

# **CITY OF NORWALK**

## **AFFIRMATIVE ACTION/ EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**

## **I. PREAMBLE**

The City of Norwalk recognizes its legal obligation and its moral responsibility to provide equal employment opportunity to all employees and applicants for employment. The City of Norwalk will comply fully with all laws, rules and regulations relating to equal employment opportunity and non-discrimination in employment which have been or may be issued by federal, State or local governing bodies.

The City of Norwalk is committed to a program of affirmative action designed to assist underrepresented members of protected classes in learning about employment opportunities with the City of Norwalk and encouraging them to apply for open positions.

This Affirmative Action/Equal Employment Opportunity Program (AA/EEO Program) has been developed to implement the Affirmative Action/Equal Opportunity Policy of the City of Norwalk. It sets forth responsibilities, goals, standards and procedures to assure the City uses its best efforts to provide equal employment opportunity.

## **II. ABOUT THE CITY OF NORWALK**

### **A. City Government**

The City of Norwalk was incorporated in 1913 and operates under a Mayor, who serves as the Chief Executive Officer, a 15-member Common Council and a 7-member Board of Estimate and Taxation. The general government consists of a group of departments that report to the Mayor, Elected Officials or a Board or Commission. These departments include City Clerk, Corporation Counsel, Fire, Finance, Health, Human Relations and Fair Rent, Library, Personnel and Labor Relations, Police, Planning and Zoning, Public Works, Recreation and Parks, Town Clerk, Youth Services, and Registrar of Voters. These departments provide myriad services, ranging from maintaining vital statistics (birth, deaths, marriages), to conducting elections. The City of Norwalk provides a full range of municipal services, including police and fire protection, public works and sanitation, health, planning and development, and recreational/cultural services.

The City has a Human Relations Commission, (hereinafter “HRC”), created to encourage and bring about mutual understanding and respect among all groups in the City, to eliminate prejudice, intolerance, bigotry and discrimination, and to promote mutual understanding and respect among, and encourage and assure equality of opportunity for, all the people of Norwalk.

### **B. Community**

The City of Norwalk is the sixth largest city in Connecticut by population. It is located in Fairfield County in the southwestern part of the State along Long Island Sound.

While preserving its suburban character, the City is a significant commercial, industrial and service center. The City's strategic location and aggressive planning and development efforts continue to make the City a vibrant retail, corporate and tourist center. While Norwalk is host to many regional and corporate headquarters, no one employer accounts for more than 3.0% of the total jobs and only one commercial account constitutes more than 1.7% of the City's total grand list. The City has also developed a tourist market centered on its outstanding harbor, islands, National Historic Registry Mansion, Museums and a Maritime Aquarium comprised of a nautical museum, aquarium and an IMAX theater.

Norwalk is a diverse community. According to the 2000 U.S. Census Bureau census, there are 82,951 residents in the City. Norwalk's residents are identified as 73.9% White, not-Hispanic; 15.3% Black or African American, non-Hispanic; 12.5% Hispanic of any race, and; 3.6% Asian, non-Hispanic. Of the total population, 50.9% are female.

### **C. Organization**

The City of Norwalk has approximately 650 full-time employees. Most of the full-time employees are represented by unions which negotiate collective bargaining agreements on their behalf. Six unions represent City employees: Local 2405 of Connecticut Council #4, AFSCME, AFL-CIO; the International Association of Firefighters Local 830; the Norwalk Police Union, Local 1727, Council #15, AFSCME, AFL-CIO; Norwalk Public Health Nurses Local 1303-163 of Connecticut Council #4, AFSCME, AFL-CIO; the Norwalk Municipal Employees Association; and the Norwalk Assistants and Supervisors Association. Other full-time employees are Ordinance employees who are appointed by the Mayor and approved by the Council.

## **III. AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The City of Norwalk has adopted an Affirmative Action/Equal Employment Opportunity Policy, which is included here as Appendix A. The City has also adopted a policy prohibiting harassment of an employee based on his or her protected class status.

The City of Norwalk is committed to the principle of equality of opportunity for all employees and applicants for employment. Norwalk is a community that honors diversity and diverse interests, and aspires to be free of prejudice, bigotry and hate. Further, the managers and supervisors who work for the City of Norwalk believe that the objectives of the City can best be attained by utilizing all of the human resources available to the City, without discrimination based on a characteristics unrelated to job qualifications or performance. In accordance with this commitment, the City has adopted ordinances, policies, procedures and this Affirmative Action/Equal Employment Opportunity Program (AA/EEO Program) aimed at promoting non-discrimination in City employment.

