protection (DEEP) to provide its programs and services in a manner that is consistent with State and Federal laws that prohibit discrimination and harassment based on a person's legally protected status which includes race, color, religious creed, age, sex, marital status, national origin, ancestry, intellectual disability, physical disability, learning disability, sexual orientation, gender identity, present or past history of mental disability, genetic information or prior conviction of a crime, unless there is a bona fide occupational qualification excluding persons in one of the above protected groups.

Sexual harassment means any unwelcome conduct when: (A) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (C) when 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. Therefore, sexual harassment is persistent hostile, intimidating, offensive and unwanted behavior because of a person's membership in a protected class and has the effect of unreasonably interfering with his/her work performance or creating a hostile work environment.

Affirmative action is positive action undertaken with conviction and effort to overcome the present effects of past practices, policies or barriers to equal employment opportunity and to achieve the full and fair participation of women, Blacks and Hispanics, and any other groups that have been found historically to be underutilized in the workforce or affected by policies or practices having an adverse impact. The purpose of affirmative action is to achieve equal employment opportunity in all aspects of the employment process. Equal employment opportunity is the employment of individuals without consideration of their protected group status, as required by State and Federal laws and regulations.

As the Commissioner of the DEEP, I acknowledge the purpose and need for affirmative action and equal employment opportunity, and I pledge my commitment to achieve the full and fair participation of women, people of color, people with disabilities and other groups that have been historically disadvantaged in our workforce in all aspects of the employment process including recruitment, selection, hiring, training, promotion, benefits, compensation, layoffs, and terminations.

As stated by the U.S. Supreme Court, discrimination not only refers to situations in which intended discrimination has occurred, but also includes practices, criteria, and procedures which appear neutral but have a discriminatory effect on classes of individuals protected against employment discrimination. Accordingly, the DEEP pledges to periodically review its policies and procedures to identify and eliminate any barriers to the full representation of members of protected groups in its workforce as compared to their availability in the labor market.

79 Elm Street • Hartford, CT 06106-5127

[www.ct.gov/deep](http://www.ct.gov/deep)

*Affirmative Action/Equal Opportunity Employer*

Affirmative action and equal opportunity are immediate and necessary objectives for the DEEP, therefore, I pledge my commitment to comply with all Federal and State constitutional provisions, laws, regulations, guidelines, and executive orders that prohibit discrimination (see attached listing). The DEEP also recognizes the hiring difficulties experienced by people with physical disabilities and older persons. Therefore, we will take the necessary steps to identify and overcome areas of underutilization of such persons in our workforce and to achieve their full and fair participation in our programs and services.

The DEEP will not knowingly do business with any contractor, sub-contractor, bidder or supplier of materials who discriminates against members of a protected class, and will actively solicit services from businesses owned by persons with disabilities, minorities and women.

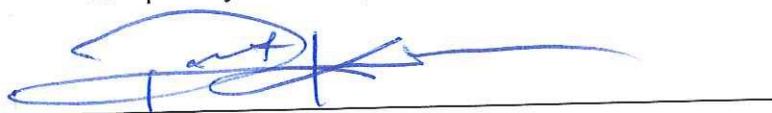
Complaints alleging violation of this policy must be filed with the Affirmative Action/Equal Employment Opportunity Office within 30 days of the alleged violation and/or with the Commission on Human Rights and Opportunities (CHRO) within 180 days of the alleged discriminatory action. Complaints filed with CHRO must be submitted to the office which serves the town where the alleged discriminatory action took place. The CHRO offices are listed in the Affirmative Action Complaint Procedure.

This policy also protects employees and applicants from retaliation for filing and/or participating in the investigation of a complaint alleging discrimination. Employees are expected to cooperate fully with all administrative complaint investigations and any actions taken by the DEEP as a result of such investigations.

As the appointing authority for the DEEP, I have the responsibility to implement an effective Affirmative Action Plan as a tool to achieve equal employment objectives and as a mechanism to prevent and eliminate discrimination. Therefore, I am committed to making a good faith effort to achieve a successful affirmative action program, and I will hold managers and supervisors accountable for their compliance with the goals and objectives established.

