

AFFIRMATIVE ACTION PLAN
TOWN OF GREENWICH, CONNECTICUT

TOWN GOVERNMENT

GREENWICH PUBLIC SCHOOLS

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TOWN OF GREENWICH

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Peter J. Tesei
First Selectman

March 30, 2009

Ms. Alma Rutgers
Chair
Affirmative Action Advisory Committee
Town Hall
Greenwich, CT 06830

Dear Alma:

As First Selectman of the Town of Greenwich, I am writing to acknowledge receipt of the revised Affirmative Action Plan and to thank you and the Affirmative Action Advisory Committee for your commitment and dedication to equal employment and opportunity for all.

The revised Plan is a valuable tool, which can be used as our Town embraces diversity, conducts training and ensures the active recruitment of protected classes.

Again, on behalf of the Town of Greenwich, thank you and the Affirmative Action Advisory Committee.

Sincerely,

Peter J. Tesei
First Selectman

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I. COMMITMENT TO EQUAL EMPLOYMENT - OPPORTUNITY

It has been, and will continue to be, the policy of the Town of Greenwich ("Town") and the Greenwich Public Schools ("GPS") to be an equal opportunity employer (Personnel Policy manual 401.0). The Town and GPS are prohibited from engaging in discriminatory actions pursuant to the following statutes: Title VII of the Civil Rights Act of 1964, the Equal Pay Act, the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Civil Rights Act of 1991 and Chapter 814c of the General Statutes of Connecticut. Generally, the legal mandate is to refrain from discriminating on the basis of race, color, national origin, ancestry, religion, age, gender, sexual orientation, marital status, civil union status, learning disability, physical disability, blindness or genetic information,¹ present or past history of a mental disorder, mental retardation except in the case of a bona fide occupational qualification or need ("Protected Classes").²

Discrimination, by definition, excludes persons because of traits or characteristics, real or imagined that are not based on individual merit, interest or job-related qualifications. In addition, the law prohibits retaliation against a person who has opposed a discriminatory employment practice or because such person has filed a complaint or testified or assisted in a proceeding opposing such a practice.

The Town and the GPS are committed to taking affirmative action in addition to complying with legal mandates by taking appropriate and affirmative steps to ensure equal access to employment opportunities to all persons based on individual merit, interest and job-related qualifications including, but not limited to, women, minorities, persons with disabilities and/or other persons in legally protected groups, to the full extent permitted by law.

Equal access to employment opportunities requires a rigorous review of selection procedures to ensure

¹ Genetic information is information about genes, gene products or inherited characteristics that may derive from an individual or a family member

² In addition, employment may not be terminated merely because of pregnancy and employees are entitled to a reasonable leave of absence for disability resulting from pregnancy and may not be deprived of any compensation to which they are entitled if disabled as a result of pregnancy.

that there are no artificial barriers to employment opportunities for qualified persons in legally protected classifications. This commitment will be facilitated by the Human Resources Departments of the Town and the Greenwich Public Schools. It may be useful to use specialized recruiting techniques in addition to usual ones to make sure that all protected classes who could become employed are made aware of employment opportunities and that they are encouraged and invited to apply on the basis of individual qualifications and interest.

It is the policy of the Town that each applicant for a position receive individualized consideration. All appointments shall be made on the basis of merit and fitness for the position. Nothing herein shall operate to bar the advancement of any qualified person whether in the majority or otherwise.

In addition, personnel matters such as compensation, benefits, promotions, transfers, layoffs, sponsored training, education, and tuition assistance must be administered in accordance with negotiated labor agreements as provided by law.

