



**TOWN COUNCIL
MEETING MINUTES
JUNE 17, 2014**

Lisa Ward, At Large 2014
Gregg Garrison, At Large 2015
Mark Lunt, District 1 2015
Dillon Pesce, District 2 2015
Christopher Brunelle, At Large 2016
Eric Metivier, District 1 2016
Roger Bickford, District 2, 2016

CALL TO ORDER & PLEDGE TO THE FLAG. The Chairman, Lisa Ward, called the meeting to order and led the pledge of allegiance to the flag at 6:00 PM.

ROLL CALL. Members present were Councilors Lunt (arriving at 6:45 PM), Bickford, Ward, Pesce, Garrison (arriving at 6:30 PM), and Brunelle. Councilor Metivier was excused. Also present were Dale Olmstead, Interim Town Manager; David Brooks, Police Chief; Sean P. Galipeau, Fire Chief; Jessica Maloy, Finance Director; Ryan Leighton, Town Engineer/Public Works Director; Verla Brooks, Parks Director; Diane Nadeau, Library Director; Tracey Steuber, Economic Development Director; Traci Austin, School Committee Chairman; Kathi Yergin, School Committee Member; Miriam Morgan-Alexander, Finance Committee Chairman; Fern Larochelle, Finance Committee Member; and approximately 10 citizens in the audience.

GOOD NEWS AND RECOGNITION

Councilor Ward mentioned that the Moxie Festival is only one month away. She pointed out that volunteers get a free Moxie Festival T-Shirt and encouraged those interested to help. The carnival this year will be at Don's Automotive. She mentioned that Aroma Joes Coffee House is coming to town and will be located next to the Lisbon House of Pizza on Route 196 in Lisbon Falls.

PUBLIC HEARINGS – NONE

AUDIENCE PARTICIPATION FOR AGENDA ITEMS – NONE

AUDIENCE PARTICIPATION RESPONSE – NONE

CONSENT AGENDA – NONE

COUNCIL ORDERS, ORDINANCES, & RESOLUTIONS

AMENDMENTS TO THE PERSONNEL POLICY

- 1) SECTION 90-3 NON-DISCRIMINATION & EQUAL EMPLOYMENT OPPORTUNITY
- 2) SECTION 90-3.1 SEXUAL HARASSMENT
- 3) SECTION 90-3.2 ADA & MAINE HUMAN RIGHTS ACT FOR INDIVIDUALS WITH DISABILITIES
- 4) SECTION 90-4 EMPLOYMENT

VOTE (2014-103) Councilor Bickford, seconded by Councilor Brunelle moved to adopt the amendments to the personnel policy as recommended (see attached). **Order passed - Vote 4-0.**

Sec. 90-3. - Non-discrimination and equal employment opportunity policy.

The Town of Lisbon provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, national origin, ancestry, age, physical or mental disability, genetic information, marital status, amnesty or status as a covered veteran in accordance with applicable federal, state and local laws. The Town of Lisbon will not discriminate because of an individual's previous assertion of a claim or right against a prior employer under the Workers' Compensation Act, or because of previous actions taken that are protected under the Whistleblowers' Protection Act. The Town of Lisbon also will not retaliate against a person who has filed a charge of discrimination, participated in a discrimination proceeding, or opposed a violation of the Maine Human Rights Act or other state law or federal law relating to nondiscrimination in employment.

The Town of Lisbon complies with applicable federal, state and local laws governing nondiscrimination in employment. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

The Town of Lisbon expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, genetic information, physical or mental disability or veteran status. Improper interference with the ability of the Town of Lisbon employees to perform their expected job duties is absolutely not tolerated.

An employee who believes that he or she has been subjected to unlawful discrimination in employment is encouraged to appeal to the department head or Town Manager under Policy 90-29. The employee also may file a complaint with the Maine Human Rights Commission and/or the Equal Employment Opportunity Commission within 300 days of the alleged discrimination. An employee may contact the Human Rights Commission by writing to the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333, or by phoning 207-624-6050. An employee also may contact the Equal Employment Opportunity Commission by writing to EEOC, John F. Kennedy Federal Building, Equal Employment Opportunity Commission, 475 Government Center, Boston, MA 02203, or by phoning 800-669-4000.

