

# **Americans with Disabilities Act (ADA) POLICIES and PROCEDURES**

## **TOWN OF GROTON, MA ADA Policies and Procedures**

***Adopted pursuant to the Americans with Disabilities Act, 23 CFR Part 35, by the Board of Selectmen on January 25, 2016***

### **The Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) of 1990 provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, state and local government services, public accommodations, transportation, and telecommunications.

### **Who Is Protected Under the ADA?**

The ADA protects ***qualified individuals with disabilities***. An ***individual with a disability*** is a person who has a physical or mental impairment that substantially limits major life activities; has a record of such impairment; or is regarded as having such impairment. ***Major life activities*** means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Under the ADA, a qualified individual with a disability is an individual with a disability who meets the essential eligibility requirements for receipt of services or participation in programs or activities. Whether a particular condition constitutes a disability within the meaning of the ADA requires a case-by-case determination.

***Physical or mental impairments*** include, but are not limited to: visual, speech, and hearing impairments; mental retardation, emotional illness, and specific learning disabilities; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; orthopedic conditions; cancer; heart disease; diabetes; and contagious and noncontiguous diseases such as tuberculosis and HIV disease (whether symptomatic or asymptomatic).

### **Title II of the ADA**

Title II of the ADA prohibits discrimination against ***qualified individuals with disabilities*** on the basis of disability in all programs, activities, and services of public entities. Public entities include state and local governments and their departments and agencies. Title II applies to all activities, services and programs of a public entity.

The Office for Civil Rights (OCR) within the U.S. Department of Health and Human Services has been designated enforcement responsibility under Title II of the ADA for state and local health care and human service agencies.

### **Specific ADA Policy**

As a Public entity, the Town of Groton does **not**:

- Refuse to allow a person with a disability to participate in, or benefit from, their services, programs or activities because the person has a disability.
- Apply eligibility criteria for participation in programs, activities and services that screen out or tend to screen out individuals with disabilities, unless they can establish that such criteria are necessary for the provision of services, programs or activities.
- Provide services or benefits to individuals with disabilities through programs that are separate or different, unless the separate programs are necessary to ensure that the benefits and services are equally effective.

It is the Policy of the Town of Groton, that we ensure the following:

We provide services, programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

We make reasonable modifications in our policies, practices and procedures to avoid discrimination on the basis of disability, unless we can demonstrate that a modification would fundamentally alter the nature of their service, program or activity.

We ensure that individuals with disabilities are not excluded from services, programs and activities because buildings are inaccessible.

We provide auxiliary aids to individuals with disabilities, at no additional cost, where necessary to ensure effective communication with individuals with hearing, vision, or speech impairments. (Auxiliary aids include such services or devices as: qualified interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for the deaf [TDDs], videotext displays, readers, taped texts, Brailled materials, and large print materials.)

## **The Americans with Disabilities Act (ADA) Reasonable Accommodation Policy**

It is the policy of the Town of Groton that no other qualified individual with a disability shall, solely by reason of his/her disability, be excluded from the programs, services and activities provided by the Town. Further, it is the policy of the Town that reasonable accommodations will be made for an otherwise qualified person with a disability, unless the Town can demonstrate that the accommodation imposes an undue financial or administrative hardship on the operation of its programs. The programs, services, and activities that the Town offers are provided in a way that ensures equal opportunities to everyone, regardless of disability.

Notice of the availability of reasonable accommodations for people with disabilities will be included in postings and advertisements and will be made available upon request to persons with disabilities if necessary to provide equal opportunity to fully participate in services provided by the Town.

The Town of Groton does not discriminate on the basis of disability and requests for reasonable accommodations needed for full participation in the services and activities of the Town.

***The Procedure for requesting a reasonable accommodation is as follows:***

People with disabilities participating in services provided by the Town may request reasonable accommodations from the Department Head or from the ADA Coordinator. Requests for reasonable accommodations should be made verbally and/or in writing describing the nature and purpose of the requested accommodation.

Assistance will be made available upon request to any individual who needs assistance in identifying or documenting the reasonable accommodation needed. The effectiveness of the accommodation and need for modifications or additional accommodations will be assessed during the first month of use of the accommodation.

### ***Reasonable Accommodations (RA's) Policies and Procedures***

**The Town of Groton will make reasonable modifications to our policies, practices, and procedures in order to accommodate persons with disabilities whenever an otherwise qualified person with a disability requests such modifications, unless the Town can demonstrate that such modification would impose an undue burden or fundamentally alter the nature of our program or the services that we offer.**

**We are committed to making reasonable modifications when they are needed to afford persons with disabilities access to services and programs. The final decision concerning whether a request for a modification is reasonable (or is a fundamental alteration of the program) is made by the Town Manager in discussion with the ADA Coordinator and Human**

Resources Director, and, if appealed, the Board of Selectmen. Aggrieved persons have the right to appeal as per our grievance procedure.