II. THE AFFIRMATIVE ACTION ADVISORY COMMITTEE

A. Composition of the Affirmative Action Advisory Committee ("AAAC")

The AAAC shall be composed of no more than seventeen (17) voting members and five (5) non-voting members as appointed jointly by the First Selectman and the Superintendent of Schools:

Voting Members

One representative of the Board of Estimate and Taxation
One representative of the Board of Education
One representative of either Town or GPS Management
One representative of the labor unions
One nominated by the RTM Moderator
Up to ten (10) community representatives
First Selectman, *ex-officio*
Superintendent of Schools, *ex-officio*

Non-Voting Members

The AA/EEO Consultant
The Town's Director of Human Resources or designee

The GPS's Director of Human Resources or designee

The Committee should include among its members representatives of as many of the protected classes as possible. The Committee shall elect a Chair, Vice-Chair and Secretary annually at the June meeting. A quorum shall consist of five (5) voting members.

B. Responsibilities of the AAAC:

1. To advise the First Selectman and the Superintendent of Schools in all areas of AA/EEO.
2. To evaluate the effectiveness of the Town's Affirmative Action Plan through review of written and oral reports submitted regularly by the Directors of Human Resources of the Town and the GPS, as well as by the Town's Consultant on AA/EEO.
3. To review the Affirmative Action Plan at least every five years, and to recommend revisions, as appropriate, to the First Selectman.
4. To identify on an annual basis any areas of affirmative action that need particular attention, to set goals to address those identified needs and to assess the accomplishment of any such goals.
5. To provide a forum as determined by need to address issues concerning the Affirmative Action Plan and AA/ EEO policy as well as to recommend modifications or improvements.
6. To hold an annual public meeting to report the status of AA/EEO efforts and to inform the public about other diversity issues.
7. To advise on new programs and policies related to AA/EEO.
8. To recommend changes on the membership of the Committee to appointing authorities.
9. To attend seminars and training sessions as deemed appropriate.
10. To meet at least quarterly or at the call of the chairperson and to submit reports to the First Selectman and/or the Superintendent of Schools as appropriate.
11. To hold forums in partnership with other organizations to explore diversity issues.
12. To be available for meetings and consultation with Town and GPS employees and/or community groups.
13. To obtain reports on the hiring of temporary and part-time employees to ensure that affirmative action goals are considered.
14. To perform specific duties as the First Selectman and the Superintendent of Schools shall assign.

III. RESPONSIBILITY FOR IMPLEMENTATION

The Superintendent of Schools and the First Selectman shall have responsibility for implementation of

the Affirmative Action Plan (AAP). Responsibilities Specific to:

A. The Town and GPS's Directors of Human Resources as They Relate to AA/EEO:

1. Provide periodic reports to the Affirmative Action Advisory Committee that measure employee data and the effectiveness of the AA programs.
2. Work with the AAAC to evaluate the success with which the goals and objectives are being met and recommend remedial action as necessary.
3. Serve as non-voting members of the Affirmative Action Advisory Committee.
4. Report all discrimination complaints to the AA/EEO Consultant.
5. Establish and implement appropriate counseling and training programs for administrators, supervisors and employees in addition to those that are legally mandated in an effort to address any artificial barriers to the progress of protected classes.
6. Monitor and report all selection and promotion procedures to ensure accomplishment of the Town and GPS's Affirmative Action objectives consistent with this Affirmative Action Plan; that all policies and practices are, in fact, nondiscriminatory.
7. Advise appointing authorities, department heads and administrators that an assessment of their efforts in ensuring access of all qualified candidates to employment opportunities should be a part of their annual performance review discussion.
8. Ensure compliance with all technical requirements such as proper display of posters, conducting of mandatory training on harassment of all types, informing employees of their obligation to report discrimination and how to report it.
9. Communicate to Town employees and the public at large that the Town of Greenwich is an equal opportunity employer with an affirmative action plan.
10. Establish appropriate recruiting networks including assisting Departments in developing and maintaining effective relationships with minority organizations and community groups concerned with employment of protected classes to facilitate referral of qualified applicants.

B. The AA/EEO Consultant as They Relate to AA/EEO:

1. Serve as a non-voting member of the Affirmative Action Advisory Committee ("AAAC") and keep it informed of new developments in the equal employment opportunity and diversity areas and other matters that may be appropriate.
2. Provide an investigative role in initial complaints and provide assistance and tracking for

formal CHRO (Commission on Human Rights and Opportunities) and EEO discrimination complaints.