~~The town pledges that it shall not discriminate based upon race, color, religion, creed, national origin, ancestry, sex, age or political affiliation. This pledge applies to all employees and applicants for employment in connection with:~~

- ~~(1) Hiring, placement, upgrading, transfer, promotion or demotion;~~
- ~~(2) Recruiting, advertising or solicitation for employment;~~
- ~~(3) Treatment during employment;~~
- ~~(4) Rates of pay or other forms of compensation;~~
- ~~(5) Selection for training; and~~
- ~~(6) Layoff or termination of employment.~~

(T.M. of 7-31-2007, § 2007-115; T.M. of 4-7-2009, § 2009-62)

Sec. 90-3.1. - Sexual harassment.

(a) **Generally.** It is the policy of the Ttown that all employees should be able to work in an environment free from all forms of harassment. Harassment, as defined by this section, is prohibited. This policy refers not only to supervisor-subordinate actions but also to actions between coworkers. Any complaints of harassment will be investigated promptly. If an employee believes they are being subjected to any of the prohibited forms of harassment or believe they are being discriminated against because other employees are receiving favored treatment in exchange for sexual favors, they must bring this to the attention of the Ttown. The very nature of harassment makes it virtually impossible to detect unless the person being harassed registers their discontent with the appropriate Ttown representative. Consequently, in order for the Ttown to deal with the problem, employees must report such offensive conduct or situations. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment. Sexual harassment is an extremely serious matter. It is prohibited in the workplace by any person and in any form.

(b) Definition.

(1) Harassment on the basis of sex is a violation of federal law and section 4572 of the Maine Human Rights Act. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

(2) In other words, sexual harassment is the attempt to control, influence or affect the career, salary or job of an individual in exchange for sexual favors. Sexual harassment can also be conduct ~~which~~that creates a hostile or offensive work environment or unreasonably interferes with a person's ability to perform their job.

(3) ~~The following s~~Specific conduct, ~~which~~that is prohibited, ~~constitutes sexual harassment and includes,~~ but is not limited to:

- a. Threats or insinuations, implicit or explicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties or any other condition of employment.
- b. Unwelcome sexual flirtations, advances or propositions.
- c. Verbal or written abuse of a sexual nature.
- d. Graphic verbal comments about an individual's body.
- e. Sexual comments of a provocative or suggestive nature.
- f. Sexually degrading words used to describe an individual.
- g. Jokes or innuendos intended for and/or directed to another employee.
- h. The display in the workplace of sexually suggestive objects or pictures.

(c) Report. Any employee who believes he has been the subject of sexual harassment should report the alleged act immediately. The steps to take are as follows:

(1) Be sure that the person who is sexually harassing you know[s] that you do not welcome that person's advances/comments/actions. TELL THEM TO STOP!

(2) If the sexual harassment continues or if you are not comfortable telling the person who is harassing you to stop, write down (or record if possible) each offensive advance/comment/action. Be as specific as possible, including time, date and location. Note the name of any coworker who may have witnessed/overheard the advance/comment/action.

(3) ~~Follow the direct chain of command;~~ inform your supervisor, department head or the Ttown Mmanager of the sexual harassment. If your supervisor is the alleged harasser, you should report the concern to your department head or the Ttown Mmanager. If the Ttown Mmanager is the alleged harasser, you should inform the chairman of the town council.

(d) **Confidentiality.** A record of the complaint and the findings will become a part of the complaint investigation record, and the file will be maintained separately from the employee's personnel file. It is understood any person electing to utilize this complaint resolution procedure will be treated courteously, the problem handled swiftly and confidentially.

(e) **Discipline/discharge for violation.** Any employee who is found after appropriate investigation to have engaged in sexual harassment will be subject to discipline, up to and including discharge.

(f) **No retaliation for filing a complaint.** The registering of a complaint will in no way be used or held against the employee, nor will it have an adverse impact on the complaining individual's employment status.

