

**CITY OF BROCKTON
EQUAL EMPLOYMENT OPPORTUNITY**

The City of Brockton shall maintain a working environment free from discrimination in employment and provide equal opportunity without regard to race, color, sex, religion, creed, national origin, ancestry, sexual orientation, disability, Vietnam era veteran's status, marital status and age. The City is an Affirmative Action, Equal Opportunity employer.

Equality of opportunity will be the policy for all aspects of employment including recruitment, hiring, training, development, promotion, transfer, termination, layoff, compensation, benefits, and all other conditions and privileges of employment in accordance with applicable federal, state and local laws.

It is the policy of the City of Brockton to comply with all relevant and applicable provisions of the following state and federal laws

1. **Title VII of the Civil Rights Act of 1964**, which prohibits employment discrimination based on race, color, religion, sex, national origin, or reprisal or retaliation
2. **Age Discrimination in Employment Act of 1967 (ADEA)**, which protects employees 40 years of age or older
3. **Equal Pay Act of 1963**, which protects men and women who perform substantially equal work in the same establishment from sex based wage discrimination
4. **American with Disabilities Act of 1990 (ADA)**, which protects individuals in state and local government from discrimination based on a disability
5. **Equal Employment Opportunity Commission (EEOC)**, provides oversight and coordination of all federal equal employment opportunity regulations, practices and policies.

Title VII

- It is illegal under **Title VII** to discriminate in

- Hiring and Firing
- Compensation, Assignment, or Classification of employees
- Transfer, Promotion, Layoff or Recall
- Job Advertisements
- Recruitment
- Testing
- Use of Company Facilities
- Training and apprenticeship programs
- Fringe Benefits
- Pay, Retirement Plans, Disability Leave
- Offer, Terms, and Conditions of Employment

***Citizenship requirements, preferences or rules requiring employees to be fluent in English or speak only English at work may be unlawful if they disproportionately exclude individuals of a particular national origin and are not justified by a business necessity

Age Discrimination Employment Act (ADEA)

The City may make age based hiring and retirement decision for firefighters and law enforcement officers if the particular age limitation was in effect on 3/3/83 and the action is taken pursuant to a bona fide hiring or retirement plan that is not a pretext to evade the purposes of this Act.

Americans with Disability Act (ADA)

An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities. The City is required to make a reasonable accommodation in order to provide an equal employment opportunity to a qualified applicant or employee with a disability unless this would impose an "undue hardship" on the business of city government.

The **ADA of 1990** makes it unlawful to discriminate in employment against a qualified individual with a disability. A person has a disability if he/she has a physical or mental impairment that substantially limits a major life activity such as hearing, seeing, speaking, breathing, performing manual task, walking & and caring for oneself.

The **ADA** also protects individuals who have a record of a substantially limiting impairment and/or people who are regarded as having a substantially limiting impairment such as a person recovered from cancer or a mental illness or a facial-disfigurement.

- An individual with a disability must be qualified to perform the essential functions of the job with or without reasonable accommodations
- The applicant or employee must satisfy your job requirements for educational background, employment experience; skills, licenses; and any other qualification standard that are job related and
- Be able to perform those tasks that are essential to the job with or without reasonable accommodation

Reasonable Accommodations any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of the job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

Reasonable Accommodations may include

- acquiring or modifying equipment or devices
- job restructuring
- part time or modified work schedules
- reassignment to a vacant position
- adjusting or modifying examinations, training materials or policies
- providing readers or interpreters
- making the workplace readily accessible to and usable by people with disabilities

It is not necessary to provide a **reasonable accommodation** if doing so would cause an **undue hardship** on the operation of city business.

Undue Hardship means that an accommodation would be unduly costly, extensive, substantial or disruptive or would fundamentally alter the nature or operation of the business. Among the factors to be considered in determining whether an accommodation is an undue hardship are the costs of the accommodation, the employers size, financial resources and nature and structure of its operation.

Medical Examinations-An employer may not ask or require a job applicant to take a medical exam before making a job offer. It cannot make any preemployment inquiry about a disability or the nature or severity of a disability.

An employer may ask questions about the ability to perform specific job functions and may with certain limitations ask an individual with a disability to describe or demonstrate how he/she would perform these functions.

Drug Use-Individuals who currently engage in the illegal use of drugs are specifically excluded from the definition of a qualified individual with a disability protected by the **ADA**.

- A test for the illegal use of drugs is not considered a medical exam under the **ADA**.
- The **ADA** protects person's with **AIDS and HIV** disease from discrimination.