

# TOWN OF LINCOLN

## DRUGS AND ALCOHOL POLICY

### **PURPOSE & SCOPE:**

The purpose of this policy is to outline the responsibilities of employees, supervisors, and managers with regard to drug and alcohol use in the workplace and the testing of employees in safety sensitive positions in accordance with U.S. Department of Transportation regulations issued under the Omnibus Transportation Employee Testing Act of 1991, and in accordance with the Drug-free Workplace Act of 1988.

### **APPLICABILITY:**

This policy applies to all employees.

### **DEFINITIONS:**

*Safety-sensitive:* For purposes of this policy, safety-sensitive shall refer to all employees required by the Town or by federal or state law or regulation, to obtain and retain a Commercial Driver's License.

### **GENERAL POLICY REGARDING DRUGS AND ALCOHOL IN THE WORKPLACE:**

The Town of Lincoln firmly believes that the use of illegal drugs and misuse of legal drugs, including alcohol, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment. The Town of Lincoln discourages users of illegal drugs and misusers of legal drugs, including alcohol, from seeking employment with the Town and encourages very forcefully the rehabilitation of such persons already in its employ.

Employees of the Town of Lincoln are visible and active members of the communities where they live and work. They are inescapably identified with the Town and are expected to represent it in a responsible and creditable fashion. While the Town of Lincoln has no intention of intruding into the private lives of its employees, the Town does expect employees to report for work in a condition to perform their duties. The Town recognizes that employees off-the-job as well as on-the-job involvement with drugs and alcohol can have an impact on the workplace and on Lincoln's ability to accomplish its' goal of providing an alcohol and drug-free environment.

In accordance with the Federal Drug Free Workplace Act, the illegal use, sale or possession of narcotics, drugs, or controlled substances while on the job or on Town property is an offense warranting disciplinary action up to and including termination.

Employees who are under the influence of alcohol, either on the job or when reporting for work, or who possess or consume alcohol during work hours, have the potential for interfering with their own as well as their co-workers safe and efficient job performance. Consistent with Town practices, such conditions will be proper cause for disciplinary action up to and including termination of employment.

Employees are expected to follow any directions of their health care provider concerning prescription medications, and must immediately notify their supervisor if any prescription drug is likely to have an impact on their job performance. In addition, notification must be given at the time of any testing or screenings as to any drugs or medicine being taken.

If any employee, while on Town property or during the employee's work shift, including without limitation all breaks and meal periods, consumes or uses, or is found to have in his or her personal possession, in his or her locker or desk or other such repository (excluding personal vehicles unless an open container is in plain sight), alcohol or drugs, which are not medically authorized, or is found to have used or to be using such alcohol or drugs, will be suspended immediately pending further investigation. If use or possession is substantiated, disciplinary action, up to and including termination will be imposed as outlined in section 'Consequences of Alcohol/Drug Misuse'.

The Town of Lincoln is committed to the treatment and rehabilitation of employees with alcohol and controlled substance misuse problems, and encourages employees to come forward voluntarily and seek assistance for those problems prior to and after implementation of the testing program.

If at any time an employee volunteers to enter a chemical dependency program, he/she will do so without fear of disciplinary action being taken against him/her as a result of seeking treatment. Such a program is designed to provide care and treatment to employees who are in need or rehabilitation. Details concerning the treatment that any employee receives in this program shall remain confidential and shall not be released to the public.

### **POLICY REGARDING DRUG AND ALCOHOL TESTING:**

It is the policy of the Town of Lincoln to comply fully with the regulations mandating pre-use, random suspicion, and post-accident drug and alcohol testing in accordance with regulations issued by the U.S. Department of Transportation.

Performance of safety-sensitive functions is prohibited by employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol on the job or within four hours of reporting to work; and employees in the possession of any medication containing alcohol unless the package seal is unbroken. Use of illicit drugs by safety-sensitive drivers is prohibited.

### ***PROCEDURES***

#### **A. Types of Tests:**

To the extent practicable, all tests will be conducted during employees normally scheduled work hours. The following tests are required:

Pre-Employment (Pre-use) - All applicants for employment in positions requiring Commercial Driver's License (pre-employment), or candidates for transfer or promotion to such a position (pre-use) are subject to screening for improper use of controlled substances.

Post-Accident - Conducted after accidents on drivers in Town vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents, even if driver is not cited for a moving traffic violation. An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle is required to be towed from the scene. Alcohol tests should be conducted within two hour, but in no case more than eight hours after the accident. Employees must refrain from all alcohol use until the test is complete. Post-accident drug tests must be conducted within thirty-two hours.

