

## **POLICY NO. 2.2 - EQUAL EMPLOYMENT OPPORTUNITY**

### **Equal Employment Opportunity and Unlawful Harassment**

The Town is dedicated to the principles of equal employment opportunity (EEO).

#### **A. Disability and Religious Accommodation**

The Town will make reasonable accommodation(s) for qualified individuals with known disabilities unless doing so would result in an undue hardship to the Town or cause a direct threat to health or safety. The Town will make reasonable accommodation(s) for employees whose work requirements interfere with a religious belief, unless doing so would result in undue hardship on the Town's business operations.

#### **B. Pregnancy Accommodation**

Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy or the physical recovery from childbirth. If an employee requests an accommodation, the Town will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her position. A reasonable accommodation will be provided unless it imposes an undue hardship on the Town's business operations.

The Town may require that an employee provide a note from her health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact the Human Resources Director.

The Town will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

#### **C. EEO Harassment**

The Town strives to maintain a work environment free of unlawful harassment. In doing so, the Town prohibits unlawful harassment because of age 40 and over, race, sex, sexual orientation, color, religion, national origin, disability, military status, genetic information, or any other status protected by applicable state or local law.

Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Actions based on an individual's age 40 and over, race, sex, sexual orientation, color, religion, national origin, disability, military status, genetic information, or any other

status protected by applicable state or local law will not be tolerated. Prohibited behavior may include but is not limited to the following:

- Written form such as cartoons, e-mails, posters, drawings, or photographs.
- Verbal conduct such as epithets, derogatory comments, slurs, or jokes.
- Physical conduct such as assault or blocking an individual's movements.

This policy applies to all employees including managers, supervisors, co-workers, and nonemployees such as customers, clients, vendors, consultants, etc.

#### **D. Sexual Harassment**

Because sexual harassment raises issues that are to some extent unique in comparison to other types of harassment, the Town believes it warrants separate emphasis.

The Town strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.
- 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.

All employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct which may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written form, such as cartoons, posters, calendars, notes, letters, e-mails.
- Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates.
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

#### **E. Complaint Procedure**

If you believe there has been a violation of the EEO policy or harassment based on a protected class, including sexual harassment, please use the following complaint procedure. The Town expects employees to make a timely complaint to enable the Town to investigate and correct any behavior that may be in violation of this policy.

Report the incident to the Human Resources Director or Town Manager. If you prefer not to go to either of these individuals with your complaint, you may report the incident to any Department Head. At that point, the Department would notify the Human Resources Director or the Town Manager. Upon notification, an investigation will be undertaken promptly. Any complaint will be kept as confidential as practicable. Corrective and/or disciplinary action will be taken by the appropriate Department Head or Town Manager when determined to be warranted, pursuant to the investigation.

The Town prohibits retaliation against an employee for filing a complaint under this policy or for participating in a complaint investigation. If an employee perceives retaliation for making a complaint or participating in an investigation, the employee should follow the complaint procedure outlined above and the situation will be investigated.

If the Town determines that an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including termination of employment.