

**TOWN OF TISBURY  
PERSONNEL BOARD/PERSONNEL DIRECTOR**

**DISCRIMINATION PREVENTION POLICY**

A. The Town recognizes the right of individuals to work and advance on the basis of merit, ability and potential without regard to their race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law. Non-discrimination and equal opportunity will be the policy of the Town in all of its employment programs and activities.

B. The policy of the Town is to:

- Recruit, hire and promote in all job classifications without regard to an individual's race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law.
- Make decisions about employment so as to encourage the development of a diverse workforce.
- Ensure that employment and promotion decisions are made in accordance with the principles of equal employment opportunity, by imposing only valid, job-related requirements for employment and promotional opportunities.
- Ensure that all other personnel actions such as compensation, benefits, transfers, layoff, recall, training, tuition assistance, and social and recreational programs will be administered without regard to race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law.
- Prohibit any kind of harassment based on race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law.

**DISABILITY Discrimination**

A. The Town will not discriminate against people with disabilities in any employment practices or in any terms, conditions or privileges of employment, including, but not limited to: application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff/recall, termination, compensation, unless such accommodation would cause an undue hardship to the Town or cause a direct threat to workplace safety.

B. The Town will provide reasonable accommodation to otherwise qualified individuals with disabilities who are employees or applicants for employment unless such accommodation would cause an undue hardship to the Town or cause a direct threat to workplace safety.

C. Procedures for Establishing Standards

The Town has and will continue to establish bona fide occupational qualifications for each position, including the education, skills, and work experience required, and the physical, mental and environmental standards necessary for job performance, health, and safety. Such standards are job-related and consistent with business necessity.

D. Reasonable Accommodation Procedures

1. The Town will provide reasonable accommodation to otherwise qualified individuals with disabilities who are employees or applicants for employment unless such accommodation would cause an undue hardship to the Town or cause a direct threat to workplace safety.
2. The Town will provide reasonable accommodation to ensure equal employment opportunity in the application process; to enable a qualified individual with a disability to perform the essential functions of the job; and to enable an employee with a disability to enjoy equal benefits and privileges of employment.
3. The Town need not provide reasonable accommodation for an individual who is otherwise not qualified for a position.
4. The duty to provide reasonable accommodation is ongoing and may arise any time that an employee's job changes.

It is the obligation of the individual with the disability to request the accommodation.

E. Non-Discrimination in the Hiring Process

1. Job Advertisements and Notices: Recruitment information should highlight the essential functions of the job.
2. Accessibility of Job Information: Information about job openings should be accessible to people with different types of disabilities. The Town is not obligated to provide written information in alternative formats in advance, but shall make such available upon request.
3. Recruitment: Consistent with the purpose of the ADA, the Town will continue to extend its outreach to include sources of candidates with disabilities.

F. Pre-employment Inquiries

The ADA prohibits any pre-employment inquiries about an applicant's disability. This prohibition does not prevent an employer from obtaining necessary information regarding an applicant's qualifications,

including medical information necessary to assess such qualifications and to ensure health and safety on the job.

Before making a job offer, the Town may ask questions about an applicant's ability to perform specific job functions and may make a job offer that is conditioned on satisfactory results of a post-offer medical examination or inquiry. The Town may not make inquiries about specific disabilities.

#### G. Health and Safety Considerations

Even if the applicant is qualified to perform the job, the Town may deny employment if such employment would pose a direct threat to the health and safety of the individual or others if such threat cannot be eliminated through reasonable accommodation. Such determination must be made by the Town Administrator or his/her designee after careful review of the circumstances.

### GRIEVANCE PROCEDURE

A. The purpose of this procedure is to encourage local resolution of grievances concerning employment. It is important to note that grievants are not required to exhaust the Town's procedures prior to filing a state or federal complaint or taking court action.

B. Anyone who feels that he or she has been discriminated against by the Town on the basis of their race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status or any other basis prohibited under applicable law in employment practices may file a grievance.

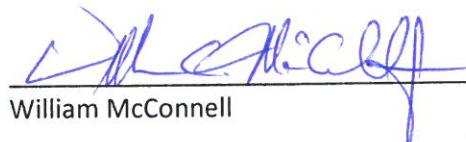
C. The grievance should be in writing and should contain information about the alleged discrimination such as name, address, phone number of grievant and location, date and description of the problem. Reasonable accommodations, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities who are unable to submit a written complaint.

D. The grievant should first attempt to resolve the grievance at the level of the department head. The department head through the Human Resource Manager will notify the Personnel Director if such a grievance is submitted. The employee or department head may request mediation by Human Resource Manager following a good faith effort to resolve the dispute with the consent of the employee, department head and the Personnel Director.

E. If the grievance is not resolved to the satisfaction of the grievant, or if the department head lacks authority or jurisdiction to correct the problem, the grievance should be submitted by the grievant and or his/her designee as soon as possible to the Personnel Director. The Personnel Director shall conduct a complete investigation of the allegations raised in the grievance and shall respond in writing to such grievance within twenty one work days after receipt of such grievance. The Personnel Director shall notify the Board of Selectmen of the submission and results of any grievances filed pursuant to this policy.

Any employee with a question regarding this Policy should contact the Personnel Director

This Policy is a new policy adopted by the Personnel Board on January 18<sup>th</sup>, 2018. To take effect on February 1<sup>st</sup>, 2018.

  
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William McConnell

1/23/18  
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Date

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Jack Rollins

\_\_\_\_\_  
Date

  
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Barbara Fortes

1/26/18  
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Date