(g) **No retaliation will occur as a result of filing a report.** It is unlawful under the Maine Human Rights Act and federal law for an employer to retaliate against an employee because the employee filed a charge or because the employee aided in an investigation. If the employee believes retaliation has occurred, the employee should inform their supervisor, department head, or the Town Manager. If the Town Manager is the one retaliating, the employee should inform the chairman of the town council. ~~If the employee is in a union, the employee may use the grievance procedure.~~

(h) ~~Legal-recourse-e~~**Complaint procedures with human rights commission.** An employee who believes that he or she has been subjected to sexual harassment or retaliation is encouraged to appeal to the department head or Town Manager under Policy 90-29. The employee also may file a complaint with the state~~Maine h~~Human r~~ights e~~Commission and/or the Equal Employment Opportunity Commission within six months~~300 days of the date of alleged discrimination. The employee may call or visit the e~~Commission's office, and a staff person will assist the employee. An employee may contact the h~~Human r~~ights eCommission by writing to the Maine Human Rights Commission, State House Station #51, Augusta, ME 04333, or by phoning 289-2326~~207-624-6050. An employee also may contact the Equal Employment Opportunity Commission by writing to EEOC, John F. Kennedy Federal Building, Equal Employment Opportunity Commission, 475 Government Center, Boston, MA 02203, or by phoning 800-669-4000.~~

(T.M. of 7-31-2007, § 2007-115; T.M. of 4-7-2009, § 2009-62)

Sec. 90-3.2. - Americans with Disabilities Act (ADA) and Maine Human Rights Act (MHRA) Policy for Individuals with Disabilities.

(a)~~I.~~ Policy Statement

It is the policy of the Town of Lisbon that no qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment. This protection against discrimination shall apply to individuals with disabilities as defined in Title II of the ADA, i.e., those persons who have a physical or mental impairment that substantially limits one or more of their major life activities, have a record of such an impairment, or are regarded as having such an impairment. This protection against discrimination also applies to individuals with physical or mental disabilities as defined in the Maine Human Rights Act, including individuals with physical or mental impairments that substantially limit a major life activity, that significantly impair physical or mental health, or that require special education, vocational rehabilitation or related services. The MHRA also protects individuals who have a record of, are regarded as, or are likely to develop a physical or mental impairment or any of the specific disabilities under the MHRA.

The Town of Lisbon is committed to providing accommodations for eligible individuals with documented physical or mental disabilities as defined by federal and state law in the most timely and effective manner possible under applicable laws and regulations. The municipality's intent is to ensure that every request for an accommodation is promptly and properly reviewed. The municipality is committed to following the requirements of the ADA, the MHRA and all appropriate federal and/or state laws, rules and regulations.

All requests for accommodations are to be submitted ~~in writing with the appropriate supporting documentation to the municipality's Town Manager's Office for consideration and review. The review of the request may, at the discretion of the municipality, include an evaluation and determination of the scope of the disability, and, if appropriate, in~~ evaluating requests for accommodation, the Town may request for additional medical documentation, examinations and/or opinions to the extent the information requested is job-related and consistent with business necessity.

(b)H. Accommodation Process

1.A. **The employee or the employee's immediate supervisor shall contact the Town Manager's Office for assistance in applying for accommodation.** No department or individual may grant any accommodation, whether formal or informal, without first receiving approval of the Town Manager. If an employee's supervisor makes the request for accommodation on behalf of the employee, the employee must then work with the Town Manager's Office directly. Only that information absolutely necessary shall be shared with the employee's supervisor. The employee's supervisor should not act as an advocate or surrogate for the employee.

~~1.~~ The Town Manager's Office shall assist the employee in all ways reasonably possible in completing the ADA accommodation process in a timely and efficient manner.

2B. ~~The employee shall submit all requests in writing.~~ Any information submitted shall be considered confidential and may be shared only with those who have a need to know in accordance with federal and/or state law. The Town Manager's Office shall make the determination of the need to know in consultation with the applicable department. ~~Failure to submit any request in writing may result in delay and/or denial of accommodation requests.~~

~~1.~~ Any and all appropriate medical information and/or opinions shall be submitted with the written request for an accommodation. The documentation listed in Appendix A shall be the minimum documentation to be supplied by the employee.

~~a.~~ The employee shall be responsible for the expenses of providing acceptable documentation, which may include the costs of necessary medical examinations needed to render an acceptable medical decision. If, upon review and at the sole discretion of the municipality, the Town Manager's Office determines additional medical opinions are necessary, the municipality shall be responsible for the additional costs.

~~21.~~ Failure to provide all requested medical documentation, including any additional medical documentation as may be required and/or failure to submit to an independent medical examination may, at the discretion of the municipality, result in denial of any request(s) for accommodation(s).

