

EQUAL EMPLOYMENT OPPORTUNITY POLICY

Town of Greenfield

The Town of Greenfield hereby affirms that all employment decisions are made on a non-discriminatory basis so as to further the principles of equal opportunity in employment. In addition, it is the town's policy to provide an environment that is free of unlawful discrimination or harassment of any kind, including that which is directed at an individual who may have characteristics covered by our equal opportunity policy.

This policy governs all aspects of hiring and employment, promotion, assignment, discharge or layoff, leaves of absence, compensation, fringe benefits, training or any other term or condition of employment.

Violation of this policy may lead to disciplinary action up to and including termination as the town has a zero tolerance policy. Retaliation against a person who has formally or informally complained about discrimination or harassment, or who has cooperated with an investigation of a discrimination or harassment complaint is prohibited. Retaliation may include such actions as termination, demotion, harassment or any action that is deemed to be retaliatory against the individual for making a complaint.

To file a discrimination, harassment or retaliation complaint with the Town of Greenfield, you should contact the Human Resources department or the Office of the Mayor. A male or female individual will be available to receive your verbal or written complaint. An alleged perpetrator can be the employee's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the Town, such as a client or customer.

Massachusetts Employment Discrimination Law

(M.G.L. Ch. 151B)

This law prohibits any employer in Massachusetts who employs six or more people from firing, refusing to hire or rehire, or otherwise discriminating against a qualified person on the basis of **RACE, COLOR, RELIGIOUS CREED, NATIONAL ORIGIN, ANCESTRY, AGE, SEX, GENDER IDENTITY/EXPRESSION, SEXUAL ORIENTATION, which shall not include persons whose sexual orientation involves minor children as the sex object, VETERAN OR ACTIVE MILITARY STATUS, GENETIC INFORMATION or DISABILITY/HANDICAP OF A QUALIFIED DISABLED/HANDICAPPED PERSON.**

Age discrimination or harassment involves treating someone (an applicant or employee) less favorably because of his/her age. It only forbids discrimination against people who are age 40 or older. It does not protect workers under the age of 40. It is not illegal for an employer to favor an older worker over a younger one, even if both workers are age 40 or older. Discrimination can occur when the victim and the person who inflicted the discrimination are both over 40. It is unlawful to harass a person because of his or her age. Harassment can include, for example, offensive remarks about a person's age. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent

or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

Race or Color discrimination or harassment involves treating someone (an applicant or employee) unfavorably because s/he is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color complexion. Race/color discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color or because of a person's connection with a race-based organization or group, or an organization or group that is generally associated with people of a certain color. Discrimination can occur when the victim and the person who inflicted the discrimination are the same race or color.

It is unlawful to discriminate or harass a person because of that person's race or color. Harassment can include, for example, racial slurs, offensive or derogatory remarks about a person's race or color, or the display of racially-offensive symbols. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). An employment policy or practice that applies to everyone, regardless of race or color, can be illegal if it has a negative impact on the employment of people of a particular race or color and is not job-related and necessary to the operation of the business. For example, a "no-beard" employment policy that applies to all workers without regard to race may still be unlawful if it is not job-related and has a negative impact on the employment of African-American men (who have a predisposition to a skin condition that causes severe shaving bumps).

Sex based discrimination or harassment involves treating someone (an applicant or employee) unfavorably because of that person's sex. Sex discrimination also can involve treating someone less favorably because of his or her connection with an organization or group that is generally associated with people of a certain sex. Discrimination against an individual because that person is transgendered is discrimination because of sex. This is also known as gender identity discrimination. In addition, lesbian, gay, and bisexual individuals may bring sex discrimination claims. These may include, for example, allegations of sexual harassment or other kinds of sex discrimination, such as adverse actions taken because of the person's non-conformance with sex-stereotypes.

It is unlawful to harass a person because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex, their sexual orientation or gender identity. For example, it is illegal to harass a woman by making offensive comments about women in general, or offensive comments about gay, lesbian or transgendered people in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

Religious based discrimination or harassment involves treating a person (an applicant or employee) unfavorably because of his or her religious beliefs. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical or moral beliefs. Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion or because of his or her connection with a religious organization or group.

It is illegal to discriminate or harass a person because of his or her religion. Harassment can include, for example, offensive remarks about a person's religious beliefs or practices. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The law prohibits workplace or job segregation based on religion (including religious garb and grooming practices), such as assigning an employee to a non-customer contact position because of actual or feared customer preference. Employers are to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause more than a minimal burden on the operations of the employer's business. This means an employer may be required to make reasonable adjustments to the work environment that will allow an employee to practice his or her religion. Examples of some common religious accommodations include flexible scheduling, voluntary shift substitutions or swaps, job reassignments, and modifications to workplace policies or practices.

