Town of Medway
The Americans with Disabilities Act (ADA) Policy

Intent

The Town of Medway is committed to complying with the Americans with Disabilities Act , as amended, as well Massachusetts General Laws Chapter 151B, jointly referred to herein as the "ADA."

Policy

This Policy is adopted to facilitate and ensure compliance with the ADA for the Town of Medway facilities and employees. Program applicants, participants, members of the general public, employees, and job applicants will not be discriminated against on the basis of disability in their participation in Town programs, activities and services. This Policy provides an overview of individuals' rights under the ADA. It is not intended to address every possible situation nor does it compel the Town to act in a manner not required by the ADA. The Policy supplements other Town policies.

Town Facilities/Programs:

All Town boards, committees, and departments that are planning new construction or acquisitions through purchase, rental, or lease of facilities, or remodeling and/or additions to existing facilities shall ensure that such construction or acquisitions meet the requirements of the ADA. All Town boards, committees and departments shall also consider whether existing facilities are ADA compliant.

Similarly, all Town boards, committees and departments that run programs or activities or provide services to the public are required to ensure compliance with the ADA. Compliance may require the Town to provide an accommodation to the individual.

Employees:

The Town is an equal opportunity employer. It does not discriminate in any terms or conditions of employment on the basis of any legally protected classification, including on the basis of disability.

Pre-offer inquiries are made only regarding an applicant's ability to perform the duties of the position. Post-offer, pre-employment inquiries may be more broad, but the Town will only rely upon the results of any such inquiries to determine whether an applicant is able to perform the essential functions of the position for which the applicant has applied with or without a reasonable accommodation. Such post-offer inquiries are made based on the classification for which the offer of employment is made. After beginning employment, employees may be required to provide medical documentation and/or submit to an examination by a Town-appointed physician when the exam is job-related and consistent with business necessity.

Reasonable accommodation will be made available to qualified individuals with a disability in the application process, at the time of hire or during an employee's employment. Reasonable accommodations may include, but are not limited to, modified application process, modified job duties, modified work schedules, a leave of absence, temporary assigned to a vacant position. Each request for accommodation will be evaluated on a case-by-case basis. The individual must be able to satisfy the job requirements for educational background, employment experience, skills, licenses, and other job-related qualification standards.

Questions

Questions regarding this Policy should be directed to the ADA Coordinator. The ADA Coordinator is E. Susan Ellis, Human Resources Director. Ms. Ellis can be reached at her office at 155 Village Street, Medway, MA 02053, by phone at (508) 533-3200, or email at sellis@townofmedway.org.

Grievance Procedure

Anyone who believes his/her rights under this Policy or the ADA have been violated may file a grievance in accordance with this Grievance Procedure.

Step 1 – If an individual wishes to file a grievance, s/he should do so by filing the grievance with the ADA Coordinator. The ADA Coordinator will be available to meet with citizens and employees at mutually convenient times during business hours. When a grievance is filed, the ADA Coordinator will attempt to gather information including, but not limited to, the name, address, phone number of the complainant and the location, date and description of the grievance as well as other information as she may deem appropriate or necessary. If the person filing the grievance desires to remain anonymous, he or she may. Anonymous grievances, however, may limit the Town's ability to fully investigate and resolve the grievance. Reasonable accommodations, such as personal interviews of the complainant, will be made available for persons with disabilities who are unable to submit a written complaint.

Each grievance will be taken seriously. If appropriate, based on the nature of the grievance, the Town will investigate the matter in a timely

fashion. After the investigation, if any, is completed, the Town will advise the person who filed the complaint, if identified, of the outcome of the investigation in a format that is sensitive to the needs of the recipient (i.e. verbally, enlarged type face, etc).

If the outcome of the investigation warrants, the Town will act promptly to address the situation. If the grievance is not resolved at this level, it may be processed by the person filing the grievance to the Town Administrator within ten (10) business days.

Step 2 – A written grievance will be submitted to the Town Administrator. Assistance in writing the grievance will be available to individuals requiring such assistance. All written grievances will be responded to in a timely manner by the Town Administrator in a format that is sensitive to the needs of the recipient, (i.e. verbally, enlarged type fact, etc.).

State and Federal Remedies

In addition to seeking internal problem resolution, an individual may also file a formal complaint with either or both of the government agencies listed below. In order to protect the charging party's rights, the employee must file a charge with the Massachusetts Commission Against Discrimination (MCAD) within 300 days from the date of the alleged discriminatory act. A complaint filed under federal law should be filed with the United Stated Equal Employment Opportunity Commission (EEOC) within 180 days from the date of the alleged discriminatory act. If the charge is also covered by the Massachusetts Commission Against Discrimination (MCAD), the filing deadline may be extended to 300 days.

The Massachusetts Commission Against Discrimination (MCAD)
Boston Office: The John McCormack Building, One Ashburton Place, Room 601, Boston, MA 02108; (617) 994-6000; www.state.ma.us/mcad

The United States Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203; (800)669-4000

Public Notification

The Town shall post this Policy, in large print, in Town Hall and all other Town-owned buildings where a bulletin board is maintained for either employee or public notices. This Policy shall also be posted on the Town's website.