3C. The Town Manager's Office must make the following necessary determinations for each ADA or MHRA accommodation request:

1. ~~The nature of the~~ Whether the individual has a disability. This determination may, at the discretion of the municipality, ~~require proof of actual diagnosis by an appropriate medical care professional, with appropriate documentation supporting the diagnosis.~~ The documentation listed in Appendix A shall be the minimum documentation to be supplied by the employee from a medical care professional, if such documentation is job-related and consistent with business necessity.

2. ~~Whether the disability impacts an~~ accommodation is needed for the individual to perform the essential function(s) of the employee's position.

3. ~~The job function(s) the disability impacts.~~

~~43. The type of Whether the accommodation(s) that is (are) reasonable and would not create an undue hardship for the Town.~~

4D. The Town Manager's Office shall implement the decision through appropriate municipal procedures if the employee is to be accommodated.

5E. The Town Manager's Office shall ~~issue a written decision~~ make a determination within a reasonable time upon receipt of the ~~written~~ request for accommodation.

A reasonable time is necessarily flexible, taking into consideration such factors as the complexity of the request, cooperation of the employee, any need(s) for additional medical examinations and/or ~~opinions~~ information, and so forth.

6F. If an employee is not satisfied with the determination regarding a requested accommodation, the employee may submit a request for reconsideration to the Town Manager. The Town Manager shall promptly review and respond to the request for reconsideration and notify the employee of the Town Manager's decision.

7G. An employee who believes that he or she has been subjected to unlawful disability discrimination or retaliation is encouraged to appeal to the department head or Town Manager under Policy 90-29. The employee also may file a complaint with the Maine Human Rights Commission and/or the Equal Employment Opportunity Commission within 300 days of the alleged discrimination. An employee may contact the Human Rights Commission by writing to the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333, or by phoning 207-624-6050. An employee also may contact the Equal Employment Opportunity Commission by writing to EEOC, John F. Kennedy Federal Building, Equal Employment Opportunity Commission, 475 Government Center, Boston, MA 02203, or by phoning 800-669-4000.

~~—1. The Town Manager's Office will assure verification of receipt of the written decision.~~

Appendix A

Disability Documentation

~~The following documentation is the minimum necessary in order to provide a prompt review of records and determine the appropriate accommodation, if any. Additional documentation may be necessary on a case-by-case basis. Supplying this minimum documentation does not guarantee any accommodation will be provided.~~

- ~~1. Information must come from the appropriate licensed medical professional. This person must have the necessary qualifications to accurately and properly diagnose the claimed disabilities.~~
- ~~2. The licensed professional must state the disability findings on their official letterhead that indicates the professional area of specialization. Information contained should include: a statement of findings and conclusion summary that indicates a correlation drawn from the testing to the diagnosis, including the treatment plan.~~
- ~~3. The functional limitations must be cited. The limitations shall be related to the essential functions of the employee's specific position.~~
- ~~4. All documentation shall be dated within the last 3 years. If necessary, this time frame may be shortened on a case-by-case basis.~~

Sec. 90-4. - Employment.

(a) Applications. Equal Employment Opportunity Statement

~~The Town of Lisbon provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, gender identity, national origin, age, physical or mental disability, genetic information, marital status, amnesty or status as a covered veteran in accordance with applicable federal, state and local laws. The Town of Lisbon complies with applicable state and local laws governing nondiscrimination in employment in every location in which the company has facilities. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.~~

~~The Town of Lisbon expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, genetic information, physical or mental disability or veteran status. Improper interference with the ability of The Town of Lisbon employees to perform their expected job duties is absolutely not tolerated.~~

~~(b) Applications for employment must be filed on forms prescribed by the Ttown Mmanager. Such forms may require whatever information is deemed necessary, and all applications must be signed by the person applying.~~

(b) Preemployment Medical Inquiries. The Town will not require an applicant to take a pre-employment medical examination or make preemployment inquiry of an applicant as to whether the applicant is an individual with a physical or mental disability or as to the nature or severity of a physical or mental disability. The Town may, however, make pre-employment inquiry into an applicant's ability to perform job-related functions. The Town also may condition an offer of employment on the results of a medical examination conducted prior to the employee's commencement of duties, provided that 1) all similarly situated employees are subjected to such an examination regardless of physical or mental disability, and b) the results of such an examination are used in accordance with the requirements of the Maine Human Rights Act and the American with Disabilities Act.

(c) Background and Reference Checks.

