

# **CORNERSTONE BEHAVIORAL HEALTHCARE**

## **GOV.11.B EQUAL EMPLOYMENT OPPORTUNITY (ADA, ADAAA AND MAINE HUMAN RIGHTS COMMISSION)**

Cornerstone Behavioral Healthcare is committed to providing equal opportunity in employment to all employees and applicants for employment. No employee or applicant shall be discriminated against on the basis of race, age, religion, color, creed, gender, national origin, marital status, Vietnam Era Veteran Status, disabled veteran status, physical or mental disability, sexual orientation, or status as a whistleblower. Any employee who believes he or she has been the victim of employment discrimination based on any of these factors should report the matter immediately through Cornerstone's grievance procedure.

Any employee with questions or concerns about any type of discrimination in the workplace is encouraged to bring these issues to the attention of their immediate supervisor or the Executive Director. Employees can raise concerns and make reports without fear of retaliation. Anyone found to be engaging in any type of discrimination may be subject to disciplinary action, up to and including termination.

### **IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST**

See Policy on filing a Grievance.

### **FILLING A VACANT POSITION**

Promotions or position changes will be based upon qualifications, past performance evaluations and the individual's capacity to perform effectively in the vacant position. Promotions will be based upon competency rather than seniority.

### **PROHIBITING RETALIATION**

Retaliatory actions against any individual, including but not limited to, making an internal agency complaint through the agency's Discrimination, Harassment, and/or Grievance Policy and Procedure; stating intent to contact the Maine Human Rights Commission and/or EOC to file a complaint of discrimination and/or harassment; supporting employees who are involved in the Complaint of Discrimination, Harassment, and/or Grievance Policy and Procedure; educating others concerning the coverage of the Maine Human Rights Act; cooperating and/or participating with an internal or external investigation under these Procedures are strictly prohibited. If allegations are supported through investigation of any retaliatory behavior, immediate corrective actions will be taken in accordance with Cornerstone's Disciplinary Action Policy and Procedure.

### **PROCESSING AGENCY COMPLAINTS**

Refer to the Agency's Complaint of Discrimination, Harassment, and/or Grievance Policy and Procedure.

## MAINE HUMAN RIGHTS COMMISSION AND EEOC

Cornerstone encourages employees, students and applicants to utilize the agency's Policy and Procedure for Processing Complaints of Discrimination, Harassment, and/or Grievance; however, an employee, student or applicant has a right to file a formal complaint with the Maine Human Rights Commission. A complaint must be filed with the Commission not more than six (6) months after the act of alleged complaint of discrimination, harassment, and/or grievance occurred. Formal complaints with the Maine Human Rights Commission and/or EEOC are public record.

### WHERE TO FILE

Complaints must be filed at the office of the Maine Human Rights Commission, 51 State House Station, August, ME 04333-0051; complaints filed with the Equal Employment Commission (EEOC) pursuant to work sharing agreement between the Maine Human Rights Commission and EEOC shall be deemed filed with the Maine Human Rights Commission, on the date of filing with EEOC.

### HOW TO FILE

Complaints may be filed in person or by mail by filling out a form provided by the Commission or by the EEOC pursuant to work sharing agreements between the Maine Human Rights Commission and EEOC. Complaints must be sworn under oath before a Notary Public or other person authorized by law to administer oaths, or before a representative of the EEOC pursuant to work sharing agreements signed between the Maine Human Rights Commission and the EEOC.

### DISSEMINATION OF POLICY

- A. The Executive Director will implement this Personnel Policy and Procedure at Cornerstone.
- B. This Personnel Policy will be included in the statement of Personnel Policies and Procedures and will be a continuing component of this document.
- C. A copy of this Personnel Policy and Procedure will be given to every employee, and its contents emphasized to all persons engaged in the recruitment, hiring, transfers, promotion, compensation, separation, wage and salary administration, placement, training, and education of employees.
- D. Non-discriminatory clauses will be included in policies.
- E. All sources of recruiting for Cornerstone will take Affirmative Action steps. All advertising will include a positive statement such as "Cornerstone is an Equal Opportunity Employer (EOE)".

### PRESERVATION OF RECORDS

Any personnel or employment record (including, but not limited to: employment application forms, applicant and employee rating sheets, tests, and other records having to do with job

referral, hiring, promotion, demotion, transfer, lay off, rate of pay or other terms of compensation, seniority, labor organization membership or selection for training apprenticeship) made or kept by the employer, shall be preserved for a period of at least one (1) year from the date of the making of the record or the personnel action involved, whichever occurs later. When an employee has been voluntarily terminated (resigned from position), the personnel records of the individual terminated shall be kept for a period of one (1) year from the date of termination.

#### DEFINITION OF MINORITIES

1. Blacks, not of Hispanic origin: persons having origins in any Black racial group of Africa or Cape Verde.
2. Hispanics: Persons of Mexican, Puerto Rican, Cuban, Central/South American or other Spanish culture or origin, regardless of race.

#### **REASSIGNMENT AS A REASONABLE ACCOMODATION - SECTION 504**

Cornerstone will provide Reasonable Accommodation as mandated by the Americans with Disabilities Act and the Americans with Disabilities Act as Amended. In making hiring decisions, all job descriptions will denote and identify essential functions of the position with an asterisk (\*) mark. Next, a determination will be made as to whether or not the applicant is qualified for the position. And finally, a determination will be made as to whether or not the person can perform the essential functions of that position with or without an accommodation. Cornerstone will make every effort to comply with the law and make reasonable accommodations (defined as making a change(s) in the job or the work environment on a case-by case basis to help a new hire or existing employee with a disability, as long as it will not place an undue hardship on the Agency). All reasonable accommodation requests are kept strictly confidential.

The Reassignment as a Reasonable Accommodation Policy provides the reassignment of an employee who can no longer perform the essential functions of his/her position due to a physical or mental disability, has a record of being substantially limited, or can be regarded as having a disability that in any case substantially limits one or more major life activities. In the event that an employee can no longer perform the essential functions of his/her job, the policy provides a structured response. The employee requesting a Reasonable Accommodation will complete Cornerstone's Request for Reasonable Accommodation Form.

Accommodation begins with the employee's current position. That is, making changes in the work environment, work tools, or work methods, to enable an employee with a physical or mental disability to perform the Essential Functions of his or her position. If Reasonable Accommodations cannot be made in an employee's current position, the Agency must then explore other reassignment options, in strict order as follows:

1. Reassignment to an equivalent vacant position, for which the employee is qualified, with or without accommodation, provided such a position is available within the agency. In this situation the agency may nominate such employee, provided he/she meets the established minimum qualifications for the job.

2. Demotion to another job within the agency. As is the case above, the agency may nominate such employee, provided he/she meets the established minimum qualifications for the job.
3. Simultaneous to (2) above, the agency must refer the employee to the Executive Director or designee, who will assist the employee in identifying other transfer or demotion opportunities in Cornerstone for which he/she is qualified. In this situation, normal transfer to vacant positions will also be considered after recalls from layoff and promotion of other eligible agency employee candidates. A qualified employee so referred must be hired with or without reasonable accommodation.

*NOTE: During the search process the agency and employee may agree that a resolution other than those outlined above may be more appropriate. The Executive Director or designee should be consulted at all stages of the process. Such agreements may be considered, but must be entered into freely by the employee and the agency.*

  
Executive Director/Date

Reviewed and revised: 12/13/10; 1/23/15, DAA; 09/01/15, LT