The City's policy of Equal Employment Opportunity is to ensure that, except in the case of a bona fide occupational qualification or need, all personnel actions, including recruiting,

hiring, compensation, benefits, transfers, promotions, layoffs, return from layoffs, terminations, training, tuition assistance, and other terms and conditions of employment will be administered without regard to race, color, religious creed, age, sex, sexual orientation, marital or civil union status, national origin, ancestry, present or past history of mental disorder, mental retardation, learning disability or physical disability, or veteran status.

The City has a strong commitment to equal employment opportunity. Therefore, as documented in this AA/EEO Program, the City will engage in analysis of its work force to determine those job categories in which there is underutilization of certain protected classes (Appendix B) based on the availability of qualified class members in the area from which the City recruits applicants. Based on that analysis, the City will establish short-term and long-term goals to address underutilization in its workforce. The City will also take the steps outlined below and elsewhere in this document to ensure that those in protected classes are aware of employment opportunities in the City and that barriers to their employment are removed.

#### **A. Recruitment**

When the City is recruiting to fill a job from outside the ranks of current employees, the City will take steps to encourage applications from all segments of the population, including those who are underrepresented in the City's workforce, without regard to race, color, religious creed, age, sex, sexual orientation, marital or civil union status, national origin, ancestry, present or past history of mental disorder, mental retardation, learning disability or physical disability, or veteran status. All regularly utilized employment sources, including but not limited to private employment agencies and State employment services shall be advised of the City's non-discrimination policy. All employment advertisements shall identify the City as an "Affirmative Action/Equal Opportunity Employer."

#### **B. Employment**

The City prohibits all forms of discrimination, including harassment, of employees because of race, color, religious creed, age, sex, sexual orientation, marital or civil union status, national origin, ancestry, present or past history of mental disorder, mental retardation, learning disability or physical disability, or veteran status. Reports of illegal discrimination or harassment will be investigated promptly and fairly. If prohibited discrimination or harassment is found to have occurred, appropriate disciplinary action will be taken up to and including discharge of employment.

The City will post the Affirmative Action/Equal Employment Opportunity Policy in City buildings so that employees will have knowledge of the City's commitment to equal employment opportunity.

All employees will have access to the City's Affirmative Action/Equal Employment Opportunity Complaint Procedure, which is included as Appendix C, in the event they have reason to believe they had been discriminated against or are victims of harassment in violation of the City's policies or State or federal law prohibiting discrimination. The City's policy prohibiting discrimination is set forth in Appendix A and its policy prohibiting

harassment is set forth in Appendix D. Each elected official, manager, supervisor, and employee will be responsible for complying with the policy and supporting the AA/EEO Program.

#### **IV. RESPONSIBILITY FOR IMPLEMENTATION OF THE AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**

##### **A. Mayor**

The ultimate responsibility for promoting equal opportunity in the City of Norwalk, through this AA/EEO Program, is assigned to the Mayor. This AA/EEO Program shall cover all personnel activities. The Mayor will execute and disseminate the Affirmative Action/Equal Employment Opportunity Policy Statement and hereby assigns responsibilities for implementation as described below.

##### **B. The Affirmative Action Officer**

The Affirmative Action Officer shall be responsible for the day-to-day operations and implementation of the AA/EEO Program. The Affirmative Action Officer will report to the Mayor and the HRC. His/her responsibilities include, but are not limited to:

1. In consultation with the Director of Personnel and Labor Relations and department heads as appropriate, establishment of short-term and long-term hiring goals to address the underutilization of persons in protected classes which have qualified persons available for employment in the labor market area from which the City recruits employees;
2. Development of programs and guidelines for the implementation of the AA/EEO Program at all levels;
3. Periodic monitoring of all aspects of personnel administration with reference to equal opportunity, including recruitment, screening, job specifications and qualification standards, career ladder and promotional opportunities, training opportunities;
4. Periodic reviews with department heads, supervisory personnel and others responsible for personnel actions to ensure that policies are understood and are being followed;
5. Reviewing union contracts with the Director of Personnel and Labor Relations prior to contract negotiations;
6. Conducting periodic audits and evaluation of the AA/EEO Program, reporting to the Mayor and the HRC on the results of the audits and evaluation and recommendations for improvement;
7. Acting as liaison between the City and Connecticut Commission on Human Rights Opportunities (CHRO), Equal Employment Opportunity Commission (EEOC) and other governmental agencies responsible for compliance with non-discrimination laws and regulations;