I have assigned the responsibility to implement our affirmative action goals and objectives to Barbara K. Viadella, EEO Manager. Ms. Viadella may be contacted at 79 Elm Street, 3<sup>rd</sup> floor, Hartford, CT 06106, or at (860) 418-5937, or via e-mail at [Barbara.Viadella@ct.gov](mailto:Barbara.Viadella@ct.gov).

This policy statement will be given annually to staff and will be posted at all agency locations. Any employee found to be in violation of this policy will be subject to appropriate disciplinary action up to and including termination.



Robert J. Klee, Commissioner

2/26/16  
Date

#### Attachments



Connecticut Department of

## ENERGY & ENVIRONMENTAL PROTECTION

### ZERO TOLERANCE SEXUAL HARASSMENT PREVENTION POLICY

In accordance with Title VII of the Civil Rights Act of 1964, 42 United States Code Section 2000e, et seq., as amended, as well as Section 46a-60(a) (8) of the Connecticut General Statutes, it is the established policy of the Department of Energy and Environmental Protection (DEEP) to provide equal employment opportunity in all aspects of the employment process without consideration to an individual's sex. Sexual harassment is illegal. It is a form of discrimination based on a person's sex and it undermines the integrity of the workplace and the personal dignity of the individual. The definition of sexual harassment includes harassment based on a person's gender identity or experience or sexual orientation.

Sexual harassment is defined by Connecticut State law as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when: (A) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (C) when 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.

The following are examples of prohibited conduct, however, this is not an inclusive list:

- Sexual flirtation, propositions or threats; sexting;
- Lewd comments, jokes, stories, E-mail, or cards; conversations with sexual innuendo;
- Using crude and offensive language;
- Unwanted or inappropriate touching such as patting, pinching, massaging or hugging;
- Sexual gestures;
- Use or display of sexually suggestive photographs, magazines, objects or pornographic pictures or calendars;
- Obscene noises or leering;
- While in a supervisory position, condoning or ignoring sexual harassment of which one has knowledge or has reason to have knowledge; and
- Derogatory comments about another person's sex, gender or sexual orientation.

The Department of Energy and Environmental Protection is committed to maintaining a work environment free of **all forms of discrimination including** sexual harassment and will not tolerate any behavior that may violate this policy. Supervisory personnel and all other employees are directed to adhere to this policy, to familiarize themselves with the laws and statutes stated, and to be receptive to complaints made by afflicted personnel. The DEEP further prohibits sexual harassment in any form whether in the workplace, at assignments outside the workplace, at work sponsored functions, or elsewhere. Off-duty or non-duty behavior that affects the workplace may also be considered sexual harassment. Sexual harassment by employees against non-employees is also prohibited. Employees should be aware that some forms of sexual harassment may be subject to civil or criminal penalties. More importantly, anyone found to be in violation of this policy will be subject to appropriate disciplinary action up to and including termination.

Complaints alleging a violation of this policy must be filed with the Affirmative Action Office within 30 days of the alleged violation and/or with the Commission on Human Rights and Opportunities (CHRO) within 180 days of the alleged discriminatory action. Complaints filed with CHRO must be submitted to the office which serves the town where the alleged discriminatory action took place. The CHRO offices are listed in the Affirmative Action Complaint Procedure.

This policy also protects employees, applicants, and program participants from retaliation for filing and/or participating in the investigation of a complaint alleging discrimination. All employees are expected to cooperate fully with all administrative complaint investigations and any actions taken by the DEEP as a result of such investigations.

The remedies available to victims of sexual harassment include the following: cease and desist orders, back pay, compensatory damages, and hiring/promotion or reinstatement. At no time will the internal investigation of a complaint be terminated or suspended because the complainant has filed a complaint with the CHRO or the Equal Employment Opportunity Commission or any similar enforcement agency.

To ensure that all employees are aware of the DEEP commitment to provide a work environment free of all forms of harassment, this policy will be posted on all bulletin boards and educational workshops will be conducted for staff, as needed. It will also be distributed once a year to all employees. Supervisors are responsible for making their employees aware of this policy. The determination of whether violation of this policy has occurred will be made from the facts and the context in which the alleged incident(s) took place.

Contractors, suppliers, consultants, or any other agency we do business with must comply with all applicable State and Federal Laws and Regulations protecting persons against sexual harassment.



