

PERSONNEL POLICIES

NON-DISCRIMINATION, BULLYING, SEXUAL AND UNLAWFUL HARASSMENT

EQUAL EMPLOYMENT OPPORTUNITY

The City of Lewiston does not discriminate in hiring, promotion, discharge, layoff, recall, transfer, leave of absence, pay, fringe benefits, job training, classification, referral, or any other aspect of employment on the basis of race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, hair textures, hair styles or military service.

AMERICANS WITH DISABILITIES ACT (ADA) AND REASONABLE ACCOMMODATIONS

The City also provides reasonable accommodations that do not impose undue hardship on the City to qualified applicants and employees with disabilities.

Employees and applicants who require a reasonable accommodation should contact their Department Head and/or the Human Resources Division. Please see Appendix B that outlines the procedure for making and responding to a request for accommodation by a disabled employee or applicant.

HARASSMENT PREVENTION POLICY

The Maine Human Rights Act and the Civil Rights Act of 1964 (Title VII) as amended, prohibit sexual and other unlawful harassment. The City has zero tolerance for unlawful and/or sexual harassment. Harassment based on a characteristic protected by law, such as race, color, gender, sex, sexual orientation, gender identity, marital status, religion, age, disability, veteran status, or other characteristic protected by State or Federal law, is prohibited.

The City of Lewiston prohibits bullying, sexual or any form of unlawful harassment, and intimidation in all city services, activities, programs, and facilities. Acts of harassment, bullying, including cyberbullying, of City employees by City officials, management, supervisors, coworkers, or nonemployees is absolutely prohibited. Any retaliation against an individual who reports bullying, sexual or unlawful harassment, witnesses an act of bullying sexual or unlawful harassment, or retaliation against individuals for cooperating with an investigation of a bullying or sexual or unlawful harassment complaint, is also unlawful and will not be tolerated.

“Bullying” is generally defined as any severe, pervasive, or persistent act or conduct whether physical, electronic, or verbal that may be based on an employee’s actual or perceived protected characteristics or on an employee’s association with a person or group with any of the actual or perceived characteristics protected or any other distinguished characteristics such as ethnicity, personal appearance, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, source of income; and can reasonably be predicted to:

- Place the employee in reasonable fear of physical harm to their person or property;
- Cause a substantial detrimental effect on the employee’s physical or mental health;

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- Substantially interfere with the employees job performance or attendance; or
- Substantially interfere with the employee's ability to participate in or benefit from the services, activities, programs, facilities, or privileges provided by an agency or contractor or agent thereof.

“Unlawful harassment” is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; substantially and unreasonably interfering with an individual's work performance; or otherwise adversely affecting an individual's employment opportunities because of that individual's membership in a protected class.

Unlawful harassment includes, but is not limited to, inappropriate: epithets; slurs; jokes or pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile or intimidating acts based on race, color, ancestry, national origin, gender, gender identity, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by State or Federal law.

“Sexual harassment” is generally defined under both State and Federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual's employment or a basis for employment decisions; or
- 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.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

Within each City Department, the Department Head or designee is responsible for day-to-day compliance with this policy and for the prevention and correction of illegal discrimination.

Any employee who feels subjected to bullying, sexual or unlawful harassment, or any other form of discrimination, or who has observed another employee being subjected to sexual or unlawful harassment or any other form of discrimination, should report the conduct to their Immediate Supervisor, Division/Department Head, or Human Resources. The Human Resources Division will be available to assist in processing complaints. An employee can report bullying, sexual or unlawful harassment or discriminatory treatment verbally or in writing. All allegations of bullying, sexual or unlawful harassment and discrimination will be investigated immediately.

Employees are also entitled to file a complaint with the Maine Human Rights Commission. The Maine Human Rights Commission can be reached by telephone at (207) 624-6290, fax (207) 624-8729 or by mail at #51 State House Station 19 Union Street, Augusta, ME 04333.

The Maine Human Rights Act also prohibits any employer or individual from punishing or penalizing, or attempting to punish or penalize, any person for seeking to exercise the rights