8. Acting as liaison between the City and organizations and community groups concerned with employment opportunities for minorities, women, disabled persons, veterans and statutorily protected classes;
9. Submission of an annual report and other reports as necessary on the AA/EEO Program to the Mayor and the HRC, including recommendations to the Mayor on employment goals, management objectives, and changes in personnel policies and procedures;
10. Dissemination of the AA/EEO Program, both internally and externally;
11. Meeting annually and as necessary with the Director of Personnel and Labor Relations and department heads to review affirmative action efforts and progress toward meeting goals;
12. Maintenance of records of affirmative action activities.

### **C. Department Heads**

Each Department Head shall have direct responsibility for compliance with the AA/EEO Program and implementation of effective affirmative action measures in his/her department. Specific responsibilities include but are not limited to the following:

1. Notify the Personnel Department of all anticipated personnel actions as early as possible, including vacancies, terminations, transfers, promotions, demotions, new positions created, and requisitions;
2. Identify and recruit underrepresented groups or assist the Personnel Department in doing the same;
3. Assist the Personnel Department and Affirmative Action Officer in preparing an annual report of workforce composition for Affirmative Action purposes;
4. Consult with the Affirmative Action Officer regarding short-term and long-term goals and timetables for the department;
5. In consultation with the Personnel Department, ensure that hiring procedures and requirements are job related.

### **D. The Director of Personnel and Labor Relations**

The Director of Personnel and Labor Relations shall be responsible for collecting and maintaining records of all personnel transactions to facilitate the monitoring and evaluation of the AA/EEO Program. The Director shall develop and administer all personnel procedures in a manner consistent with applicable laws and regulations and with this Plan. The Director shall notify the Affirmative Action Officer of all personnel actions overseen by

his/her office which impact the AA/EEO Program. The Director shall also notify department heads of their responsibility to notify the Affirmative Action Officer of all personnel actions overseen by their offices which impact the AA/EEO Program.

The Director shall review testing procedures, recruitment processes, selection procedures and class specifications to assure that no artificial barriers exist which discriminate and tend to exclude protected class applicants and are not job related. The Director shall be responsible for approving affirmative action goals as they relate to employment. Other specific responsibilities include, but are not limited to the following:

1. Work with the Affirmative Action Officer and department heads to develop proposed employment goals and strategies for achieving those goals;
2. Assist in preparation and submission of an annual report and other reports as necessary on the AA/EEO Program to the Mayor and the HRC; including recommendations to the Mayor on employment goals, management objectives, and changes in the personnel system;
3. Dissemination of the Affirmative Action/Equal Employment Opportunity Policy Statement and the Policy Prohibiting Harassment;
4. Meet annually and as necessary with the Affirmative Action Officer to review affirmative action efforts;
5. Maintain records of affirmative action activities in recruitment, selection, hiring and promotion.

#### **E. Employees at All Levels**

The actions and efforts of every City employee, at all levels, are important in achieving the objectives of the AA/EEO Program. Disciplinary action shall be taken against any employee who obstructs the implementation of the AA/EEO Program. Further, where appropriate, performance evaluations may consider efforts to comply with this AA/EEO Program.

### **V. ANALYSIS AND AUDIT OF PERSONNEL PRACTICES**

The Affirmative Action Officer will periodically examine all classifications, qualifications, recruitment, hiring, promotional and other employment practices in order to identify practices that may contribute to the underutilization of minorities and women. The Affirmative Action Officer shall recommend elimination or modification to any practices which have adverse impact on the employment of minorities or women and which are not directly related to job qualifications or performance.

The specific practices to be examined by the Affirmative Action Officer will include at least the following:

1. The procedures by which job descriptions and minimum experience and training requirements are established;
2. The recruitment system, including the procedures by which the hiring units assure affirmative action in recruitment;
3. All application forms and related applicant processing documents.