Persons requesting a particular modification may be asked to furnish documentation to support the need for the modification.

Aggrieved individuals have the right to appeal as per our written appeals process which is available from the ADA Coordinator. This policy will be modified as necessary to keep our programs accessible to people with disabilities.

### *Eligibility Requirements Assurance*

Any prohibitions or limits on the eligibility of qualified individuals with disabilities to receive services or practice any occupation are not allowed under this policy. Eligibility requirements for our program are reviewed on a regular basis, and it has been determined they do not screen out or tend to screen out people with disabilities.

All safety requirements are similarly reviewed and it has been determined that there are no discriminatory requirements. The determination of the existence of a direct threat must be based on objective factual evidence and not stereotypes or misconceptions about a person's disability. If any new criteria are developed, their impact on persons with disabilities will be reviewed by the Town Manager, Human Resources Director, and ADA Coordinator, and all staff will be informed on any changes in eligibility requirements that may arise.

### *Assurance Regarding Surcharges*

It is the policy of the Town of Groton that surcharges are never charged to staff/participants (nor any other interested person) for reasonable accommodations under any circumstances. Such accommodations include, but are not limited to: American Sign Language (ASL) interpreters, Computer Aided Real-time Translation (CART), architectural accessibility, computer accessibility hardware or software, Braille material, or any other costs related to the participation of a person with a disability.

### *Integrated Services*

It is our policy of that all of our services, programs, and activities are provided in the most integrated setting possible. People with disabilities are never required to participate in separate programs. Services will not be provided to any person with a disability in a manner or at a location different from that available to others. In all cases, the person with a

disability (family members and other representatives only when appropriate) will be fully involved in the consideration and decisions.

### *Significant Assistance*

It is the policy of the Town that programs for which we provide significant support (or contract with) may not discriminate against people with disabilities. All contracts and program sites are regularly assessed to ensure non-discrimination against people with disabilities. The Town will not contract with any entity that discriminates.

## **Town of Groton ADA Complaint Process**

### **Purpose:**

This process was developed by the Town of Groton. The purpose of these procedures is to ensure a prompt and equitable resolution of complaints by any resident, applicant, service recipient or member of the general public who believes that she/he or a specific class of individuals has been subjected to discrimination on the basis of disability by the Town of Groton, MA. Any Grievant may, by her or himself, file a complaint with the Town within 180 days of the date of the alleged discrimination, unless the time for filing is extended by the Town or Federal Agency for good cause.

A grievance may be brought by any resident, applicant, service recipient or member of the general public. Only the Grievant shall have official standing; that is, the grievance must be brought directly by the grievant seeking redress or remedy, unless the Grievant is unable, because of a disability, to represent her/himself. However, the Grievant may be accompanied at any meeting or hearing by other family members or friends, not to exceed two (2), if she/he desires.

However, the additional people have no standing in this procedure and their participation may be limited at the discretion of the hearing officer. The grievance policy does not supplant any provision of an existing collective bargaining agreement with an employee representation group. Any grievance processed (or in process) under the terms of collective bargaining agreement may not be submitted through this ADA Grievance Procedure.

### **Process:**

This process has been structured to resolve problems at the operating level; that is, at the level of the department or agency that would be responsible for implementing any action resulting from the grievance.

### **Step 1- Department Level:**

The Grievant shall first attempt to resolve the complaint at the level of the department exercising jurisdiction; i.e. with responsibility for the action, program, or service at issue. This grievance may be oral or written, and shall be submitted to the Department Head (or designee), who shall meet with the Grievant as necessary.

The Department Head shall notify the ADA Coordinator upon receipt of the grievance. The Department Head shall issue a written finding, with copies to the Grievant and to the ADA Coordinator, within twenty (20) working days of submission of the grievance.

## Step 2 - ADA Coordinator

If the complaint is not resolved to the satisfaction of the Grievant, or if the Department Head lacks authority or jurisdiction, the Grievant may submit the grievance to the ADA Coordinator.

Said submission must be in writing and filed within ten (10) working days of the finding of the Department Head. The ADA Coordinator (or designee) shall meet with the Grievant and shall issue a written finding within twenty (20) working days of submission of the Step 2 grievance and shall provide a copy of the finding to the Grievant.