Unless it would be an undue hardship on the employer's operation of its business, an employer must reasonably accommodate an employee's religious beliefs or practices. This applies not only to schedule changes or leave for religious observances, but also to such things as dress or grooming practices that an employee has for religious reasons. These might include, for example, wearing particular head coverings or other religious dress (such as a Jewish yarmulke or a Muslim headscarf), or wearing certain hairstyles or facial hair (such as Rastafarian dreadlocks or Sikh uncut hair and beard). It also includes an employee's observance of a religious prohibition against wearing certain garments (such as pants or miniskirts).

When an employee or applicant needs a dress or grooming accommodation for religious reasons, he should notify the Human Resources department or the Office of the Mayor that s/he needs such an accommodation for religious reasons. If the Town reasonably needs more information, the town and the employee will engage in an interactive process to discuss the request. If it would not pose an undue hardship, the Town will grant the accommodation. However, the Town does not have to accommodate an employee's religious beliefs or practices if doing so would cause undue hardship. An accommodation may cause undue hardship if it is costly, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work.

National Origin, Ethnicity or Ancestry discrimination or harassment involves treating people (applicants or employees) unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic or ancestral background (even if they are not). National origin discrimination also can involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin or

because of their connection with an ethnic organization or group. Discrimination can occur when the victim and the person who inflicted the discrimination are the same national origin. It is unlawful to harass a person because of his or her national origin. Harassment can include, for example, offensive or derogatory remarks about a person's national origin, accent or ethnicity. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The law makes it illegal to use an employment policy or practice that applies to everyone, regardless of national origin, if it has a negative impact on people of a certain national origin and is not job-related or necessary to the operation of the business. An employer can only require an employee to speak fluent English if fluency in English is necessary to perform the job effectively. An "English-only rule", which requires employees to speak only English on the job, is only allowed if it is needed to ensure the safe or efficient operation of the employer's business and is put in place for nondiscriminatory reasons. An employer may not base an employment decision on an employee's foreign accent, unless the accent seriously interferes with the employee's job performance.

Genetic Information discrimination involves prohibiting the use of genetic information in making employment decisions, or from requesting, requiring or purchasing genetic information, and strictly limits the disclosure of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history). Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future. Genetic information also includes an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology. .

It is also illegal to harass a person because of his or her genetic information. Harassment can include, for example, making offensive or derogatory remarks about an applicant or employee's genetic information, or about the genetic information of a relative of the applicant or employee. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so severe or pervasive that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted). The harasser can be the victim's supervisor, a supervisor in another area of the workplace, a co-worker, or someone who is not an employee, such as a client or customer. It will usually be unlawful for a covered entity to get genetic information. There are six narrow exceptions to this prohibition which are available on the EEOC website at EEOC.gov

Disability discrimination or harassment occurs when one treats a qualified individual with a disability who is an employee or applicant unfavorably because she has a disability. Disability discrimination also occurs when one treats an applicant or employee less favorably because s/he has a history of a disability (such as cancer that is controlled or in remission) or because s/he is believed

to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if she does not have such an impairment). The law requires an employer to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer ("undue hardship"). The law also protects people from discrimination based on their relationship with a person with a disability (even if they do not themselves have a disability). For example, it is illegal to discriminate against an employee because her husband has a disability.

It is illegal to harass an applicant or employee because he has a disability, had a disability in the past, or is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he does not have such an impairment). Harassment can include, for example, offensive remarks about a person's disability. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that aren't very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

Reasonable Accommodation: The law requires an employer to provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer. A reasonable accommodation is any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment. Reasonable accommodation might include, for example, making the workplace accessible for wheelchair users or providing a reader or interpreter for someone who is blind or hearing impaired. An employer doesn't have to provide an accommodation if doing so would cause undue hardship to the employer. Undue hardship means that the accommodation would be too difficult or too expensive to provide, in light of the employer's size, financial resources, and the needs of the business. An employer may not refuse to provide an accommodation just because it involves some cost. An employer does not have to provide the exact accommodation the employee or job applicant wants. If more than one accommodation works, the employer may choose which one to provide.

Not everyone with a medical condition is protected by the law. In order to be protected, a person must be qualified for the job and have a disability as defined by the law. A person can show that he or she has a disability in one of three ways:

- A person may be disabled if he or she has a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning).
- A person may be disabled if he or she has a history of a disability (such as cancer that is in remission).
- A person may be disabled if he is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he does not have such an impairment).

When an employee or applicant needs a disability related accommodation s/he should notify the Human Resources department or the Office of the Mayor that s/he needs such an accommodation for a covered reason. If the Town reasonably needs more information, the town and the employee will engage in an interactive process to discuss the request. If it would not pose an undue hardship, the Town will grant the accommodation.

TOWN COMPLAINT AND INVESTIGATION PROCEDURES

Complaint Procedures: All employees, managers, and supervisor of the Town of Greenfield share responsibility for avoiding, discouraging and reporting any form of discrimination or harassment. The primary responsibility for ensuring proper investigation and resolution of complaints rests with the Director of Human Resources or his/her designee, who will administer the policy and procedures described herein.