In conducting the review of these practices, the Affirmative Action Officer shall work in close consultation with the Director of Personnel and Labor Relations and department heads. The results of the review, including any recommendations for changes in employment practices will be submitted to the Mayor as part of the written Annual Report. The Affirmative Action Officer will submit his findings for review to the Director of Personnel and Labor Relations. The Director of Personnel and Labor Relations will submit comments on the recommendations and forward them in writing to the Mayor. The Mayor will meet with the Affirmative Action Officer and the Director of Personnel and Labor Relations to determine an appropriate course of action.

## **VI. WORKFORCE UTILIZATION ANALYSIS**

The Affirmative Action Officer will conduct, on an annual basis, an analysis of the City's workforce with respect to utilization of minorities and women. This utilization analysis, the deficiencies and problem areas identified by it, and the resulting recommendations, will be part of the Affirmative Action Officer's Annual Report to the Mayor and will be a key element in establishing employment goals for the future.

The purpose of the utilization analysis is to review the availability of qualified protected class members and underutilized classes in the labor market relative to their presence in the City's workforce, including what positions are held and their distribution in all job classifications and at all wage and salary levels. If a protected class is present in fewer numbers in a particular job group than would reasonably be expected by their availability in the labor force, then that group is considered to be underutilized.

After analyzing the utilization analysis, the Affirmative Action Officer may, in consultation with the Director of Personnel and Labor Relations, recommend to the Mayor changes in personnel policies and practices, programs and management steps, and/or employment goals to address such underutilization as may exist.

## **VII. GOALS AND TIMETABLES**

The City of Norwalk is committed to provide equal employment opportunity to all persons. A concerted effort will be made to assure that all persons, particularly members of underutilized classes, have equal access to the municipal employment system. The areas of underutilization identified in the utilization analysis will be used in setting short-term and long-term employment goals.

The Affirmative Action Officer, in consultation with the Director of Personnel and the Department Head, will develop recommended short-term and long-term employment goals for each position in each department. Overall hiring plans, expected turnover in covered positions, changes in workforce needs, as well as opportunities and obstacles in hiring will be considered in establishing goals. These recommended goals will be submitted to the Mayor, who will approve the final goals for the City.

Each job classification and department will be considered individually, and reasonable goals and timetables established.

## **VIII. MONITORING PERFORMANCE**

Monitoring the City's performance and progress in meeting its employment goals is important, especially in assessing the effectiveness of various recruitment sources and techniques and of the personnel system as a whole.

The Affirmative Action Officer and the Director of Personnel and Labor Relations will develop the procedures necessary for the Personnel Department to maintain at least the following records in support of the AA/EEO Program:

1. Applicant flow, identifying applicants by the protected classes for which goals have been established, and recruitment source;
2. Hires by protected classes and recruitment source;
3. Initial placement after hired, where assigned, and position, by protected classes;
4. Transfers and promotions, by protected class, position and department from which transferred or promoted, and position and department to which transferred or promoted; and
5. Voluntary and involuntary terminations, by protected class, type of termination and the reason therefore.

The Affirmative Action Officer will review the above records on a periodic basis to assure compliance with this AA/EEO Program, especially the short-term and long-term employment goals developed in accordance with this AA/EEO Program.

The Affirmative Action Officer will prepare an Annual Report to the Mayor, and other periodic reports as may be appropriate, regarding compliance with the AA/EEO Program and progress toward meeting employment goals and other objectives of the Program. These reports will contain recommendations for changes the Affirmative Action Officer believes are necessary to correct deficiencies or improve the performance of the AA/EEO Program.

## **IX. DISSEMINATION OF INFORMATION ABOUT THE AA/EEO PROGRAM**

Every effort shall be made to communicate the commitment expressed in this AA/EEO Program.

### **A. Internal**

1. All department and division heads will receive copies of this AA/EEO Program and be given orientation sessions regarding the Program, and their responsibilities under the Program and non-discrimination law. Update sessions will be held periodically, with responsibility for orientation and training sessions assigned to the Affirmative Action Officer.
2. All current employees will be advised of the adoption of the Affirmative Action/Equal Opportunity Policy and the AA/EEO Program, and informed that their cooperation and support is expected. New employees will be advised of the policy and program during orientation sessions and given a copy of the City's Affirmative Action/Equal Opportunity Policy. All employees will be advised of the Complaint Procedure attached hereto as Appendix C.
3. The Affirmative Action/Equal Employment Opportunity policy statement shall be posted in all City buildings.
4. Unions representing City employees will receive copies of the AA/EEO Program. Meetings with union officials will be held, as needed or as requested, to discuss the Program and to solicit their cooperation.
5. Copies of the AA/EEO Program will be available in the Human Relations and Personnel Departments and posted on the City's website. The website will describe the Program and will provide telephone numbers and e-mail addresses where inquiries may be directed.
6. All prospective employees coming to the Personnel Department will be advised that the City is an Affirmative Action/Equal Opportunity Employer.

