

TITLE 18

AMERICANS WITH DISABILITIES ACT POLICIES AND PROCEDURES

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18-1 Public Notice Of Americans With Disabilities Act (ADA) Compliance

A. The City of Woburn hereby adopts the following Public Notice of Americans with Disabilities Act (ADA) Compliance:

CITY OF WOBURN
AMERICANS WITH DISABILITIES ACT

The City of Woburn does not discriminate on the basis of disability and is committed to the full participation of persons with disabilities in our programs, services, and activities and in our work force.

The person named below is responsible for coordinating the City's compliance with the Americans with Disabilities Act.

Inquiries, complaints, requests for communication aids, and other accommodations and assistance should be directed to:

{Name of Director}
Human Resources Director
City of Woburn
City Hall
10 Common Street
Woburn, MA 01801
Phone: (781) 932-4459 Fax: (781) 937-8212

Copies of this notice are available in large print, audiotape, Braille, and on computer disk upon request. The City's ADA grievance procedure, Self-Evaluation, and policies and procedures are also available on request.

Signed: {Signature of Human Resources Director}

- B. In compliance with the provisions of the Americans with Disabilities Act, the above Public Notice shall be posted in prominent locations in public buildings and also in short form on all brochures and public information materials.

18-2 Equal Employment Opportunity And Reasonable Accommodation Policies

- 1. The City of Woburn does not discriminate against qualified applicants and employees on the basis of disability in any terms, conditions or privileges of employment. A qualified applicant or employee is one who can perform essential functions of a job with or without reasonable accommodation.
 - A. Upon request, the City will provide reasonable accommodation to employees and applicants with disabilities when doing so does not pose an undue financial or administrative hardship.
 - B. Job applicants are not required to provide information about disabilities or accommodations required until a conditional job offer is made. Interviewing managers are prohibited from requesting information about any disabilities or accommodations required until making a conditional job offer. However, a job applicant who chooses to do so, may submit written requests for reasonable accommodation to the ADA Coordinator prior to the conditional job offer. Or, after the job offer is made to the applicant, he or she should submit a written request to the supervisor offering the job or to the ADA Coordinator. Employees who require accommodations should submit written requests for reasonable accommodation to his or her immediate supervisor. Requests for reasonable accommodation should contain a description of the

nature and purpose of the accommodation being requested. If an applicant or employee is unsure of the type of accommodation required, that individual, the ADA Coordinator and the individual's immediate supervisor and/or Department Head shall work collaboratively to design an accommodation. The request for reasonable accommodation should be accompanied by supporting documentation from a health care professional. This documentation should state that the employee in question has a disability that substantially limits one or more major life activities and requires reasonable accommodation. Copies of requests for reasonable accommodation together with supporting documentation should be forwarded to the ADA Coordinator by the employee's supervisor.

- C. Supervisors/Department Heads may grant requests for reasonable accommodation, but may not deny them. Only the ADA Coordinator in concert with the Mayor and/or City Council may determine that a proposed accommodation constitutes an undue hardship. Qualified applicants and employees have the right to file a grievance upon denial of reasonable accommodation, using the City's ADA grievance procedure.
- D. It is the policy of the City of Woburn to segregate medical and personnel records. Medical records shall be stored in a separate location from personnel records. Medical records include but are not limited to: documentation of illness, injury, short or long-term disability, reasonable accommodation requests, doctor's letters and certificates, Family and Medical Leave Act documentation and insurance information. Access to medical records shall be provided on a "needs to know basis" with authorization from the Director of Human Resources or the ADA Coordinator or from the individual employee by written, signed release.

18-3 ADA Coordinator

As designated in Title 2, Article VII, Section 41(15), the City of Woburn Director of Human Resources shall be the City's ADA Coordinator. The ADA Coordinator will direct the City's compliance with the Americans with Disabilities Act. The ADA Coordinator shall receive and investigate grievances and requests for accommodations and assistance under said Act and as detailed in this Title.

18-4 ADA Grievance Procedure

- A. This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. Disabled individuals or their authorized representatives, who believe that they have been discriminated against on the basis of disability in employment, or the provision of services, activities,

programs, or benefits, are requested to use it to bring their complaints to the attention of the City.