Reasonable Suspicion - Conducted when a supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse. If a driver's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted. If a test cannot be administered, the driver must be removed from performing safety sensitive duties for at least twenty-four hours. Testing for alcohol abuse must be based on suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion. Reasonable suspicion testing may only be conducted after consultation with the Public Works Superintendent of his designee.

Random - Conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs. Each year the number of drug tests conducted by the Town must equal at least 50% of all safety-sensitive drivers.

Return to Duty and Follow-up: Conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve months after a driver returns to duty. Follow-up testing may be extended for up to 60 months following the return to duty.

#### **B. Conducting Tests:**

### Alcohol

DOT rules require breath-testing using evidential breath-testing (EBT) devices. Two breath-tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative test". If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted.

### Drugs

- a. Drug testing is conducted by analyzing a driver's urine specimen and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification, and integrity are not compromised.
- b. DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis while the split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

All urine specimens are analyzed for the following drugs:

- Marijuana (THC metabolite)
- Cocaine
- Amphetamines
- Opiates (including heroin)

Testing is conducted using a two-stage process. First, a screening test is performed. If the test is for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.

All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. If MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative test.

### Refusal to Participate

Any refusal to participate in any of the types of alcohol and/or drug tests authorized in this procedure will be treated as indicative of a positive result.

## C. Consequences of Alcohol/Drug Misuse

Safety-sensitive employees who are found in possession of alcohol will receive: a one day suspension without pay for the first offense; a three day suspension without pay for a second offense; and shall be terminated in the event of a third offense.

Any illegal substances found in the possession of a safety-sensitive employee shall be turned over to the appropriate law enforcement agency. A first offense shall warrant a three day suspension without pay; a second offense shall result in termination of the employee.

Safety-sensitive employees who have any alcohol concentration (defined as 0.02 or greater) who tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for 24 hours. Disciplinary action will be imposed upon an employee whose alcohol test reveals any alcohol concentration (between 0.02 and 0.04). Disciplinary action will be as follows: a one (1) day suspension without pay for the first offense; a three day suspension without pay for a second offense; and shall be terminated in the event of a third offense.

Drivers who engage in prohibited alcohol or drug conduct (that is, test positive for alcohol use greater than 0.04 or drug use) must be immediately removed from safety-sensitive functions. Drivers who are

serving a probationary period will be terminated immediately. Non-probationary employees will be offered an opportunity for rehabilitation in accordance with Section 3 below. Non-probationary drivers who chose not to avail themselves of this rehabilitation opportunity will be terminated immediately.

Drivers who wish to continue employment with the Town of Lincoln must be evaluated by a substance abuse professional retained by the Town as part of the Employee Assistance Program (EAP), and must comply with any treatment recommendations to assist them with an alcohol or drug problem. The payment for any recommended treatment will be paid by the Town to the extent it can be handled within the scope of the EAP. Any additional expenses will be borne by the employee (or his or her health insurance program if applicable). Employees will be placed on sick leave or leave without pay during the treatment period, whichever, in the Town's discretion, is appropriate under the circumstances.

Drivers who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return-to-duty test with a result of less than 0.02 for alcohol or a negative drug test, and who are then subject to unannounced follow-up tests, may return to work. Both the return-to-duty tests and follow-up tests required by this policy will be paid for by the employee.

Drivers who have returned to work under these conditions and who subsequently test positive for alcohol or drugs in accordance with this policy during the next five years will be terminated immediately.

Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. As a condition of employment, the employee must comply with prescribed follow-up care.

#### D, Information/Training

All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse. All employees must receive a copy of this policy and sign the Confirmation of Receipt

All supervisory and management personnel in the Department of Public Works must attend at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing. Supervisors and managers will be instructed in the detection of abuse problems and the enforcement of the testing policy. Periodic, on-going training will also occur after implementation of the policy.

This policy will be posted on all bulletin boards and will be available to all employees.

- Educational information will be made available periodically which will focus on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre-employment drug screening and "reasonable suspicion" testing, the effects on job performance measured in loss of productivity, and the potential safety hazards presented to the individual employee, other employees and the public.
- All recruitment advertising for CDL related positions will include the statement "Drug/alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.
- All final candidates for employment will be given a copy of this policy and will be given the opportunity to read the policy in its entirety.

#### E. Record-keeping

The Town is required to keep detailed records of its alcohol and drug misuse prevention program. In the event that drug or alcohol testing requires that an employee be held over beyond his/her normal working hours, the Town agrees to compensate that employee at his/her overtime rate of pay. Drug and alcohol testing will be done in the presence of a union official. The Town will provide to the union a list of all employees who are tested.