**B. External**

1. All printed advertisements, job announcements, posters, brochures, personnel forms and similar material will indicate that the City of Norwalk is an Affirmative Action/Equal Opportunity Employer.
2. Employment applications will contain the City's policy statement regarding non-discrimination.
3. Notification will be sent to various employment sources and to organizations serving protected groups and underutilized classes informing them of job openings.
4. The Affirmative Action Officer will maintain a liaison with employment sources and organizations servicing protected groups. The Director of Personnel and Labor Relations will provide annually a list of employment sources and/or organizations to the Affirmative Action Officer.
5. Information regarding the Affirmative Action/Equal Opportunity policy and this Program shall be included in City documents, whenever appropriate.

**X. COMPLAINT PROCEDURE**

For the purpose of the City's AA/EEO Program, all allegations and/or complaints of unlawful discrimination from City employees and/or applicants for employment with the City may be processed in accordance with the Complaint Procedure outlined in Appendix C.

An employee or applicant for employment is not required to use the City's Complaint Procedure. Complaints of discrimination may be filed with the following administrative agencies:

- (a) The Connecticut Commission on Human Rights and Opportunities (CHRO). For complaints originating in Norwalk, contact:

Commission on Human Rights and Opportunities  
 Southwest Region Office  
 350 Fairfield Avenue, 6th Floor  
 Bridgeport, CT 06604  
 PHONE: (203) 579-6246  
 FAX: (203) 579-6950  
 TDD: (203) 579-6246

A written complaint must be filed with the commission within 180 days of the date when the alleged discrimination occurred. A complaint that is filed with the CHRO is automatically filed with the Equal Employment Opportunity Commission (EEOC).

- (b) The Equal Employment Opportunity Commission. The Boston Area Office has jurisdiction over complaints originating in Connecticut. Contact:

Equal Employment Opportunity Commission  
Boston Area Office  
John F. Kennedy Federal Building  
Government Center, 4<sup>th</sup> Floor, Room 475  
Boston, MA 02114  
TELEPHONE: (617) 565-3200  
TDD: (617) 565-3204

The EEOC normally does not investigate a complaint until the CHRO has completed its investigation. However, if the CHRO has not completed its investigation within 60 days of filing, the complainant may ask the EEOC to do so at that time. Complaints may also be filed directly with EEOC.

Veterans may obtain information about their employment and reemployment rights and how to file complaints concerning violations from their State VETS office:

Veterans' Employment and Training Service  
U.S. Department of Labor  
200 Folly Brook Boulevard  
Wethersfield, Connecticut 06109  
TELEPHONE: (860) 263-6490  
FAX: (860) 263-6498

## **XI. JOB CATEGORIES DEFINED**

The following job categories are those defined and used by the U.S. Equal Employment Opportunity Commission and have been used by the City to develop broad areas for its job classifications.

### **A. Officials-Executives (Administrators)**

Occupations requiring administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments of special phases of an agency's operation. Does not include sworn administrators.

Examples: Executives, middle management, plan managers, department managers, superintendents, salaried supervisors who are members of management, purchasing agents, and buyers.

### **B. Professionals**

An occupation requiring either a college degree or experience of such a kind provides a comparable background. Does not include sworn professionals.

Examples: Attorneys, accountants, auditors, airplane pilots, navigators, architects, artists, chemist, designers, dietitians, editors, engineers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations workers, physical scientist, physicians, social scientist, and teachers, research assistants, medical aides, child support worker, welfare service aides, library assistants and clerks, and ambulance attendants.

### **C. Technicians**

Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through two years of post high school education, such as may be obtained through a junior college, technical institute, or through equivalent on the job training.

Examples: Computer programmers, computer operators, drafting aides, electricians, engineering aides, junior engineer, mathematical aides, licensed practical or vocational nurses, photographers, radio operators, scientific assistants, surveyors, technical illustrators, medical technicians, dental technicians, electronic technicians, and physical science technicians.