## Step 3 - Town Manager

If the complaint is not resolved to the satisfaction of the Grievant, she/he may submit the grievance to the Town Manager. Said submission must be in writing and filed within ten (10) working days of the findings of the ADA Coordinator.

The Town Manager (or designee) shall meet with the Grievant and shall issue a written finding within twenty (20) working days of the submission of the step 3 grievance and shall provide a copy of the finding to the Grievant.

### *Note:*

*Any decision or recommendation that requires approval of actions or commitment of funds beyond the level of normal departmental authority must be submitted by the ADA Coordinator to the appropriate Board or Commission, together with his/her recommendation for action. Said Board or Commission must approve the recommendation prior to implementation, and must seek any necessary funding from the Town Meeting.*

## Step 4 – Town of Groton Commission on Accessibility

The Department Head and ADA Coordinator may refer a grievance or complaint or any part thereof to the Disability Commission for advice and for technical assistance and support on a formal or informal basis.

Actions for the Town of Groton, MA to implement as mandated by the Americans with Disabilities Act (ADA):

### Requirement 1:

23 CFR Part 35.105

Establishes a requirement (based on the Section 504 regulations) that a public entity evaluate current policies and practices to identify and correct any that is not subject to the provisions of 504.

This evaluation must be on file and available for public inspection for three (3) years.

Requirement 2:

23 CFR Part 35.107

Requires public entities of more than 50 employees to designate a responsible employee and adopt grievance procedures.

Requirement 3:

23 CFR Part 35.170

Details of the Complaint Procedure.

Town of Groton, MA

Town Hall

173 Main Street

Groton, MA 01450



**COMPLAINT FORM  
FOR VIOLATIONS OF THE AMERICANS WITH DISABILITIES ACT**

1. Name: \_\_  
( Last) (First) (Middle Initial)  
Street Address:  
Town and State: Zip Code:  
Telephone Number:

In the event the Town is unable to locate you to discuss this complaint, please provide the following information concerning a person who can contact you:

Name: \_\_  
Street Address: \_\_  
Town and State: Zip Code:  
Telephone Number

Who or what do you allege has violated requirements of the Americans with Disabilities Act?

Name: \_\_  
Street Address:  
Town and State:  
Zip Code:

Department/Organization/Unit:  
Program:  
Individual:

State or local government agency:  
Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, name of agency:  
Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_  
If not, do you intend to file with another agency?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, name of agency:  
Street Address:  
Town and State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Have you pursued resolution of your complaint through the internal grievance procedure at your institution?  
Yes---- No

(Note: It is not required that you pursue your complaint through your institution's internal grievance procedure.)  
If yes, what is the statue of your complaint in this grievance procedure?

In order to determine if you have filed a complaint in a timely manner, the following is requested:

(a) On what date and times was a violation/discriminatory act noted:

Describe in detail the alleged discriminatory conduct or actions. If more space is required to answer this or any other question on this form, attach additional sheets. (NOTE: In describing discriminatory conduct, it will be helpful if you could provide information as to other persons allegedly treated in the same manner, non-handicapped persons treated differently; has the institution given an explanation for its actions or conduct.)

Submit any written materials, dates, documents, etc. you think are relevant to this complaint.

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(Signature)

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(Date)

**INFORMATION SHEET  
THE AMERICANS WITH DISABILITY ACT OF 1990  
FACT SHEET**

**OBJECTIVE:**

Furtheres the goal of full participation for persons with disabilities by giving civil rights protection to people with disabilities. It guarantees equal opportunity for these individuals in (1) employment, (2) public accommodation; (3) transportation, (4) state and local government services, and (5) telecommunications.

**(1) Employment:**

- Employers with 25 or more employees must comply, effective 26 July 1992.
- Employers with 15-24 employees must comply, effective 26 July 1994.
- Complaints may be filed with the United States Equal Employment Opportunity Commission.

**(2) Public Accommodations: Title III}**

Effective 26 January 1992 - Public accommodations such as restaurants, hotels, theaters, doctors offices, pharmacies, retail stores, museums, libraries, parks, private schools and daycare centers may not discriminate.

Private clubs and religious organizations are exempt.

Reasonable changes must be made in policies, practices and procedures to avoid discrimination.

Elevators are generally not required in buildings under three stories or with fewer than 3,000 square feet per floor, unless the building is a shopping center, mall or professional office of a health care provider.

Individuals may:

(a) Bring lawsuits to obtain court orders to stop discrimination, but money damages cannot be awarded

(b) File complaints with the U.S. Attorney General who may file lawsuits to stop discrimination and obtain money damages and penalties.

