

POLICY AGAINST DISCRIMINATION AND HARASSMENT

A. Non-Discrimination Policy

In order to provide equal employment and advancement opportunities to all individuals, the City does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, physical or mental disability, national origin, age, sexual orientation, disability, ancestry, genetic information, or any other classification protected by law. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination and access to benefits and training.

Any employees with questions or concerns about any form of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Human Resources Director. Employees can raise concerns, make reports and file claims without fear of reprisal or retaliation. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

B. Sexual Harassment Policy

Sexual harassment is a form of illegal discrimination and is prohibited. An employee who believes that he or she has been harassed on the basis of sex, or believes that he or she has observed harassment of another employee on the basis of sex, should follow the reporting policy contained in the City's Reporting Policy outlined in Section D below .

Harassment on the basis of sex and harassment based on all other protected classifications is illegal under State and Federal law. Employees may refer to the "Annual Written Notification of Harassment Policy" provided in January.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a condition of employment;
- Submission to or rejection of such conduct is used as the basis for employment decisions; or
- Such conduct has the purpose or effect of substantially interfering with an employee's work performance, or creating an intimidating, hostile, or offensive work environment.

The following are examples of illegal sexual harassment:

- Unwelcome sexual advances
- Sexual or lewd remarks
- Unwanted hugs, touches, kisses
- Requests for sexual favors
- Retaliation for complaining about sexual harassment.

Sexual harassment can take the form of other types of conduct as well.

All reports of unlawful sexual harassment will be investigated immediately. Any employee whose conduct is found to constitute sexual harassment or other unlawful harassment will be disciplined. Discipline may include verbal or written warning, suspension without pay, or termination, depending upon the particular circumstances.

C. Other forms of harassment.

In addition to sexual harassment, harassment of an applicant or employee based on any protected status is a form of discrimination and is illegal. Examples of behavior which may be considered harassment include, but are not limited to, slurs, negative stereotyping, jokes, or hostile acts related to race, color, gender, religion, sex, sexual orientation, age, national origin or physical or mental disability, genetic information, or harassment of an employee for engaging in legally protected activities, e.g. for bringing a whistle-blowing complaint. An employee who believes that he or she has been harassed, or believes that he or she has observed harassment of another employee on the basis of a legally protected status or activity, should follow the reporting policy contained in the City's Reporting Policy outlined in Section D immediately below. All reports of these forms of harassment will be investigated immediately and any employee whose conduct is found to constitute illegal harassment will be disciplined, which may include verbal or written warning, suspension without pay, or termination, depending upon the particular circumstances.

D. Reporting Policy

Any employee of the City who believes that he or she has been discriminated against in employment on the basis of race, color, religion, national origin or ancestry, age, sex, sexual orientation, physical or mental disability, genetic information or veteran status, has been denied any employment benefit on that basis, or has been harassed based on any of the above noted reasons, is expected to report the behavior as provided below. The City takes allegations of discriminatory treatment very seriously. The City will investigate every allegation of discrimination promptly and take whatever action is necessary to stop unlawful

discrimination and remedy any effects of unlawful discrimination.

An employee who feels that he or she has been discriminated against or harassed or believes he or she has witnessed discriminatory treatment or harassment of another employee, should report the conduct to one or more of the following individuals:

- The employee's supervisor
- The employee's Department Head
- The Human Resources Director
- The City Manager

An employee can report discriminatory treatment or harassment verbally or in writing. Supervisors should bring any complaints to the attention of their Department Head immediately, who in turn shall report it to the Human Resources Director.

An employee's report will be investigated immediately by a person (other than the person complained against) designated by the Human Resources Director or City Manager.

E. The Maine Human Rights Commission

In addition to the City's internal reporting and investigation policy, an employee may file a complaint with the Maine Human Rights Commission. Any complaint must be filed with the Commission within 300 days of the act of harassment. The Maine Human Rights Commission may be reached at State House Station #51, 19 Union Street, Augusta, Maine, 04333 or by telephone: 207-289-2326; fax: 207-624-8729; TTY: 1-888-577-5590

F. Anti-Retaliation

Under the law, an employee may not be punished or penalized in any way for reporting, complaining about, or filing a claim concerning unlawful harassment, regardless of nature or category, or for cooperating with or testifying in any proceeding brought by anyone else. If any employee feels they have been retaliated against for opposing or reporting what they reasonably believe to be unlawful harassment, or cooperating in any investigation of the same, please follow the same internal reporting/complaint procedure set forth above. The City will not tolerate any act of unlawful retaliation against employees who have reported, complained about, or filed a complaint of unlawful harassment.