# **TOWN OF LINCOLN**

## **Harassment Policy**

The Town of Lincoln intends to provide a work environment that is pleasant, professional, and free from intimidation, hostility or other offenses that might interfere with work performance. Harassment of any sort - verbal, physical, and visual - will not be tolerated, particularly against employees in protected classes. These classes include, but are not necessarily limited to race, ancestry, religion, gender, age, marital or civil union status, national origin, sexual orientation, place of birth, citizenship, veteran status, or disability, or any other protected status defined by law.

### ***What Is Harassment?***

Workplace harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, pranks, intimidation, physical assaults or contact, or violence that substantially interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Harassment is not necessarily sexual in nature. It may also take the form of other activity, including derogatory statements, not directed to the targeted employee but observed by the affected employee. Other prohibited conduct includes, but is not limited to, written material such as notes, photographs, cartoons, articles of a harassing or offensive nature, and taking retaliatory action against an employee for discussing or making a harassment complaint.

### ***Responsibility***

All Town of Lincoln employees, and particularly managers, have a responsibility for keeping our work environment free of harassment. Any employee, who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to the Town. When a member of the Town management becomes aware of the existence of harassment, he or she must report it to his/her supervisor whether or not the victim wants the organization to do so.

### ***Reporting***

While the Town encourages an employee to communicate directly with the alleged harasser, and make it clear that the harasser's behavior is unacceptable, offensive or inappropriate, it is not required that he or she do so. It is essential, however, to notify the Town immediately even if unsure the offending behavior is considered harassment. Any incidents of harassment must be immediately reported to the supervisor, or to the Town Administrator or Assistant Town Administrator. Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. However, confidentiality cannot be guaranteed. Any employee found to have harassed a fellow employee or subordinate would be subject to severe disciplinary action up to and including termination. The Town will also take any additional action necessary to appropriately remedy the situation. Retaliation of any sort will not be permitted. No adverse employment action will be taken against any employee who makes a good faith report of alleged harassment or who participates in the investigation of such a complaint.

### ***Policy Statement on Sexual Harassment:***

#### ***What Is Sexual Harassment?***

Sexual harassment may include unwelcome sexual advances, requests for sexual favors or other verbal or physical contact of a sexual nature when such conduct substantially interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. It also encompasses such conduct when it is made a term or condition of employment or compensation, either implicitly or explicitly and when an employment decision is based on an individual's acceptance or rejection of such conduct.

It is important to note that sexual harassment crosses age and gender boundaries and cannot be

stereotyped. Among other perceived unconventional situations, sexual harassment may even involve two women, two men, or a bystander.

Examples of a hostile, intimidating, and offensive working environment include, but are not limited to, pictures, cartoons, symbols, or apparatus found to be offensive and which exist in the workspace of an employee. This behavior does not necessarily link improved working conditions in exchange for sexual favors but it must be unwelcome and substantially interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

The Town will investigate any complaint of sexual harassment and will take immediate and appropriate disciplinary action if sexual harassment has been found within the workplace. Complaints related to sexual harassment should be made as soon as possible to the Town Administrator or the Assistant Town Administrator.

Notice of this policy is posted on the main town offices employee bulletin board, and is provided to each employee. If this policy is determined not to have been violated, the complainant and the accused person shall be so informed, with appropriate instruction provided to each, **including the right of the complainant to contact any of the state or federal agencies identified in this posted policy notice.**

## STATE AND FEDERAL REMEDIES

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

1. The United States Equal Opportunity Commission ( "EEOC" )  
One Congress Street, 10<sup>th</sup> Floor  
Boston, MA 02114 617 / 565-3200

2. The Massachusetts Commission Against Discrimination ( "MCAD" )

Boston Office:	Springfield Office:
One Ashburton Place, Room 601	424 Dwight Street, Room 220
Boston, MA 02108 617/ 727-3990	Springfield, MA 01103 413/ 739-2145

## **AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY POLICY**

Unlawful discrimination against employees, or the public by our employees, occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment, will not be tolerated by the Town of Lincoln. Further, any retaliation against an individual who has formally or informally complained about discrimination or has cooperated with an investigation of a discrimination complaint is prohibited. To achieve our goal of providing a workplace free from discrimination, the conduct that is described in this policy will not be tolerated, and we will implement the procedure described below to address any potential inappropriate conduct.

