



CITY OF SOMERVILLE

AMERICANS WITH DISABILITIES ACT (ADA) POLICY

In order to promote an environment free of discrimination and harassment for individuals with disabilities and to ensure that the City complies with all federal and state laws concerning qualified individuals with disabilities, the City is establishing these uniform guidelines and policies which apply to all staff.

I. MISSION STATEMENT

The City is committed to providing reasonable accommodations for qualified individuals with disabilities in a fair and equal manner and in accordance with applicable federal and state law unless doing so represents an undue hardship for the City.

II. DEFINING DISABILITY AND THE NATURE OF THE CITY'S OBLIGATION

A. Disability

According to the ADA, a "disability" means:

- A physical or mental impairment that substantially limits one or more of the major life activities of the individual.
- Having a record of such an impairment.
- Being regarded as having such an impairment.

B. Qualified Individual With A Disability

A person with a disability who satisfies all of the objective requirements of his or her position whether or not this individual receives a reasonable accommodation is considered a qualified individual. This means he or she has all of the required skills, education, experience and other job-related requirements and can do all of the "essential" or main job functions whether or not he or she is accommodated.

C. Reasonable Accommodation

The City will provide reasonable accommodations to staff with disabilities upon request unless doing so would create an undue hardship or burden.

D. Undue Hardship

A requested accommodation may constitute an undue hardship and can be denied where it:

- requires significant difficulty, expense, and disruption, both financial and administrative; and/or
- would result in a fundamental alteration of the City's policies and procedures and/or the nature of the job functions; and/or
- will compromise the health and safety of staff, residents or others



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III. PROCEDURE FOR OBTAINING AN ACCOMMODATION

If an employee has a documented *disability*, is a *qualified person* and needs a *reasonable accommodation*, he or she must initiate the request by contacting either a supervisor, the Personnel Director or the ADA Coordinator. An interactive process will get underway and all appropriate parties will work together to identify what barriers exist to the employee's job performance with the goal being to get the employee a reasonable accommodation if feasible. Managers and supervisors should not attempt to resolve the issues on their own without input from the Personnel Director or his or her designee.

IV. RIGHTS AND RESPONSIBILITIES

A. Duty To Report Reasonable Accommodations Requests

Managers, supervisors, staff and other personnel have an obligation to refer accommodation requests to either the Personnel Director or the ADA Coordinator. If you have any questions regarding where, whether or how to refer a reasonable accommodation request, please contact the Personnel Director. Failure to report may subject individuals to adverse employment actions up to and including termination.

B. Obligation To Cooperate With Inquiries And Investigations

All staff must cooperate fully with investigations. Failure to do so may subject individuals to adverse employment actions up to and including termination.

C. Retaliation Is Illegal And Is Prohibited

Staff and residents with disabilities have a legal and protected right to request a reasonable accommodation without fear that such request would lead to retaliation. It is a violation of the law and the City's employment policies to retaliate against an individual for requesting an ADA accommodation. If an employee is found to have engaged in retaliatory conduct he/she may be subject to discipline up to and including termination.

D. Confidentiality Will Be Maintained To The Fullest Extent Practical

In accordance with the ADA, the City will protect and maintain the privacy and confidentiality of any medical information received in connection with the reasonable accommodation process. This means that the information will only be shared with those individuals empowered to grant the request and will be kept separately and securely.



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Do you understand the policy that you have just reviewed? _____

Employee's Signature: _____

Name (print): _____

Department: _____

Date: _____

Name and title of person who reviewed this policy with you (please print):

**PLEASE RETURN SIGNED ORIGINAL TO THE PERSONNEL DEPARTMENT FOR
PLACEMENT IN YOUR PERSONNEL FILE.**