- B. The complaint should be submitted in writing or on audiotape to the ADA Coordinator. It should include a description of the alleged discriminatory incident or action, the place and date of its occurrence, and the name of any employee or representative of the City involved. The complaint should also include the name, address, and phone number of the person(s) bringing the complaint or their authorized representative(s). If assistance is needed to file or pursue the complaint, the ADA Coordinator upon request will provide it. The complaint should be submitted as soon as possible but no later than sixty (60) calendar days after the alleged discriminatory incident to the Director of Human Resources, City of Woburn, City Hall, Ten Common Street, Woburn, MA 01801.
- C. Within fifteen (15) calendar days of its receipt, the ADA Coordinator will meet with the complainant to clarify the facts of the incident and discuss possible resolutions. Within fifteen (15) calendar days after the meeting, the ADA Coordinator will respond in writing, or if needed for Effective Communication, in an alternate format preferred by the complainant, such as large print, Braille, or audiotape. The response will explain the position of the City and present options for substantive resolution of the complaint.
- D. If the ADA Coordinator's response does not satisfactorily resolve the issue, the complainant may appeal the Coordinator's decision within fifteen (15) calendar days of its receipt to the Mayor, or his or her designee. Within fifteen (15) calendar days of the receipt of the appeal, the Mayor, or his or her designee, will meet with the complainant to further clarify the complaint and discuss possible resolutions. Within fifteen (15) calendar days of the meeting the Mayor, or his or her designee, will respond in writing or alternate format with a final resolution of the complaint.
- E. Records of all complaints received by the ADA Coordinator and appeals to the Mayor will be kept on file for at least three (3) years.

18-5 Equal Opportunity Policy

No qualified person with a disability shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any of the City's programs or activities. In providing its services, programs, and activities, the City will not:

- 1. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, an offered benefit, service, or activity.

2. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, any aid, benefit, or service that is not equal to that afforded to others.
3. Otherwise limit a qualified individual with a disability the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other qualified individuals receiving the aid, benefit, or service.

18-6 Reasonable Modification Policy

- A. The City will make reasonable modifications to policies and procedures necessary to accommodate the needs of a person with a disability whenever an otherwise qualified person with a disability requests such modification, unless it can be demonstrated that the requested modification would impose an undue burden or fundamental alteration to the program.
- B. Requests for reasonable modifications should be made to program staff or the ADA Coordinator and can be presented verbally or in writing. It is the responsibility of the ADA Coordinator to ensure that requests are responded to appropriately and in a timely fashion.
- C. Final decisions regarding requests for reasonable modifications, that in the opinion of the ADA Coordinator may represent an undue burden or fundamental alteration, will be made by the Mayor in a timely fashion and no longer than ten (10) working days. Individuals seeking to contest a denial of a request for reasonable modification will be given the grievance procedure in format appropriate to their needs.

18-7 Eligibility And Safety Requirements Assurance

- A. It is the policy of the City that prohibitions or limitations to the eligibility of qualified individuals with disabilities to receive services or participate in programs are not allowed unless they are essential to the operation of the program or service. Eligibility requirements have been reviewed by the ADA Coordinator and program managers and updated to comply with the requirements of the Americans with Disabilities Act. Whenever programs formulate new eligibility policies or new programs are developed, policies will be reviewed by the ADA Coordinator to ensure compliance.
- B. Safety requirements have also been reviewed to ensure that they are necessary to the safe operation of programs, and that any decisions to limit the participation of a person with a disability related to safety concerns will be reviewed on a case basis to ensure that the decision is based on facts, not myths or stereotypes, and that all appropriate mitigating measures are taken to

provide for maximum participation. Staff will be informed of, and trained in any changes in eligibility and/or safety requirements that may arise.

18-8 Surcharges Prohibition Policy

It is the policy of the City that surcharges will not be charged to persons with disabilities, their family members, or organizations representing them for the provision of reasonable accommodations, reasonable modifications to policies and procedures, auxiliary aids and services, or any other costs related to the participation of persons with disabilities.

18-9 Integrated Services Policy

It is the policy of the City that all services, programs, and activities are provided in the most integrated setting appropriate to the needs of participants with disabilities. Persons with disabilities are not required to participate in separate programs even if separate programs specifically designed to meet their needs are offered.

18-10 Significant Assistance Policy

It is the policy of the City that programs receiving significant assistance, either financial or in-kind from the City, may not discriminate against persons with disabilities. It is the responsibility of the ADA Coordinator and other personnel representing the City to inform organizations receiving assistance of this policy and to respond to any questions or, as appropriate, to refer questions to the ADA Coordinator regarding its meaning and application. It is also the Coordinator's responsibility to investigate any situation in which discrimination towards persons with disabilities may have occurred, and to take appropriate action either to correct the discriminatory situation or to recommend to the Mayor termination of assistance.

18-11 Accessible Transportation Policy

It is the policy of the City that transportation services are accessible to and usable by participants in City programs regardless of disability. Individuals requiring accessible transportation should make their requests in writing or verbally to the program directors or alternatively to the ADA Coordinator. Requests should be made at least three (3) days in advance. Effort will be made to respond to requests made on shorter notice. When a request cannot be met, notice will be given as soon as possible and at least one (1) day before the date of the requested trip.