### **D. Protective Service Workers**

All sworn and non-sworn occupations relating to the protection of people and property.

Examples: Police officers, firefighters, security guards, fire protection guards, animal control workers, detectives, sworn investigators, bailiffs, correctional officers, wardens, marshals, sheriffs, deputies, harbor-patrol officers, and park rangers.

#### **Protective Service Breakdown:**

- a) Officials – all sworn officers beyond entry-level (Sergeants, Lieutenants, Captains, etc.)
- b) Patrol officers – all entry-level officers

### **E. Paraprofessionals**

Occupations requiring basic semi-professional skills, which may be obtained through a year of post high school education, such as, may be obtained through a junior college or through equivalent on the job training.

Examples: Paralegals, legal assistants, bookkeepers, insurance agents, real estate agents, and personnel assistants.

### **F. Office-clerical**

Includes all clerical type work, regardless of the level of difficulty, where the duties are predominantly non-manual, although some manual work not directly involved with altering or transporting the products is included.

Examples: Cashiers, bill collectors, account collectors, messengers, office helpers, office machine operators, shipping and receiving clerks, stenographers, typist, secretaries and receptionist.

### **G. Skilled Craft**

Manual workers who typically operate machine or processing equipment or perform other factory type duties of a skill level that can be mastered after an extensive period of training.

Examples: Mechanics, repairers, skilled machine operators, typesetters, engravers, motion picture projectionists, stationary engineers, tailors, apprentices, delivery workers, motor operators, photographic process workers, truck and tractor drivers, welders, flame cutters, plumbers, bricklayers, carpenters, machinists, metalworkers, and auto attendants.

### **H. Service/Maintenance**

Occupations in which workers perform duties, which result in or contribute to the comfort, convenience, or hygiene of the general public or which contribute to the upkeep and care of buildings, facilities, or grounds of public property.

Examples: Cleaners, cafeteria workers, maintenance workers, and garbage laborers.

### **I. Trainees and Enrollees**

Occupations in which workers perform duties on a part-time basis, which results in specialized training in a profession, trade or occupation while they are still in school or for which they have no previous training.

## **XII. LEGAL BASES FOR EQUAL EMPLOYMENT OPPORTUNITY**

### **1. The First and Fourteenth Amendments to the U.S. Constitution**

The First Amendment to the U.S. Constitution protects the free exercise of religion. The Fourteenth Amendment prohibits any State from denying persons the equal protection of its laws.

### **2. The Constitution of the State of Connecticut**

Article First, Section 3 of the Connecticut Constitution protects the right to exercise one's religion without discrimination.

Article First, Section 20 of the Connecticut Constitution, as amended by Articles V and XXI of the Amendments thereto provides that no person shall be denied equal protection of the law or be subjected to discrimination because of religion, race, color, ancestry, national origin, sex or physical or mental disability.

**3. Section 1981 of the Civil Rights Act of 1870**

This Act, now codified as 42 USC § 1981 provides that all persons in the United States have the same right to make and enforce contracts, as do white persons. This law has been construed to prohibit race discrimination in employment.

**4. Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1982 and the Civil Rights Act of 1991**

Title VII prohibits discrimination in employment because of race, color, religion, sex or national origin, in any term, condition or privilege of employment.

**5. The Age Discrimination in Employment Act of 1967 (ADEA), as amended by the Older Workers Benefit Protection Act and the Civil Rights Act of 1991**

The ADEA, codified at 29 U.S.C. § 621 et seq., prohibits employment discrimination against persons 40 years of age or older.

**6. Rehabilitation Act of 1973**

Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance.

**7. Title I of the Americans with Disabilities Act of 1990 (ADA)**

The ADA prohibits employment discrimination against qualified individuals with disabilities in State and local governments. Under the Act, an employer must make reasonable accommodations to otherwise qualified employees or applicants, unless doing so would impose an undue hardship.

**8. Connecticut Fair Employment Practices Act**

Connecticut law prohibits employers, employment agencies, and labor organizations from discriminating in employment advertising, recruiting, hiring, employing, offering terms, conditions or privileges of employment. Protected classes: race, color, religious creed, age, sex, sexual orientation, marital or civil union status, national origin, ancestry, present or past history of mental disorder, mental retardation, learning disability or physical disability.