If any employee believes that s/he has been subjected to discrimination or harassment as described herein s/he has the right to file a complaint with the Town. This may be done in writing or orally. In addition, residents, visitors, applicants, vendors, contractors, their agents and employees, or other third parties who believe they have been subjected to discriminatory harassment may also file a complaint with our organization using the procedures herein. Employees may also file a complaint if they have been subjected to harassment from residents, visitors, applicants, vendors, contractors, their agents and employees, or any other third parties in the workplace, while performing work-related duties, or during other work-related activities.

Prompt reporting of discrimination or harassment is in the best interest of the Town and is essential to a fair, timely, and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. If you would like to file a complaint you may do so by contacting the Director of Human Resources, Town Hall, 14 Court Square, Greenfield, MA 01301, 413-772-1577. This person or a designee is also available to discuss any concerns you may have and to provide information to you about our policy and our EEO policy and our complaint process.

Investigation Procedures: When we receive a complaint we will promptly investigate the allegation in a fair and expeditious manner to determine whether there has been a violation of our policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include private interviews with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed harassment or discrimination. The complainant, the person alleged to have committed harassment or discrimination, and all witnesses are required to fully cooperate with all aspects of an investigation. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

The Town reserves the right to investigate and take action on its own initiative in response to behavior or conduct which may constitute harassment or discrimination or otherwise be inappropriate, regardless of whether an actual complaint has been filed. If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate impose disciplinary action. Such actions may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

STATE AND FEDERAL REMEDIES: FILING FORMAL COMPLAINTS WITH MA COMMISSION AGAINST DISCRIMINATION OR THE US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

If you believe you have been discriminated against based on any protected status under the law, in

addition to the Town's internal complaint and investigation process outlined above, you also have the option to file a charge within 300 calendar days from the day the alleged incident took place to file a formal complaint with the Massachusetts Commission against Discrimination (MCAD) or the United States Equal Employment Opportunity Commission (EEOC) at:

*EEOC, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203
800-669-4000*

*MCAD, 436 Dwight Street, Room 220, Springfield, MA 01103, (413) 739-2145
One Ashburton Place, Room 601, Boston, MA 02108 (617) 994-6000
455 Main Street, Room 101, Worcester, MA 01608 (508) 799-8010
800 Purchase Street, Room 501, New Bedford, MA 02740 (508)-990-2390*

Federal Employment Discrimination Law

Some Federal Laws are wholly or partially inapplicable to employees of state or local governments. Therefore, you may or may not be protected under the following federal laws:

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex, or national origin.

The Americans With Disabilities Act of 1990, as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits classification, referral and other aspects of employment on the basis of disability. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

To request an accommodation contact the Human Resources Department or the Office of the Mayor.

The Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

If you believe you have been discriminated against under these federal laws, contact the Human Resources Department or the Office of the Mayor.

You may or may not be able to file a federal claim with the following government agency:

*EEOC, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203
800-669-4000*

The Pregnancy Disability Act

Pregnancy discrimination or harassment involves treating a woman (an applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The Pregnancy Discrimination Act (PDA) forbids discrimination.

If a woman is temporarily unable to perform her job due to a medical condition related to pregnancy or childbirth, the employer or other covered entity must treat her in the same way as it treats any other temporarily disabled employee. For example, the employer may have to provide light duty, alternative assignments, disability leave, or unpaid leave to pregnant employees if it does so for other temporarily disabled employees. Additionally, impairments resulting from pregnancy (for example, gestational diabetes or preeclampsia, a condition characterized by pregnancy-induced hypertension and protein in the urine) may be disabilities under the Americans with Disabilities Act (ADA). An employer may have to provide a reasonable accommodation (such as leave or modifications that enable an employee to perform her job) for a disability related to pregnancy, absent undue hardship (significant difficulty or expense)

The Vietnam Area Veterans Readjustment Assistance Act of 1974 (38 U.S.C. 4212) prohibits job discrimination and requires Affirmative Action to employ and advance in employment qualified Vietnam Era and Special Disabled Veterans. If you believe you have been discriminated against under this law, contact the Human Resources Department or the Office of the Mayor. You may or may not be able to file a federal claim with the following government agency:

Office of Federal Contract Compliance Programs, Employment Standards Administration, US Department of Labor, 200 Constitution Avenue NW, Washington, D.C. 20210 or by calling (202)219-9475 (TDD toll free number is 1-800-326-2577).

Approved:


William F. Maftin
Mayor


Dennis Helmus
Director of Human Resources

Dated: 1/27/14

Codification: Dated: 1/27/14
(Supersedes Board of Selectmen EEO 5/18/93)
(Supersedes Board of Selectmen EEO Reaffirmation 10/17/95)
(Supersedes Policy 5.7.07)
(Supersedes Policy 8.16.12)
(Supersedes Policy 1.17.13)