

Town of Windham Affirmative Action Complaint Procedure

INTRODUCTION

Any employee or applicant for employment who feels discriminated against in any employment practice, or has been the victim of sexual harassment, has the right to file an employment discrimination complaint with the Town of Windham's Personnel Department, the First Selectman's Office or the Affirmative Action Commission by calling (860) 465-3008 or writing to 979 Main St., Willimantic, CT 06226. The Town of Windham's Complaint Procedure is a local process for resolving complaints in an expeditious manner. Employees will be notified of this complaint procedure. Employees who are covered under the terms of their collective bargaining agreement will initially process any complaint through the grievance procedure outlined in their contract.

This procedure covers but is not limited to alleged discrimination on the basis of national origin, race, color, gender, sexual orientation, mental and/or physical disability, and/or veteran status according to applicable law. This procedure also covers allegations of sexual harassment and harassment against a member of any of the above protected classes.

PROCEDURES

1. The First Selectman or Designee will be available to complainants for confidential discussions of personnel-related matters or to answer questions. Any discussions will remain confidential only to the extent possible within the need to investigate the issues raised if necessary.
2. All employment discrimination complaints shall be submitted in writing, within thirty (30) calendar days of the alleged discriminatory act, to the First Selectman or Designee or directly to the Windham Affirmative Action Commission. Written complaints must include a description of the complaint, names, dates, places, times of incidents, and must be signed and dated. The First Selectman or Designee shall assist a complainant who requests help with the submission of a written employment discrimination complaint.
3. Complainants shall be advised of legal options to file complaints with the Connecticut Commission on Human Rights and Opportunities (CHRO); U.S. Department of Labor, Wage and Hour Division; and with any other state, federal or local agency that enforces laws against discriminatory or illegal employment practice.

4. Any person who files a complaint, seeks information, or appears as a witness or representative is protected from current or future retaliation and reprisal by Windham employees and/or affiliates. Retaliation or reprisal is a separate violation of the anti-discrimination laws.
5. All complaints received that may subject an employee to disciplinary action must be reported to the Personnel Director by the First Selectman or Designee and investigated in accordance with Town personnel procedures.
6. Although confidentiality is essential to the investigation process, some information must be disclosed. The First Selectman or Designee shall notify the party or parties who are the subject of the complaint of the particulars of the complaint within ten (10) working days after the time of its submission. Other information relating to the complaint, including the identity of the complainant, may be disclosed to other parties as warranted on a “need to know” basis. Records so retained by the First Selectman’s office shall be confidential except where disclosure is required by law.
7. The First Selectman or Designee will investigate and/or seek to conciliate all complaints. In addition, the First Selectman or Designee shall have an independent obligation to investigate any claim of alleged discrimination or harassment brought to its attention, and pursue a course of appropriate action.
8. The First Selectman or Designee shall endeavor to resolve the complaint through conciliation. At this point, conciliation would involve meeting informally with the complainant and/or the person (s) against whom the allegations have been directed and obtaining agreement on a satisfactory resolution. If the complaint is not resolved through conciliation, a complete investigation will be conducted. Conciliation may occur at any time during the course of the investigation.
9. After investigation of the complaint, if the investigator [First Selectman or Designee] concludes that no discrimination or harassment has occurred, he/she will dismiss the complaint and inform both the complaining party and the party or parties who were the subject of the complaint. Complainants shall be advised of legal options to file complaints with the Connecticut Commission on Human Rights and Opportunities (CHRO); U.S. Department of Labor, Wage and Hour Division; and with any other state, federal or local agency that enforces laws against discriminatory or illegal employment practice.

However, if after investigation the investigator finds reason to believe that the rights of the complainant may have been violated, he/she will meet with the complainant and/or the other party or parties to attempt conciliation of the matter and possibly provide a remedy if one is reasonably available.

10. Not more than ninety (90) days shall elapse between the submission to the First Selectman or Designee of a properly prepared employment discrimination complaint and the submission of a final report by the First Selectman or Designee.

OTHER REQUIREMENTS

All records of complaints and dispositions shall be maintained and reviewed on a regular basis by the First Selectman or Designee to detect any patterns in the nature of the complaints. Records so maintained shall be confidential except where disclosure is required by law. The Town of Windham will assure that First Selectman or Designee shall receive periodic training in counseling and complaint investigations.

THE WINDHAM AFFIRMATIVE ACTION COMMISSION (AAC) COMPLAINT PROCEDURES

1. Upon receipt of an initial complaint to the Affirmative Action Commission, the AAC will refer the complaint to the First Selectman or Designee.
2. In those cases where the First Selectman or Designee would be an inappropriate choice as investigator or conciliator, act as an affirmative action complaint forum for those complaints forwarded by the First Selectman or his/her Designee regarding municipal employment, and other acts of alleged discrimination by municipal employees and town officials against applicants and other members of the general public.
3. The Affirmative Action Commission shall acknowledge receipt of the complaint to the complainant, the alleged violator, the First Selectman and the Personnel Director within thirty (30) days of the date in which the complaint was filed with the Commission.
4. The Affirmative Action Commission will respond to the complaint itself within sixty (60) days. The AAC meets quarterly or has special meetings as required.
5. If there is a conciliation agreement, it shall be accepted within ten (10) working days and be implemented according to the terms of the agreement. If it is rejected by the complainant during the conciliatory process or not resolved to the satisfaction of the complainant, the complaint may be filed with the appropriate discrimination complaint agency.