



## CONNECTICUT DEPARTMENT OF TRANSPORTATION

# POLICY STATEMENT

POLICY NO. EX.O-3

February 22, 2023

### **SUBJECT: Affirmative Action Policy**

The Connecticut Department of Transportation (Department) fully supports the principles of equal employment opportunity and affirmative action. It is the Department's policy that all employees, interns, volunteers, contractors, subcontractors, vendors, visitors, parties, and others have a right to work and do business in an environment free of discrimination, and any form of sexual harassment or protected class harassment, which undermine the integrity of the workplace will not be tolerated.

The Department is committed to ensuring that all programs, employment, and promotional opportunities within the Department will be conducted in a non-discriminatory manner and consistent with the program goals and timetables established in its Affirmative Action Plan. The full cooperation of every member of the Department in implementing this policy and in sharing in the responsibility of meeting our immediate and necessary objectives of affirmative action and equal employment opportunity is expected.

The Department recognizes that to overcome past discrimination and achieve equal employment opportunity for everyone, there must be a specific program and action plan that addresses and measures our efforts and success. Federal and state equal employment opportunity and affirmative action laws have been enacted in response to this history of discrimination. In accordance with these applicable laws and regulations and as an essential part of its fundamental operating policy, the Department has developed an Affirmative Action Plan.

### **Definition of Affirmative Action**

Affirmative action means positive action, undertaken with conviction and effort to overcome the present effects of past practices, policies or barriers to equal employment opportunity. Affirmative action to implement this policy shall apply to all aspects of the employer/employee relationship, including, but not limited to, advertising, recruitment, hiring, training, reclassification, promotion, benefits, compensation, discipline, termination, layoff, or any other terms and conditions of employment. It is the policy of the Department to implement the principle of equal employment opportunity and affirmative action by providing employment and advancement opportunities solely on the basis of potential, ability, and job-related skills. Successful achievement of Equal Employment Opportunity/Affirmative Action goals will provide benefits to the Department through fuller utilization and development of previously underutilized human resources. The Department will continue to use viable affirmative action measures and review employment practices in all stages of the employment process, as outlined in the Affirmative Action Plan.

### **Definition of Equal Employment Opportunity**

Equal employment opportunity is employment without consideration of an individual's protected class status of age, ancestry, color, disability, genetic information, learning disability, marital status, present or past history of mental disability, intellectual disability, national origin, physical disability (including, but

not limited to, blindness), race, religion/religious creed, sex (including pregnancy and sexual harassment), gender identity or expression, sexual orientation, veteran status, status as a victim of domestic violence, criminal record (in state employment or licensing) or previously opposing discrimination unless provisions of Connecticut General Statutes §§ 46a-60(b), 46a-80(b), or 46a-81(b) are controlling or there is a bona fide occupational qualification excluding individuals. Employees whose jobs bring them in contact with reproductive hazards are also protected under this policy statement. This policy applies to protected classes under federal law as well as Connecticut state law.

Harassment on the basis of an individual's protected class status is a form of discrimination that is contrary to equal employment opportunity.

Additionally, the Department recognizes that sexual harassment is a form of sex discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, which are used as a condition of employment and/or create an intimidating, hostile or offensive working environment is a violation of both federal and state equal opportunity laws.

### **Reporting Alleged Discrimination**

Any applicant or employee of the Department alleging discrimination on the basis of any of the protected classes listed in this policy may file a complaint with the Office of Equal Opportunity and Diversity. The office is located at the Department of Transportation, 2800 Berlin Turnpike, Newington, CT. The Office of Equal Opportunity and Diversity provides counseling and advice, including explaining an individual's rights to file complaints with external civil rights enforcement agencies and will promptly address allegations informally or through an internal investigation as appropriate, as outlined in the Discrimination Complaint Process.

An individual may also report these matters directly to his/her supervisor or to any member of management, who will then **immediately** contact the Office of Equal Opportunity and Diversity. All managers and supervisors are responsible for maintaining a work environment free of discrimination and **must** report all incidents of discrimination or protected class harassment to the Office of Equal Opportunity and Diversity. Failure of a manager or supervisor to immediately report a complaint of discrimination to the Office of Equal Opportunity and Diversity can result in the manager or supervisor receiving discipline up to and including termination from state service.

### **Retaliation for Opposing Discrimination is Prohibited**

No employee shall engage in retaliation against an individual for filing or participating in a discrimination complaint. If an individual reports an alleged incident of discrimination or protected class harassment and believes that he or she is being retaliated against as a result, that individual should report this to the Office of Equal Opportunity and Diversity.

Retaliation, for the purposes of this policy, is defined as engaging in a materially adverse action against an employee or employees of the Department, because of their involvement in opposing discrimination or participating in a discrimination complaint. Retaliation includes, but is not limited to, coercion, intimidation, threatening, harassing, or interfering with individuals exercising or asserting their rights under federal or state law or because an individual aided or encouraged any other individual in the exercise or rights granted or protected by Federal or State law. Nothing herein shall preclude disciplining or discharging an employee for just cause. Actions that would be taken against the employee(s) due to prior performance issues or policy violations, and not due to their engaging in the protected activity of opposing discrimination or participating in a discrimination complaint, usually would not be considered retaliation.

## **Implementation of Affirmative Action/Equal Employment Opportunity Programs**

Affirmative action and equal employment opportunity programs are administered by the Office of Equal Opportunity and Diversity and address the Department's efforts to ensure equal opportunities for all individuals. The Department also recognizes the hiring difficulties experienced by individuals with disabilities and by many older persons. In order to ensure the full and fair utilization of these persons in our workforce, we will set program goals for action as necessary. In addition, the Department is committed to providing reasonable accommodations to applicants and employees because of a disability or to practice or observe their religion, absent undue hardship.

Services and programs of the Department will be provided in a fair and impartial manner consistent with affirmative action. All the Department's education and training programs will be open to qualified persons. Each contractor, supplier, union, or other cooperative agency with which we do business shall support this policy by complying with applicable federal and state equal opportunity laws, regulations, guidelines, and executive orders prohibiting discrimination. The Department shall not be a party to any agreement or contract which has the effect of sanctioning discriminatory practices. All supervisory personnel are required to adhere to this mandate by carrying out their affirmative action responsibilities, as set forth in this plan. The Department will track and report on managers' and supervisors' performance of affirmative action responsibilities related to hiring and promotional opportunities, to evaluate compliance and ensure accountability for the success of the EEO Program, in the same way they are accountable for other agency programs.

Our policy is posted and distributed annually to all Department employees. All Department employees have the right to review and comment on the Department's Affirmative Action Plan at any time. A copy of the Affirmative Action Plan is kept in the Office of Equal Opportunity and Diversity and is available for inspection upon request. Employees can also access the Affirmative Action Plan on the Office of Equal Opportunity and Diversity's intranet webpage. Mr. Eric Smith, Equal Employment Opportunity Director, is responsible for implementing equal employment opportunity and affirmative action programs and reports to me directly. He can be reached at (860) 594-2211. The office is located at the Department of Transportation, 2800 Berlin Turnpike, Newington, CT.

### **Other Related Policy and Procedure References:**

EX.O. 4 - Sexual Harassment Prevention Policy and Reporting Procedure  
Human Resources Memorandum 2016-1 *Workplace Conduct and Behavior*  
EX.O. 18 - Non-Discrimination and Anti-Harassment Policy  
Affirmative Action Discrimination Complaint Process

(This Policy Statement supersedes Policy Statement No. EX.O.-3 dated May 3, 2022)



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Garrett T. Eucalitto  
Commissioner