3. Collaborate with the Human Resources Department to identify current and potential problem areas and meet with administrators to assure that policies are being followed and assist in the resolution of those problems.
4. Provide liaison as appropriate among the Town, the GPS and the enforcement agencies.
5. Inform Human Resources of compliance issues and Town and/or GPS sponsored events.

C. Appointing Authorities, Department Heads, Managers and Supervisors as They Relate to AA/EEO:

1. Assist the Town and GPS's Directors of Human Resources in the identification and resolution of problem areas as well as in the establishment and assessment of goals and objectives and the promotion of affirmative action objectives consistent with this Affirmative Action Plan.
2. Hold regular discussions with supervisors and employees to be certain that objectives consistent with this Affirmative Action Plan are understood and being followed.
3. Review the qualifications of their employees to insure that persons within legally protected classifications are given equal opportunities for transfers and promotions.
4. Report all formally filed discrimination complaints to the Human Resources Department or the AA/EEO Consultant.

IV. DISSEMINATION OF THE AFFIRMATIVE ACTION PLAN

The Plan should be widely known and understood. Therefore, the Town and GPS Human Resources Departments should disseminate the Plan both internally and externally by:

1. Making known the availability of the AA Plan and EEO Policy in the Town's Personnel Policy Manual, the GPS's Policy Manual, and through the Town and GPS web sites;
2. Explaining the AA Plan and EEO Policy during employee orientation and supervisor' training programs;
3. Conducting training meetings with administrators and supervisors to explain the intent and objectives of the AA Plan and their responsibilities under the law and responsibilities with regard

to equal access to employment opportunities;

4. Communicating regularly with employee representatives and the AAAC;
5. Advising employees that questions of a sensitive nature or complaints concerning employment can be raised with the AA/EEO Consultant or the Human Resources Departments on a confidential basis;
6. Ensuring all recruiting services actively recruit protected classes for all positions listed by all appropriate means.
7. Publicizing to the community the Town's and GPS commitment to AA/EEO.

V. ANALYSIS OF PERSONNEL POLICIES AND PRACTICES

The Town and the GPS shall regularly review personnel policies and monitor employment selection decisions to ensure that policies and practices are non-discriminatory.

The Town and the GPS shall fully comply with all local, state and federal requirements such as display of EEO posters and notices, record keeping and application retention. Further, the unions of the Town and the GPS and others, as appropriate, shall be notified regarding their obligations and the Town and the GPS's expectations for cooperation and support of EEO and affirmative action policies.

The Town and the GPS will analyze the composition of their workforce and applicant flow to ensure that policies and practices do not promote de facto segregation or other employment discrimination.

VI. REPORTING AND INTERNAL AUDITING SYSTEMS

The Town's and GPS's Directors of Human Resources are responsible for providing reports to the AAAC on a regular basis.

Reports on the following areas will be provided:

1. Composition of the work force by minority group and gender.
2. Composition of applicant flow by minority group and gender.

3. A list of proposed/planned training programs for the fiscal year
4. Technical aspects of compliance such as EEO posters and policy statement displays, notification of labor unions as to the Town's equal opportunity clause in subcontracts, notification of subcontractors as to their obligations, record keeping and application retention.

**TOWN OF GREENWICH/GREENWICH PUBLIC SCHOOLS
DISCRIMINATION COMPLAINT PROCEDURE
EQUAL OPPORTUNITY/AFFIRMATIVE ACTION**

If you think you are being or have been treated unfairly because of unlawful discrimination based upon:

- age, ancestry, color, marital status, civil union status
- national origin, mental or physical disability, learning disability, race, religion, genetic information
- sex, sexual orientation

you have the right to complain to the Town's Affirmative Action Officer. This process is an internal procedure for Town and GPS personnel that is separate from your rights to file complaints with any state or federal agency.

Further information is available with regard to the Town's processing of a complaint with the Affirmative Action Office for the Town of Greenwich. Contact: Town Hall, 101 Field Point Road, Greenwich; Phone: 622-7705 (confidential line).