To ensure that individuals who join The Town of Lisbon are well qualified and to ensure that the municipality maintains a safe and productive work environment, it is our policy to conduct pre-employment background checks on all applicants who accept an offer of employment. Background checks may include verification of any information on the applicant's resume or application form.

All offers of employment are conditioned on receipt of a background check report that is acceptable to The Town of Lisbon. All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, the Maine Human Rights Act, and state and federal privacy and antidiscrimination laws. Reports are kept confidential and are only viewed by individuals involved in the hiring process.

If information obtained in a background check would lead tThe Town of Lisbon to deny employment, a copy of the report will be provided to the applicant, and the applicant will have the opportunity to dispute the report's accuracy. Background checks may include a criminal record check, although a criminal conviction does not automatically bar an applicant from employment.

(T.M. of 7-31-2007, § 2007-115; T.M. of 4-7-2009, § 2009-62)

Sec. 90-3. - Non-discrimination and equal employment opportunity policy.

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Sec. 90-3.1. - Sexual harassment.

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(b) Definition.

(1) Harassment on the basis of sex is a violation of federal law and section 4572 of the Maine Human Rights Act. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

(2) In other words, sexual harassment is the attempt to control, influence or affect the career, salary or job of an individual in exchange for sexual favors. Sexual harassment can also be conduct that creates a hostile or offensive work environment or unreasonably interferes with a person's ability to perform their job.

(3) Specific conduct that is prohibited includes, but is not limited to:

- a. Threats or insinuations, implicit or explicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's

retention, evaluation, wages, promotion, duties or any other condition of employment.

- b. Unwelcome sexual flirtations, advances or propositions.
- c. Verbal or written abuse of a sexual nature.
- d. Graphic verbal comments about an individual's body.
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- h. The display in the workplace of sexually suggestive objects or pictures.

(c) Report. Any employee who believes he has been the subject of sexual harassment should report the alleged act immediately. The steps to take are as follows:

(1) Be sure that the person who is sexually harassing you know[s] that you do not welcome that person's advances/comments/actions. TELL THEM TO STOP!

(2) If the sexual harassment continues or if you are not comfortable telling the person who is harassing you to stop, inform your supervisor, department head or the Town Manager of the sexual harassment. If your supervisor is the alleged harasser, you should report the concern to your department head or the Town Manager. If the Town Manager is the alleged harasser, you should inform the chairman of the town council.

(d) Confidentiality. A record of the complaint and the findings will become a part of the complaint investigation record, and the file will be maintained separately from the employee's personnel file. It is understood any person electing to utilize this complaint resolution procedure will be treated courteously, the problem handled swiftly and confidentially.

(e) Discipline/discharge for violation. Any employee who is found after appropriate investigation to have engaged in sexual harassment will be subject to discipline, up to and including discharge.

(f) No retaliation for filing a complaint. The registering of a complaint will in no way be used or held against the employee, nor will it have an adverse impact on the complaining individual's employment status.

(g) No retaliation will occur as a result of filing a report. It is unlawful under the Maine Human Rights Act and federal law for an employer to retaliate against an employee because the employee filed a charge or because the employee aided in an investigation. If

the employee believes retaliation has occurred, the employee should inform their supervisor, department head, or the Town Manager. If the Town Manager is the one retaliating, the employee should inform the chairman of the town council.

(h) *Complaint procedures.* An employee who believes that he or she has been subjected to sexual harassment or retaliation is encouraged to appeal to the department head or Town Manager under Policy 90-29. The employee also may file a complaint with the Maine Human Rights Commission and/or the Equal Employment Opportunity Commission within 300 days of the alleged discrimination. The employee may call or visit the Commission's office, and a staff person will assist the employee. An employee may contact the Human Rights Commission by writing to the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333, or by phoning 207-624-6050. An employee also may contact the Equal Employment Opportunity Commission by writing to EEOC, John F. Kennedy Federal Building, Equal Employment Opportunity Commission, 475 Government Center, Boston, MA 02203, or by phoning 800-669-4000.

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(a) *Policy Statement*

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The Town of Lisbon is committed to providing accommodations for eligible individuals with physical or mental disabilities as defined by federal and state law in the most timely and effective manner possible under applicable laws and regulations. The municipality's intent is to ensure that every request for an accommodation is promptly and properly

reviewed. The municipality is committed to following the requirements of the ADA, the MHRA and all appropriate federal and/or state laws, rules and regulations.