The Town of Lincoln commits itself and its employees, within the context of state and federal civil rights laws, to ensure equitable participation of employees of all backgrounds in all of its daily operations. This policy applies to all employment practices and employment programs sponsored by the Town of Lincoln. This policy shall apply, but not be limited to, the areas of:

- Recruitment,
- Selection,
- Compensation and benefits,
- Professional development and training,
- Reasonable accommodation for disabilities or religious practices,
- Promotion,
- Transfer,
- Termination,
- Layoff, and
- Other terms and conditions of employment.

Because the Town of Lincoln takes allegations of discrimination seriously, we will respond promptly to complaints and where it is determined that inappropriate conduct has occurred, we will act promptly to cease the conduct and impose any necessary corrective action, including disciplinary action.

### **1. Employee Recruiting Policies and Procedures**

For the purpose of assuring equal opportunity to all persons in recruiting Town of Lincoln staff, the following shall apply:

- a. Recruiting advertisements shall be placed in newspapers have the broadest circulation with the aim of giving maximum exposure to minority groups.
- b. The Town of Lincoln prohibits discrimination in employment on the basis of:
  - Age (40 and above),
  - Criminal record (applications only),
  - Physical, mental, or psychiatric disability,
  - Genetics (results of genetic testing),
  - Maternity leave
  - National origin or ancestry,
  - Race or color,
  - Religion,
  - Sex,
  - Sexual orientation, or
  - Active military status.

C. Internal Recruitment is encouraged at times, and for such positions in which internal recruitment and promotion is considered desirable, internal posting shall be made available to all town employees.

## **2. Discriminatory Harassment**

The Town of Lincoln's separate Harassment Policy details our commitment to a workplace free of any verbal or physical conduct which is unwelcome, severe or pervasive, and related to membership or perceived membership in a protected class.

## **3. Reasonable Accommodation**

The Town of Lincoln defines Reasonable Accommodations as those changes an employer makes to a job, the work site, or the environment that enable a qualified person with a disability to participate in the job application, hiring and employment process. Employees seeking reasonable accommodations may submit their request in writing to the Town Administrator, 16 Lincoln Road, Lincoln MA 01773, 781-259-2600.

## **4. Discrimination Complaints**

If any of our employees believes that he or she has been subjected to unlawful discrimination, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting the Town Administrator, 16 Lincoln Road, Lincoln MA 01773, 781-259-2600.

The Town Administrator is also available to discuss any concerns you may have, and to provide information to you about our Equal Employment Opportunity policy and our complaint process. Alternatively, employees may contact any Town of Lincoln supervisor.

## **5. Discrimination Investigation**

The Town of Lincoln will promptly investigate the allegation in a fair and thorough manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include private interviews with the person filing the complaint, the person alleged to have committed the discrimination, and relevant witnesses. 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 discrimination of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and, where it is appropriate, we will also take appropriate disciplinary action.

## **6. Disciplinary Action**

If it is determined that inappropriate discriminatory behavior has been exhibited by one of our employees, we will take such action as is appropriate under the circumstances. Such action may include counseling, verbal or written warning, suspension, or termination.



## **7. State and Federal Remedies**

In addition to the above, if you believe you have been subjected to unlawful discrimination, you may file a formal 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 time period of 300 days for filing a claim.

1. The United States Equal Employment Opportunity 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, Rm. 601, Boston, MA 02108 (617) 994-6000  
Springfield Office: 424 Dwight Street, Rm. 220, Springfield, MA 01103 (413) 739-2145

# TOWN OF LINCOLN

## Social Networking Policy

### Purpose

This policy, developed by representative of the Town Union and Non-union employee groups, is intended to provide guidance to all town employees with respect to use of social networking sites during work hours while using town owned and maintained resources, as well as personal use during non-working hours on equipment not belonging to the town.

The Town has a legitimate interest in preserving the public's trust and respect. An employee's conduct on non-working hours must not discredit the employee or the Town, affect an employee's ability to perform his or her job, or result in poor job performance. There are many levels of damage that inappropriate use of social media can effect; ranging from the posting of false or defamatory remarks or materials targeting the Town of Lincoln, town residents, town employees or their family members to criminal, harassing, threatening or discriminatory actions.

Social media sites provide new avenues of electronic communication. This communication is taking place in an environment which is yet to be fully tested as to its degree of security and confidentiality. What one person feels is a secure environment, may not be secure at all. It has been said that the internet holds no secrets. Information that is posted on the internet can easily be traced back to its author. Content shared with one person may end up being forwarded to many unintended recipients. Embarrassing or inappropriate material which is posted may be publically available forever.