A phone call, letter or visit with the AA/EEO Consultant begins the process. Your complaint will be discussed in a confidential interview with the AA/EEO Consultant.

Your formal complaint should be filed within thirty (30) working days of the event or condition upon which the complaint is based to ensure expeditious processing of your complaint.

The complaint will be reviewed by the AA/EEO Consultant with those persons or person you feel have unlawfully discriminated against you.

The AA/EEO Consultant will determine the appropriate course of action with respect to complaints received including, in appropriate cases, full investigation of a complaint *if it is determined by the AA/EEO Consultant that full investigation is necessary.*

All complaints will be handled in a confidential manner based on a need to know. Records as to information provided to the AA/EEO Consultant concerning complaints are considered to be personnel information accessible by the necessary Town staff on a need to know basis and otherwise will be maintained in a confidential manner to the extent permitted by law.

You should know that under some circumstances a case of alleged discrimination may be closed before an investigation of the complaint has been completed. For example, this can occur when:

- you are unwilling to agree to an investigation in which your name will be disclosed and the nature of your complaint will be discussed
- you do not provide information that is needed to move forward
- both sides agree to a settlement
- you withdraw your complaint
- you cannot be located or are unwilling or unable to meet
- your complaint is one the Affirmative Action Office does not have the authority to

handle, i.e. contractual grievance

Some times a case may be closed without a resolution for lack of sufficient evidence.

The AA/EEO Consultant is required to try and reach an agreement if possible that eliminates the dispute.

If your case cannot be resolved, you may seek further review from the Director of Human Resources Department. You should seek further review in writing and request that the matter be treated confidentially. However, you must identify yourself and the nature of your complaint.

SEXUAL HARASSMENT IS ILLEGAL

AND IS PROHIBITED BY THE CONNECTICUT DISCRIMINATORY EMPLOYMENT PRACTICES ACT (Section 46a-60 (a) (8) of the Connecticut General Statutes) AND TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 (42 United States Code _Section 2000e et.seq.) AND THE TOWN OF GREENWICH SEXUAL HARASSMENT POLICY (Section 400.1 of the Human Resources Policy Manual)

SEXUAL HARASSMENT MEANS "ANY UNWELCOMED SEXUAL ADVANCES OR REQUESTS FOR SEXUAL FAVORS OR ANY CONDUCT OF A SEXUAL NATURE WHEN:

1. SUBMISSION TO SUCH CONDUCT IS MADE EITHER EXPLICITLY OR IMPLICITLY A TERM OR CONDITION OF AN INDIVIDUAL'S EMPLOYMENT;
2. SUBMISSION TO OR REJECTION OF SUCH CONDUCT BY AN INDIVIDUAL IS USED AS THE BASIS FOR EMPLOYMENT DECISIONS AFFECTING SUCH INDIVIDUAL; OR
3. SUCH CONDUCT HAS THE PURPOSE OR EFFECT OF SUBSTANTIALLY INTERFERING WITH AN INDIVIDUAL'S WORK PERFORMANCE OR CREATING AN INTIMIDATING, HOSTILE OR OFFENSIVE WORK ENVIRONMENT.

Examples of Sexual Harassment may include but are not limited to:

Suggestive or obscene letters, notes, e-mail, etc.
Unwelcome sexual advances
Suggestive or lewd remarks
Unwanted hugs, touches, kisses or other inappropriate physical conduct
Requests for sexual favors
Retaliation for complaining about sexual harassment

Examples of Hostile Work Environment may include but are not limited to:

Derogatory or pornographic posters, cartoons or drawings
Sexual discussions, remarks and/or jokes

If any employee has been the victim of or has observed sexual harassment or inappropriate sexual conduct in the workplace, he or she should, and is encouraged, to report the conduct as soon as possible to any or all of the following:

- The immediate supervisor of the first level of supervision who is not involved in the alleged harassment;
- The employees' department head;
- The AA/EEO Consultant: 622-7705
- Director of Human Resources, Greenwich Public Schools: 622-7460
- Director of Human Resources: Town of Greenwich : 622-2214