**9. The Uniformed Services Employment and Reemployment Rights Act**

This Act protects the rights of members of the uniformed services to return to their civilian employment upon completion of active duty military service, without suffering discrimination on account of such service.

## **10. Protections Against Retaliation**

Almost all of the above laws either expressly provide or have been interpreted by the courts to prohibit take retaliatory action against an individual for opposing discriminatory employment practices, for filing complaints of discrimination, or for assisting or participating or testifying in an investigation or hearing related to a discrimination complaint.

**APPENDIX A**

**AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY  
POLICY STATEMENT**

**TO: ALL DEPARTMENT HEADS AND EMPLOYEES**

**FROM: MAYOR RICHARD MOCCIA**

It is the continuing policy of the City of Norwalk that recruitment, selection, training, and promotion of persons at all job levels will be based on a positive effort to secure the best qualified employee for each position. This will be accomplished without regard to race, color, religious creed, age, sex, sexual orientation, marital or civil union status, national origin, ancestry, present or past history of mental disorder, mental retardation, learning disability or physical disability, or veteran status.

The principle of fair employment shall apply to all City employment actions and to all individuals whether they are presently employed by the City or are seeking employment opportunities with the City. Persons seeking or enjoying employment in City government must not be subject to restrictions unless based on a bona fide occupational qualification or need or unless otherwise permitted or required by law.

The City will make a determined affirmative effort to recruit, employ and promote qualified women and minorities in protected classes shown to be under-utilized in the City's workforce.

It will be the responsibility of the Mayor as chief executive officer of the City of Norwalk to insure that this policy is implemented, and the Mayor or his designee shall report annually to the Common Council on the status of the City's Affirmative Action/Equal Employment Opportunity Program and the City's efforts to further that program.

An affirmative action/equal opportunity program requires support and commitment from all levels of government and I, as Mayor of Norwalk, am making such a commitment.

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RICHARD MOCCIA  
MAYOR OF THE CITY OF NORWALK

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DATE

## **APPENDIX B**

### **DEFINITIONS OF PROTECTED CLASSES**

State and federal non-discrimination laws protect certain classes from discrimination. The following are definitions of certain protected classes identified in State and federal statutes and regulations. This list does not include all of the classes protected by the City's AA/EEO Program, since not all protected classes are defined by law.

**Blacks** (not of Hispanic origin) All persons having origins in any of the Black racial groups of Africa.

**Hispanic** All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

**Asian or Pacific Islander** All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.

**American Indian or Alaskan native** All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

**Individual with a disability** A person who (1) has a physical or mental impairment, which substantially limits one or more major life activities, (2) has a record of such impairment or (3) is regarded as having such impairment.

## **APPENDIX C**

### **COMPLAINT PROCEDURE**

Complaints or allegations of discrimination or violation of the City's AA/EEO Policy or Program may be processed in the following manner:

1. A complaints shall be filed in writing with the Affirmative Action Officer (hereafter "AAO") located at 125 East Ave., Room 125, Norwalk, CT. The AAO may be contacted by telephone at 203-854-7989 or by email at humanrelations@norwalkct.org
2. Upon receipt of a complaint, the AAO may, depending on the circumstances, with the mutual agreement of the complaining party and the respondent or subject of the complaint, attempt resolution through mediation or conciliation.
3. In the absence of resolution by mutual agreement, the AAO shall offer the complainant the option of filing a formal complaint against the individual and/or department named in the complaint under the guidelines and procedures of the Norwalk Human Relations Commission. The complainant shall also be notified by the AAO of his/her rights to file a complaint with the state Commission on Human Rights and Opportunities (hereafter "CHRO") and/or federal Equal Employment Opportunity Commission (hereafter "EEOC") if appropriate.
4. A formal complaint filed with the AAO initiates a preliminary investigation designed to determine whether there is legitimate basis for the complaint, *i.e.*, cause sufficient to warrant an HRC hearing. The investigation may include, at the discretion of the AAO, witness interviews, document requests, and other forms of information discovery necessary to the AAO's preliminary investigation.
5. The HRC shall be informed of the complaint and the investigation. Information on potential settlement terms shall not be shared with the HRC.
6. After completion of the investigation, the AAO shall reduce his or her findings to writing along with recommendations for resolving the complaint. The AAO shall send a copy to the complainant and respondent.
7. After complainant and respondent have been notified of the results of the investigation by the AAO, renewed attempts at mediation may be initiated by the AAO.
8. Absent an agreement by the parties to resolve the complaint, a written recommendation will be made to the HRC as to whether or not the AAO believes there are sufficient grounds to justify an HRC hearing. The HRC shall vote on the record whether or not to hear the matter.