### Policy

- a. Employees shall not use social media sites at during work hours and/or using town resources unless such use has been specifically assigned by a supervisor for a concrete work assignment.
- b. Employees are strictly prohibited from using social media sites for personal use during work hours and/ or using town resources.
- c. Employees shall not disclose unauthorized or confidential information using electronic devises or social media.
- d. Social media content of a criminal, harassing, threatening or discriminatory nature is prohibited.
- e. Statements made by an employee pursuant to their official duties are not insulated from discipline because they occurred on social networking sites.
- f. Text, images, photographs, video or other reproductions of the Town of Lincoln, it's buildings, equipment, vehicles or specific departmental logos or other insignia is prohibited from use on social networking sites unless specifically authorized.
- g. The Town will generally limit its inquiry into an employee's off-duty conduct to situations impacting or reflecting upon the town or the employee's ability to do the assigned job.

### Policy Enforcement

- a. The Town will evaluate any suspected violations of this policy on a case-by-case basis with due regard for the privacy of everyone involved. However, confidentiality cannot be guaranteed.
- b. Violation of any provision of this policy may result in discipline, up to and including termination in accordance with applicable collective bargaining agreements or personnel policies.
- c. Retaliation against any employee making a good faith report regarding a violation of this policy is not permitted and could result in the imposition of additional discipline.

## **General Considerations**

- a. Employees are encouraged to use professional judgment at all times with regard to personal use of social networking sites – including but not limited to the posting of any content that identifies or portrays an image or text relating to a fellow employee, colleagues, or the Town.
- b. Employees should strive to be respectful to co-workers, residents or person seeking assistance from the Town.
- c. Always assume that what you post will be seen publicly.
- d. Do not identify other employees as working for the Town.
- e. An employee's public posting could damage his/her ability, or another employee's ability to do their job.
- f. The disclosure of confidential material or remarks which are false, defamatory or otherwise in violation of town policies by an employee on a personal social network site may result in the imposition of discipline up to and including termination.

# Pregnant Workers Fairness Act

On July 27, 2017, "An Act Establishing the Massachusetts Pregnant Workers Fairness Act" was signed into law. The Act prohibits workplace and hiring discrimination related to pregnancy, childbirth, or a related condition, including, but not limited to, lactation or the need to express breast milk for a nursing child. The law further requires employers to provide reasonable accommodations in the workplace for expectant and new mothers. It is the Town of Lincoln's policy to comply with the provisions of the Pregnant Workers Fairness Act, including the provision of reasonable accommodations when appropriate.

Under the Act, Town of Lincoln employees have a right to be free from discrimination based upon pregnancy or a condition related to pregnancy. The Town of Lincoln shall not take any adverse action against an employee on the basis of pregnancy or related medical condition, or for requesting or using an accommodation for pregnancy or related medical condition.

Examples of adverse actions include: denying employment opportunities based on pregnancy or related conditions; requiring an employee who is pregnant or has a pregnancy related medical condition to accept an accommodation that the employee chooses not to accept; requiring an employee to take leave if other reasonable accommodation can be provided without undue hardship; making pre-employment inquiry of a job applicant related to pregnancy, childbirth, or a related condition; and, when the need for a reasonable accommodation ceases, failing to reinstate the employee to the original employment status or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other applicable service credits.

## Reasonable Accommodations:

An employee working for the Town of Lincoln has a right to reasonable accommodation with respect to pregnancy and/or any condition resulting from pregnancy, so that the employee may perform the essential functions of the job, unless the requested accommodation will cause an undue hardship on the Town of Lincoln.

These accommodations can include, for example: frequent or longer paid or unpaid breaks; time off to recover from childbirth or complications from pregnancy, with or without pay; acquisition or modification of equipment or seating; temporary transfer to a less strenuous or hazardous position; job restructuring and/or modified work schedule; light duty and/or assistance with manual labor; and private non-bathroom space for expressing breast milk.

The Town of Lincoln may request documentation from the employee's health care provider(s) about the need for a reasonable accommodation, except in the cases of requests for: more frequent restroom, food or water breaks; seating; limits on lifting more than 20 pounds; and private non-bathroom space for expressing breast milk.

Contact Mary Day with questions about, or requests for reasonable accommodation under, the Pregnant Workers Fairness Act.

## EMPLOYEE ACKNOWLEDGEMENT

I acknowledge that I was given a copy of the following policies, and have been given an opportunity to read and ask questions of my supervisor about the content of the policy.

1. Drugs and Alcohol Policy
2. Harassment Policy
3. Affirmative Action/Equal Employment Opportunity Policy
4. Social Networking Policy
5. Pregnant Workers Fairness Act

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Employee's Name

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Department Name

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Employee's Signature

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Date