Robert J. Klee, Commissioner

2/26/16

Date

I, \_\_\_\_\_, certify that this policy was discussed with  
**Supervisor (Print Name) and Signature**

\_\_\_\_\_  
**Employee (Print Name) and Signature**

Date

Please indicate if this is a \_\_\_\_\_ permanent employee or \_\_\_\_\_ seasonal employee.

**The employee by signing this policy statement acknowledges that it was discussed with him/her, and that he/she understands it. THIS STATEMENT IS AVAILABLE IN LARGE PRINT OR ON AUDIOTAPE FROM THE AFFIRMATIVE ACTION OFFICE BY CALLING (860) 418-5937**

## DEPARTMENT OF ENERGY and ENVIRONMENTAL PROTECTION ADA/504 & AFFIRMATIVE ACTION DISCRIMINATION COMPLAINT PROCEDURE

This complaint procedure addresses only complaints of discrimination based on race, color, sex, age, religious creed, ancestry, national origin, criminal record, marital status, present or past history of mental disability, intellectual disability, or physical disability including but not limited to blindness, learning disability, genetic information, sexual orientation, gender identity or expression and/or sexual harassment. To ensure that each employee is made aware of his/her right to use this Complaint Procedure, copies will be posted in conspicuous places such as lunchrooms and employment boards annually and distributed to new employees in the orientation packet. It is also posted internally on the Department's intranet and is given out annually to staff with the Affirmative Action and Sexual Harassment Prevention Policy Statements. This complaint procedure should be used for all complaints alleging discrimination in violation of State and Federal non-discrimination laws, including the ADA, Section 504 and Title IX.

The Department of Energy and Environmental Protection (DEEP) will provide periodic training in counseling and the complaint investigation process to its Equal Employment Opportunity staff.

### Initial Counseling

Any employee who feels he/she would like counseling on possible discrimination should contact **Barbara K. Viadella, Equal Employment Opportunity Manager (EEOM), at (860) 418-5937 or [Barbara.Viadella@ct.gov](mailto:Barbara.Viadella@ct.gov)**. At the initial counseling session the employee will be advised of his/her rights under State/Federal Laws. The employee will be given a copy of the Complaint Procedure and informed that all records of the complaint shall be kept confidential as allowed by law.

### Internal Complaint Process

1. All complaints should be filed as soon as possible after the alleged act of discrimination has occurred. Complaints must be filed with the Affirmative Action Office **no later than thirty (30) days, from the date of the alleged discriminatory act**. The Department has established a time frame, *not to exceed 90 days*, for processing, investigating and resolving a complaint.
2. All complaints must be in writing and signed by the complainant.
3. Each complaint shall contain:
  - a. The full name of the complainant.
  - b. The full name of the respondent.
  - c. A brief description of the alleged act(s) of discrimination.
  - d. The date(s) of the alleged act(s).
  - e. The date the complaint is filed.
4. The EEOM shall conduct an investigation of the discrimination complaint within ninety (90) calendar days of the complaint filing, and shall give the written report to the Commissioner.

**Internal Complaint Process Continued**

5. If, after the complaint review or investigation the EEOM concludes that the complaint is not valid, or, that no discriminatory act occurred, the EEOM will dismiss the complaint. Any complainant adversely affected by the dismissal of a complaint retains the right of pursuing a remedy through other administrative, collective bargaining, and/or legal channels.
6. If, after the complaint investigation, the EEOM finds reason to believe a discriminatory action occurred, the complaint investigation report will be forwarded to the Commissioner for his/her review. Upon completion of his/her review, the report with all other related files, if needed, will be forwarded to the Human Resources Office for necessary action.
7. After the complaint investigation the Complainant and Respondent will be notified in writing of the completion of the investigation.
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 having committed a discriminatory act. A copy of this consent agreement shall be given to the complainant, and to the respondent.
9. If the complainant is not satisfied with the results of the investigation he/she may appeal the decision, to the Commissioner, within ten (10) calendar days after the receipt of the notification letter from the Affirmative Action Office. The Commissioner or his/her designee will meet with the complainant to discuss the complaint and the results of the investigation.
10. The decision of the Commissioner or his/her designee shall be the final step of the internal process.
11. If there is no resolution after the meeting with the Commissioner or his/her designee, the complainant will be advised, once more, of his/her right to pursue other venues of redress.
12. All records obtained during the Initial Counseling and/or Complaint Investigation Process shall be made available to the Commission on Human Rights and Opportunities (CHRO) upon their request. All records will be reviewed annually by the EEOM to determine if there are any pattern(s) of discrimination.