9. If the HRC holds a hearing, at least five (5) commissioners will serve as the hearing tribunal, testimony shall be taken under oath, and the hearing shall be recorded. Subpoenas may be issued if necessary to secure witnesses. Relaxed rules of evidence will be observed.
10. Following the hearing, the HRC shall make a decision as to whether there was discrimination or a violation of the City's AA/EEO Policy. Notice of the HRC's decision will be mailed to the parties, with copies to the Mayor, the AAO and the Director of Personnel and Labor Relations.

## **APPENDIX D**

### **HARASSMENT IN THE WORKPLACE POLICY**

**TO: ALL DEPARTMENT HEADS AND EMPLOYEES**

**FROM: MAYOR RICHARD MOCCIA**

Harassment of an employee by a supervisor or co-worker on the basis of the employee's race, color, religious creed, age, sex, sexual orientation, marital or civil union status, national origin, ancestry, present or past history of mental disorder, mental retardation, learning disability or physical disability, or veteran status (hereinafter "protected class status") creates a harmful working environment and is illegal under State and federal law. It is the policy of the City of Norwalk to maintain a working environment free from harassment on the basis of an employee's protected class status.

For the purpose of this policy, harassment includes any verbal or physical conduct by a supervisor or co-worker relating to an employee's protected class status, which has the effect of creating an intimidating, hostile or offensive work environment, unreasonably interfering with the employee's work performance, or adversely affecting the employee's employment opportunities. All such harassment is prohibited.

#### **A. Actions Constituting Harassment**

While it is difficult to define harassment precisely, it includes but is not necessarily limited to the following:

1. Sexual harassment may consist of unwelcome sexual advances, requests for sexual favors, and other verbal or physical 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) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Although not an exhaustive list, the following are examples of conduct that may be sexual harassment:

- a. Unwelcome sexual advances from a co-worker or supervisor, such as unwanted hugs, touches, or kisses;
  - b. Unwelcome attention of a sexual nature, such as degrading, suggestive, or lewd remarks or noises;
  - c. Dirty jokes, derogatory or pornographic posters, cartoons or drawings; and
  - d. The threat or suggestion that continued employment, advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment.
2. Harassment based on other protected class status also includes verbal or physical conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Examples of such conduct include but are not necessarily limited to:
- a. Degrading or insulting remarks or name calling, concerning a person's protected class;
  - b. Gestures or noises or making a person the target of crude or offensive jokes based on his/her protected class status;
  - c. Showing posters, cartoons or drawings which are degrading, threatening or intimidating to persons in a protected class; and
  - d. The threat or suggestion that continued employment, advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment.

## **B. Reporting**

Any infraction of this policy by any employee should be reported immediately to the Director of Personnel and Labor Relations or the Personnel Administrator. The City of Norwalk will endeavor to keep such reports or complaints confidential, sharing them with others only on a need-to-know basis, to enable their investigation and resolution. All reports or complaints of suspected sexual harassment will be investigated and appropriate action will be taken.

Any employee who believes that he or she has been harassed in the workplace in violation of this policy or the law may also file a complaint with the Connecticut Commission on Human Rights and Opportunities, Southwest Region Office, 350 Fairfield Avenue, 6th Floor, Bridgeport, CT 06604, Telephone (203) 579-6246, or the Equal Employment Opportunity Commission, Boston Area Office, John F. Kennedy Federal Building, Government Center, 4<sup>th</sup> Floor, Room 475, Boston, MA 02114, Telephone 617-565-2300, TDD Number 617-565-3204.

Connecticut law requires that a formal written complaint be filed with the Commission on Human Rights and Opportunities within 180 days of the date when the alleged harassment occurred.

**C. Retaliation**

Retaliation against any employee for complaining about unlawful harassment is prohibited under this policy and illegal under State and federal law.

**D. Penalties for Violation**

Violations of this policy will not be permitted and may result in discipline up to and including discharge from employment. Individuals who engage in acts of harassment may also be subject to civil and criminal penalties.

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RICHARD MOCCIA  
MAYOR OF THE CITY OF NORWALK

\_\_\_\_\_  
DATE