18-12 Contracted Services Provider Policy

It is the policy of the City that if services are provided under contracts, the City will

set forth in the terms of the contract the obligations of the provider agency or agencies to operate in a manner consistent with the requirements of Title II of the ADA, and, furthermore, that the City will monitor the performance of the contractor in fulfilling this contractual obligation.

18-13 Effective Communication Policy

- A. It is the policy of the City that auxiliary aids and services will be provided when necessary to ensure effective communication with persons whose disabilities affect communication. Persons with communications disabilities will be given the opportunity to request the aid or service that they prefer and the requested aid or service will be given primary consideration. The preferred means of communication will be provided unless doing so would impose an undue burden or an effective alternative means of communication is available.
- B. Requests for auxiliary aids or services should be made verbally or in writing to program directors or to the ADA Coordinator. Unless otherwise specified, the City urges that requests be made at least ten (10) days in advance of the occasion on which the communications support will be needed. Reasonable effort will be made to respond on shorter notice.
- C. The person requesting the service will be notified as soon as possible if the City is unable to meet their request. In some circumstances, an appropriate alternative will be offered such as rescheduling. It will be the responsibility of the ADA Coordinator to train staff and oversee implementation of effective communications procedures. The Mayor will be responsible for making final decisions related to undue burden or fundamental alteration.

18-14 Alternative Format Assurance And Procedures

- A. All documents, publications, and materials used in City programs will be made available to persons with disabilities who need them in alternate formats. Procedures have been established to respond to requests for alternate formats including large print, audiotape, Braille, and computer diskettes in a timely fashion. Three (3) weeks notice is generally required for the preparation of Braille materials. Reasonable efforts will be made to respond on shorter notice.
- B. Large print, short audio tapes, and computer diskettes will be prepared by staff persons who have been identified by the ADA Coordinator and trained in the necessary skills and procedures. Preparation of long audiotapes will be purchased from a professional provider.
- C. The procedure for requesting alternate formats is:

1. The person making the request should identify the materials desired and specify his/her preferred alternate format to the program director or the ADA Coordinator, either verbally or in writing ten (10) working days in advance of the event or activity for which the material is needed. Reasonable effort will be made to meet requests made less than ten (10) days before an event or activity.
2. The materials will be provided in the requested format at no additional charge.
3. Primary consideration will be given to the format preferred by the person making the request, and the City will decide whether to provide the preferred format or an effective alternate format.
4. If a request cannot be met the person making the request will be informed as soon as possible but at least one (1) day in advance of the event or activity.
5. The Mayor will make the final decision regarding any request that may represent an undue financial or administrative burden.

18-15 Interpreter Services Policy

- A. It is the policy of the City that sign language interpreters, will be provided upon request to any person needing interpreter services in order to participate in any meeting, program, or activity of the City. Requests should be generally made at least twenty (20) working days in advance of the scheduled event or meeting, but reasonable effort will be made to meet requests made on shorter notice. Requests should be made either verbally, by TTY, or in writing to a program director or the ADA Coordinator. Within one (1) day of receipt of the request, the ADA Coordinator or other responsible employee will contact the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH) to schedule the interpreter service.
- B. In addition to using the MCDHH, the City maintains a list of names and phone numbers of at least three qualified freelance sign language interpreters working in the region. If informed that MCDHH has not been successful in scheduling interpreters as requested, staff of the City will immediately attempt to contact and schedule a freelance interpreter.
- C. If an interpreter cannot be obtained, the ADA Coordinator or other member of the staff will offer the option of an alternative effective form of communication or the opportunity to postpone the meeting until such time as an interpreter can be scheduled.

18-16 Assistive Listening Device Assurance

- A. Assistive listening devices will be provided upon request to persons needing such devices to participate in programs, services, and activities of the City.
- B. The procedure for requesting an assistive listening device is for the person needing the device, or his or her representative, to make the request verbally or in writing to the ADA Coordinator or other program director at least ten (10) days before the scheduled event or activity will take place. The ADA Coordinator or Program Director, or other responsible member of the staff will arrange for the listening device's use and will provide any necessary training or orientation to program staff. Reasonable effort will be made to meet requests made with less than ten (10) days notice.

18-17 Effective Communication Training Assurance

It is the policy of the City that staff training and other staff development activities provided by City personnel and volunteers include training on the use of a TTY, the operator relay service, and other equipment necessary to assure effective communication. Personnel also receive training in procedures and policies on receiving and handling requests for auxiliary aids and services and for ensuring that primary consideration is given to the type of service or format preferred by the person with disability. Training on effective communication is given during orientation and at in-service programs.

(added 5/24/2004)

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