**(3) Transportation:**

Public Bus/Rail: New buses and/or rail vehicles, ordered after 26 August 1990, must be accessible.

Private Bus Vans: New over-the-road buses ordered on or after 26 July, 1996 (July 26, 1997 for small companies).

Note: After completion of a study, the president may extend this deadline by one year, if appropriate. Individuals may file complaints with the U.S. Attorney General or bring private lawsuits under the public accommodations procedures.

(4) State and Local Government Operations: (Title II)

State and local governments may not discriminate against qualified individuals. All government facilities, services and communications must be accessible consistent with the requirements of section 504 of the Rehabilitation Act of 1973.

Individuals may file complaints with federal agencies designated by the U.S. Attorney General or bring private lawsuits.

(5) Telecommunications:

Companies offering telephone services to the general public must offer telephone relay services to individuals who use telecommunication devices for the TTY or similar devices. Individuals may file complaints with the Federal Communications Commission.

For additional information and answers to questions, contact the U.S. Department of Justice:

(202) 514-0301 (Voice) 11:00 AM to 4:00 PM Eastern Time

(202) 514-0331 (TOO) 11:00 AM to 4:00 PM Eastern Time

(202) 514-0333 (TOO) 11:00 AM to 4:00 PM Eastern Time

For copies of the full 90 page Americans with Disability Act of 1990, at **no** cost, please contact:

U.S. Senate Subcommittee on Disability Policy  
113 Senate Hart Office Building  
Washington, DC 20010.

## NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, the Town of Groton will not discriminate against qualified individuals with disabilities on the basis of disability in the Town's services, programs, or activities.

**Employment:** The Town does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

**Effective Communication:** The Town will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Town's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The Town will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all Town programs, services, and activities. For example, individuals with service animals are welcomed in Town offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a Town program, service, or activity, should contact the **the ADA Coordinator** as soon as possible but no later than 48 hours before the scheduled event. The Town will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

The ADA does not require the Town to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a Town program, service, or activity is not accessible to persons with disabilities should be directed to:

Michelle Collette, AICP  
ADA Coordinator  
Groton Town Hall  
173 Main Street  
Groton, MA 01450  
Telephone: **978-448-1111**  
Fax: **978-448-1113**  
Email: **mcollette@grotonma.gov**

## **AMERICANS WITH DISABILITIES ACT (ADA)**

### **PUBLIC NOTICE**

The Town of Groton does not discriminate on the basis of disability. Citizens, program applicants, participants, members of the general public, employees, job applicants, and others are entitled access to all agency programs, activities, and services without regard to disability.

Copies of this notice are available, upon request, in accessible formats (large print, audiotape, Braille, computer disc, etc.) Our grievance procedure, self-evaluation, as well as ADA policies, practices, and procedures, are readily available, upon request. This notice is posted prominently at all our sites, and on all program brochures and manuals.

The Town has designated the following person to coordinate its efforts to comply with the ADA. Inquiries, requests, and complaints should be directed to:

Michelle Collette, AICP  
ADA Coordinaor  
Town Hall, 173 Main Street  
Groton, MA 01450  
Telephone: 978.448.1111  
Email: mcollette@grotonma.gov

The Americans with Disabilities Act  
(ADA)  
Title I  
Employment Reasonable Accommodation Policy

It is the policy of The Town that no other qualified individual with a disability shall, solely by reason of his/her disability, be excluded from employment by The Town. Employment review and hiring is based on the employee/prospective employee's ability to perform what The Town determines to be the essential functions of a job. Further, it is the policy of The Town that reasonable accommodations will be made for an otherwise qualified applicant or employee with a disability, unless the Town can demonstrate that the accommodation imposes an undue financial or administrative hardship on the operation of its programs.

Notice of the availability of reasonable accommodations for job applicants will be included in postings and advertisements and will be made available upon request to applicants with disabilities during the pre-employment process if necessary to provide equal opportunity to secure employment at the Town.

All prospective employees will be informed at the initial interview that the Town does not discriminate on the basis of disability and that requests for reasonable accommodations needed for the performance of essential job functions or for the enjoyment of other benefits of employment should be made by the prospective employees following receipt of a conditional offer of employment, preferably at the post employment offer meeting.

People with disabilities employed by the Town may request reasonable accommodations from their immediate supervisor or from the ADA coordinator. Requests for reasonable accommodations should be made verbally and/or in writing describing the nature and purpose of the requested accommodation.

Assistance will be made available upon request to any individual who needs assistance in identifying or documenting the reasonable accommodation needed. The effectiveness of the accommodation and need for modifications or additional accommodations will be assessed during the first month of use of the accommodation.