**Formal Complaint Process**

1. Employees covered by any of the bargaining unit contracts may use the formal Grievance Procedure process of the respective 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 the Commission on Human Rights and Opportunities (CHRO) office which serves the town where the alleged discriminatory act took place:

**CHRO Regional Offices**

CAPITOL REGION OFFICE  
999 Asylum Avenue, Second Floor  
Hartford, CT 06105  
PHONE: (860) 566-7710  
FAX: (860) 566-1997  
TDD: (860) 566-7710

EASTERN REGION OFFICE  
100 Broadway  
Norwich, CT 06360  
PHONE: (860) 886-5703  
FAX: (860) 886-2550  
TDD: (860) 886-5707

WEST CENTRAL REGION OFFICE  
Rowland State Government Center  
55 West Main Street, Suite 210  
Waterbury, CT 06702-2004  
PHONE: (203) 805-6530  
FAX: (203) 805-6559  
TDD: (203) 805-6579

SOUTHWEST REGION OFFICE  
350 Fairfield Avenue, 6th Floor  
Bridgeport, CT 06604  
PHONE: (203) 579-6246  
FAX: (203) 579-6950  
TDD: (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.

4. Employees may also file with other agencies, state, federal or local, including the United States Department of Labor, Wage and Hour Division and the Equal Employment Opportunity Commission (EEOC), that enforces laws concerning discrimination in employment.

Complaints shall be filed with EEOC within 180 days from the date of the alleged violation, in order to protect the charging party's rights. This 180-day filing deadline is extended to 300 days if the charge is also filed with a state or local enforcement agency.

EEOC contact information:

**By phone:** 1-800-669-4000; TTY number is 1-800-669-6820

**By Email:** [info@eeoc.gov](mailto:info@eeoc.gov)

**Protection from Retaliation**

It is imperative that all employees are aware that retaliation as a result of the filing of a complaint is forbidden under State and Federal Law and agency policy. The DEEP is strongly opposed to such retaliation. Complaints alleging retaliation for previously filing or participating in a discrimination complaint will be investigated following the Affirmative Action Complaint Procedure.

**False or Malicious Reports**

Disciplinary action may be imposed if the Department determines that a false or malicious complaint was made under this procedure.

All complaints alleging discrimination because of a protected status filed with an external enforcement agency will also be investigated by the EEOM. Agency employees cannot refuse to meet with Affirmative Action Office staff during the course of an investigation.



**2015-2016 Hiring and Promotional Goals**      **REVISED 03/01/2016**

**Brown = Collective Goal (internal use only)**

**EEO1 Administrators and Officials**

**Hiring Goals (7)**

<u>Short Term:</u>	<u>Long Term:</u>	<u>Promotional:</u>
1 Hispanic Male	None	3 White Males
1 Hispanic Female		
2 Other Males		

**EEO2 Professionals - Minus Classifications of 25+**

**Hiring Goals (46)**

<u>Short Term:</u>	<u>Long Term:</u>	<u>Promotional:</u>
5 White Females	5 White Females	5 White Females
1 Black Male	1 Black Male	2 Black Females
6 Black Females	5 Black Females	
1 Hispanic Male	1 Hispanic Male	
1 Hispanic Female	1 Hispanic Female	
2 Other Males	1 Other Male	
9 Other Females		

**(There are more than 25 employees with the EA2 job title so the title is separated out.)**

**EEO2 Professional - Environmental Analyst 2 (EA2)**

**Hiring Goals (21)**

<u>Short Term:</u>	<u>Long Term:</u>	<u>Promotional:</u>
3 Black Females	2 Black Females	1 Black Female
3 Hispanic Females	2 Hispanic Females	1 Hispanic Female
3 Other Males	2 Other Females	1 Other Female
3 Other Females		