All requests for accommodations are to be submitted to the Town Manager's Office for consideration and review. In evaluating requests for accommodation, the Town may request additional medical documentation, examinations and/or opinions to the extent the information requested is job-related and consistent with business necessity.

(b) Accommodation Process

1. The employee or the employee's immediate supervisor shall contact the Town Manager's Office for assistance in applying for accommodation. No department or individual may grant any accommodation, whether formal or informal, without first receiving approval of the Town Manager. If an employee's supervisor makes the request for accommodation on behalf of the employee, the employee must then work with the Town Manager's Office directly. Only that information absolutely necessary shall be shared with the employee's supervisor. The employee's supervisor should not act as an advocate or surrogate for the employee. The Town Manager's Office shall assist the employee in all ways reasonably possible in completing the accommodation process in a timely and efficient manner.

2. Any information submitted shall be considered confidential and may be shared only with those who have a need to know in accordance with federal and/or state law. The Town Manager's Office shall make the determination of the need to know in consultation with the applicable department.

3. The Town Manager's Office must make the following necessary determinations for each ADA or MHRA accommodation request:

1. Whether the individual has a disability. This determination may require appropriate documentation from a medical care professional, if such documentation is job-related and consistent with business necessity.

2. Whether an accommodation is needed for the individual to perform the essential function(s) of the employee's position.

3. Whether the accommodation(s) is (are) reasonable and would not create an undue hardship for the Town.

4. The Town Manager's Office shall implement the decision through appropriate municipal procedures if the employee is to be accommodated.

5. **The Town Manager's Office shall make a determination within a reasonable time upon receipt of a request for accommodation.** A reasonable time is necessarily flexible, taking into consideration such factors as the complexity of the request, cooperation of the employee, any need(s) for additional medical information, and so forth.

6. If an employee is not satisfied with the determination regarding a requested accommodation, the employee may submit a request for reconsideration to the Town Manager. The Town Manager shall promptly review and respond to the request for reconsideration and notify the employee of the Town Manager's decision.

7. An employee who believes that he or she has been subjected to unlawful disability discrimination or retaliation is encouraged to appeal to the department head or Town Manager under Policy 90-29. The employee also may file a complaint with the Maine Human Rights Commission and/or the Equal Employment Opportunity Commission within 300 days of the alleged discrimination. An employee may contact the Human Rights Commission by writing to the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333, or by phoning 207-624-6050. An employee also may contact the Equal Employment Opportunity Commission by writing to EEOC, John F. Kennedy Federal Building, Equal Employment Opportunity Commission, 475 Government Center, Boston, MA 02203, or by phoning 800-669-4000.

Sec. 90-4. - Employment.

(a) ***Applications.*** Applications for employment must be filed on forms prescribed by the Town Manager. Such forms may require whatever information is deemed necessary, and all applications must be signed by the person applying.

(b) ***Preemployment Medical Inquiries.*** The Town will not require an applicant to take a pre-employment medical examination or make preemployment inquiry of an applicant as to whether the applicant is an individual with a physical or mental disability or as to the nature or severity of a physical or mental disability. The Town may, however, make pre-employment inquiry into an applicant's ability to perform job-related functions. The Town also may condition an offer of employment on the results of a medical examination conducted prior to the employee's commencement of duties, provided that 1) all similarly situated employees are subjected to such an examination regardless of physical or mental disability, and b) the results of such an examination are used in accordance with the requirements of the Maine Human Rights Act and the American with Disabilities Act.

(c) ***Background and Reference Checks.*** To ensure that individuals who join The Town of Lisbon are well qualified and to ensure that the municipality maintains a safe and

productive work environment, it is our policy to conduct pre-employment background checks on all applicants who accept an offer of employment. Background checks may include verification of any information on the applicant's resume or application form.

All offers of employment are conditioned on receipt of a background check report that is acceptable to The Town of Lisbon. All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, the Americans with Disabilities Act, the Maine Human Rights Act, and state and federal privacy and antidiscrimination laws. Reports are kept confidential and are only viewed by individuals involved in the hiring process.

If information obtained in a background check would lead the Town of Lisbon to deny employment, a copy of the report will be provided to the applicant, and the applicant will have the opportunity to dispute the report's accuracy. Background checks may include a criminal record check, although a criminal conviction does not automatically bar an applicant from employment.

(T.M. of 7-31-2007, § 2007-115; T.M. of 4-7-2009, § 2009-62)