

STATE OF MAINE
POLICY ON NON-DISCRIMINATION IN EMPLOYMENT

I. Policy Statement

The State of Maine is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices. The State of Maine will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

II. Definitions

“Employment Actions” include, but are not limited to, recruitment, testing, selection, promotion, compensation, benefits, layoffs, job assignments, employee development opportunities, and discipline.

A protected class refers to a group of individuals protected by anti-discrimination laws based on certain characteristics. A protected class includes people who belong to the protected class, are perceived as belonging to the protected class, or have a known relationship or association with a member of a protected class. Protected classes include race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, age, ancestry, national origin, familial status, genetic information, and marital status. Likewise, traits that are associated with protected class status, such as natural hair textures, Afro styles, protective hair styles (such as braids, twists, and locks), head coverings, and protected class-related body modifications are also included as part of a person’s protected class.

Protected activity is activity that an employee may engage in without fear of discrimination or retaliation from their employer or its agents. Protected activity includes whistleblower activity, previous assertion of a claim or right under the Maine Workers’ Compensation Act, and receiving an order of protection from abuse under Title 19-A, Section 4007 of the Maine Revised Statutes.

III. Policy Against Discrimination

Employment actions will be based on the principles of equal employment opportunity. Discrimination based on a protected class or protected activity is illegal and will not be tolerated by the State of Maine.

IV. Reasonable Accommodations

Reasonable accommodations will be made for any qualified individual, applicant, or employee in accordance with the provisions of the Maine Human Rights Act, Title VII of the Civil Rights Act, and the Americans with Disabilities Act. Please see the State of Maine's Policy and Procedure for Processing Requests for Reasonable Accommodation from Employees and Applicants for more information.

V. Managers/Supervisors Obligations

Managers and supervisors must respond appropriately to discrimination and report it immediately to individuals who are authorized to take further action. Managers and supervisors are also required to actively prevent and correct retaliation or discrimination toward any employee who has been involved in the filing, investigation, or resolution of a discrimination claim.

Departments, in partnership with HR, will address and attempt to resolve employee complaints regarding discrimination or retaliation as expeditiously as possible, consistent with Section VII of this Policy. Managers and supervisors are required to contact the agency Equal Employment Opportunity (EEO) Coordinator if they receive a complaint of this nature.

VI. Cooperation with Investigation

Employees are required to cooperate fully with the investigation and/or resolution of any discrimination complaint. Employees will not be punished for reporting discrimination, participating in a discrimination investigation or lawsuit, or opposing discrimination. The State of Maine will protect the confidentiality of employees who report discrimination or participate in a discrimination investigation, to the greatest possible extent. An Employee may arrange for representation consistent with any applicable collective bargaining agreement or law.

VII. Complaint Procedure

All complaints made for alleged violations of this Policy shall be made in accordance with the State of Maine's Equal Employment Opportunity Complaint Policy.

V. Policy Against Harassment

The State of Maine also has a separate Policy Against Harassment. Any conduct not covered by this Policy on Non-Discrimination in Employment may be covered by the State's Policy Against Harassment.

VI. Assistance

Each State agency/service center has a designated EEO Coordinator who is responsible for the implementation, monitoring, and recordkeeping of the agency EEO program as well as providing technical assistance to employees and supervisors. The State EEO Coordinator in the Bureau of Human Resources, Office of Employee Relations, is also available as a resource to any state employee, manager, or supervisor.

VII. Interpretation of Policy

This policy shall not be construed to prohibit any employment action or policy which is required by federal or state law, rule or, executive order.

VIII. Effective Date

The effective date of this policy is August 1, 2023.