Edited 05/10/2016

**(There are more than 25 employees with the EA3 job title so the title is separated out.)**

**EEO2 Professionals - Environmental Analyst 3 (EA3)**

**Hiring Goals (13)**

<u>Short Term:</u>	<u>Long Term:</u>	<u>Promotional:</u>
3 Black Males	1 Other Male	2 Black Males
1 Hispanic Male	1 Other Female	1 Other Male
1 Hispanic Female		
2 Other Males		
1 Other Female		

**(There are more than 25 employees with the SEA job title so the title is separated out.)**

**EEO2 Professionals - Supervising Environmental Analyst (SEA)**

**Hiring Goals (10)**

<u>Short Term:</u>	<u>Long Term:</u>	<u>Promotional:</u>
3 White Females	NONE	2 White Females
1 Black Male		
1 Black Female		
1 Hispanic Male		
1 Hispanic Female		
1 Other Female		

**EEO3 Technicians EEO**

**Hiring Goals (9)**

**Short Term:**

- 1 White Female
- 1 Black Male
- 3 Black Females
- 1 Hispanic Male
- 1 Hispanic Female
- 1 Other Male
- 1 Other Female

**Long Term:**

NONE

**Promotional:**

NONE

**EEO4 Protective Services - Minus Classifications of 25+**

**Hiring Goals (7)**

**Short Term:**

- 1 White Female
- 3 Black Males
- 1 Black Female
- 2 Hispanic Males

**Long Term:**

NONE

**Promotional:**

NONE

**(There are more than 25 employees with the CEO job title so the title is separated out.)**

**EEO4 Protective Services - Conservation Enforcement Officer (CEO)**

**Hiring Goals (9)**

**Short Term:**

- 3 Black Males
- 2 Black Females
- 2 Hispanic Males
- 1 Hispanic Female
- 1 Other Female

**Long Term:**

NONE

**Promotional:**

NONE

**(There are more than 25 employees with the M2 job title so the title is separated out.)**

**EEO4 Protective Services - Maintainer 2 (M2)**

**Hiring Goals (5)**

**Short Term:**

- 1 Black Male
- 1 Black Female
- 2 Hispanic Males

**Long Term:**

NONE

**Promotional:**

NONE

**(There are more than 25 employees with the M3 job title so the title is separated out.)**

**EEO4 Protective Services - Maintainer 3 (M3)**

**Hiring Goals (16)**

**Short Term:**

- 2 Black Males
- 1 Black Female
- 4 Hispanic Males
- 1 Hispanic Female
- 1 Other Male

**Long Term:**

- 1 Black Male
- 4 Hispanic Males

**Promotional:**

- 1 Black Male
- 1 Hispanic Male

**EEO5 Paraprofessional**

**Hiring Goals (3)**

**Short Term:**

1 White Male  
2 White Females

**Long Term:**

NONE

**Promotional:**

NONE

**EEO6 Administrative Support**

**Hiring Goals (23)**

**Short Term:**

5 White Males  
5 White Females  
3 Hispanic Males  
1 Other Male  
1 Other Female

**Long Term:**

4 White Males  
4 White Females

**Promotional:**

NONE

**EEO7 Skilled Craft**

**Hiring Goals (4)**

**Short Term:**

1 White Female  
1 Black Male  
1 Hispanic Male  
1 Other Male

**Long Term:**

NONE

**Promotional:**

NONE

**EEO8 Service Maintenance**

**Hiring Goals (4)**

**Short Term:**

1 White Female  
1 Black Male  
1 Hispanic Male  
1 Other Male

**Long Term:**

NONE

**Promotional:**

NONE

## Agency Program Goals

**Due to the size of DEEP as an agency, the many locations of employees and the AA Office having one employee this is a two-year goal.**

**Program Goal:** To re-train all agency employees in Sexual Harassment Awareness Prevention. It has been several years since the agency has conducted this training for all employees. New supervisors are trained per the requirement.

For this Plan Year 2015-2016 all managers and supervisors should be re-trained on this topic. For AA Plan year 2016-2017 all line staff should complete the training.

To be completed by Barbara K. Viadella, EEO Manager, for supervisors and managers, by July 31, 2016.