

5.0 ADMINISTRATIVE

5.1 AMERICANS WITH DISABILITIES ACT POLICY

The Town of Duxbury does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. The town does not discriminate on the basis of disability in its hiring or employment practices. Individuals who need auxiliary aids for effective communications in programs and services in the Town of Duxbury are invited to make their needs and preferences known to the ADA Compliance Officer/Town Manager.

GRIEVANCE PROCEDURE FOR AMERICAN WITH DISABILITIES ACT COMPLAINTS:

The following Grievance Procedure is established to meet the requirements of the American with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies of the provision of services, activities, programs and benefits by the Town of Duxbury.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant 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.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Town Manager
Town Office
878 Tremont Street
Duxbury, MA 02332

Within 15 calendar days after receipt of the complaint the Town Manager will meet with the complainant to discuss the complaint and possible resolution. Within 15 calendar days after the meeting, the Town Manager will respond in writing, and where appropriate in a format accessible to the complainant such as audio tape. The response will explain the position of the Town of Duxbury and offer options for substantive resolution of the complaint.

If the response by the Town manager does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the Town Manager within 15 calendar days after receipt of the response to the Board of Selectmen or their designee.

Within 15 calendar days after receipt of the appeal, the Board of Selectmen or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the Board of Selectmen or their designee will respond in writing, and where appropriate in a format accessible to the complainant such as audio tape, with a final resolution of the complaint.

All complaints received by the Town Manager, appeals to the Board of Selectmen or their designee, and responses from the Town Manager and the Board of Selectmen or their designee will be kept by the Town of Duxbury for at least three years.

Adopted by the Board of Selectmen
Date: 4/3/95

5.2 AFFIRMATIVE ACTION POLICY

The Town of Duxbury, recognizing the right of an individual to work and to advance on the basis of merit ability and potential without regard to race, sex, color, disability, religion, national origin, national ancestry, or age resolves to take Affirmative Action measures to ensure equal opportunity in hiring, promotion, demotion or transfer, recruitment, layoff and termination, rate of compensation, in-service or apprenticeship training programs, and all terms and conditions of employment. (Board of Selectmen - 4/24/87)

Non-discrimination and equal employment opportunity are the policy of the Town of Duxbury in all of its programs and activities. To that end, all employees shall rigorously take affirmative steps to ensure equal opportunity in the internal affairs of all agencies, as well as in their relations with the public, including those persons or organizations doing businesses with any agency of the Town. Each agency, in discharging its statutory responsibilities, shall consider the likely effects which its decisions, programs and activities shall have in meeting the goal of equality of opportunity.

Affirmative action requires more than vigilance in the elimination of discriminatory barriers on the grounds race, color, disability, creed, national origin, national ancestry, age or sex. It also must entail positive and aggressive measures to ensure equal opportunity in the internal personnel practices and in those programs which can affect persons outside Town government. This affirmative action policy shall include any lawful action necessary to guarantee equal opportunity for all people.

(Amended by the Board of Selectmen 08/04/87)

5.3 SEXUAL DISCRIMINATION AND HARASSMENT POLICY

Purpose

To establish a policy for nondiscrimination in employment and an internal procedure for handling employee complaints relating to alleged discrimination and harassment, including sexual harassment.

Policy

It is the policy of the Town of Duxbury (herein after referred to as the "Town") to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, handicap, disability, or status as a Vietnam-era or special disabled veteran, in accordance with applicable federal, state, and local law. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

In support of this policy, the Town expressly prohibits any form of employee harassment. Improper interference with the ability of employees to perform their expected job duties will not be tolerated. Specifically, the Town prohibits:

. **Unwelcome** sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- .Such conduct has the purpose or effect of unreasonably creating an intimidating, hostile, or offensive working environment.

Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment include but are not limited to:

VERBAL- Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, or threats.

NON-VERBAL- Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.

PHYSICAL- Unwanted physical contact, including touching, pinching, brushing the body, coerced sexual intercourse, assault.

It is the responsibility of each department head to create an atmosphere free of harassment, sexual or otherwise. In addition, it is the responsibility of each employee to respect the rights of coworkers.

Complaint Procedure

1. If an employee experiences any job-related harassment, has a related complaint, or believes he or she has been treated in an unlawful discriminatory manner, that employee should promptly report the matter to department head, supervisor, or the town manager, or any other representative of town management with whom the employee feels comfortably talking to. Employees are encouraged, though not required to inform the alleged harasser that the conduct is not welcome and to stop engaging in such conduct.
2. Once the town is made aware of a complaint of sexual harassment from any source, the Town Manager will undertake an investigation ensuring confidentiality to the maximum extent possible. Only those with a "need to know" will be given relevant information
3. Should the investigation determine that sexual harassment occurred disciplinary action, up to and including discharge, will be taken against the offending employee.
4. The Town expressly prohibits any form of retaliatory action against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation.
5. If after investigating a complaint of harassment or unlawful discrimination, the Town finds that the complaint is not bona fide or that an employee has provided false information about the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC – 180 days; MCAD – 6 months).

Sexual Harassment Policy:

1. The United States Equal Employment Commission ("EEOC")
One Congress Street – 10th Floor
Boston, MA 02114
(617) 565-3200
2. The Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:
One Ashburton Place
Boston, MA 02108
(617) 727-3990

Springfield Office:
424 Dwight Street – Room 220
Springfield, MA 01103
(413) 739-2145

Adopted by BOS 11/10/97

5.4 SAFETY POLICY

A. Policy. It is the policy of the Town of Duxbury that every employee is entitled to work under the safest possible conditions in the many occupations we represent. To this end, every reasonable effort will be made to provide and maintain a safe and healthy workplace, safe equipment, proper materials and to establish and require safe practices at all times.

B. Findings. Accidents which injure people, damage machinery or equipment and destroy materials or property cause needless suffering, inconvenience and expense.

C. Responsibility. It is the basic responsibility of each employee to make safety a part of his/her daily, hourly concern. Employees are obligated to observe the rules of conduct and safety and to properly use the safety equipment provided.