

## BARNSTABLE COUNTY AMERICANS WITH DISABILITIES ACT POLICY

**Adopted on: May 4, 2011**

**Policy** Barnstable County does not discriminate based upon disability and provides reasonable accommodations for qualified individuals with disabilities in a fair and equitable manner, and in accordance with applicable federal and state law.

This policy applies to employees of Barnstable County, applicants for employment, volunteers and users of services in Barnstable County.

### **Federal and State Regulations**

The Rehabilitation Act of 1973, Section 504 of the Rehabilitation Act makes it illegal for any entity receiving federal financial assistance to discriminate on the basis of disability. Section 504 obligates local governments to ensure that people with disabilities have equal access to any programs, services, or activities. Covered entities, such as local governments, are also required to ensure that employment practices do not discriminate based upon disability.

The Americans with Disabilities Act (ADA) requires that state and local governments provide qualified individuals with disabilities equal access to their programs, services, or activities unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden.

Massachusetts General Law c 93 section 103 and Article CXIV of the Amendments to the Massachusetts Constitution prohibits discrimination, exclusion from participation, and denial of benefits on the basis of disability in any program or activity in the Commonwealth.

### **Definitions**

**ADA:** Americans with Disabilities Act

**Disability:** According to the Americans with Disabilities Act (ADA), a disability is defined as a physical or mental impairment that substantially limits one or more of a person's major life activities (for example, walking, standing, or breathing).

**Essential Functions:** Job duties considered so fundamental that the individual cannot do the job without performing them.

**Interactive Process:** The interactive process is when an employer and an individual with a documented disability work together to identify what barriers

## **BARNSTABLE COUNTY AMERICANS WITH DISABILITIES ACT PROCEDURE FOR HANDLING REASONABLE ACCOMMODATION REQUESTS**

This procedure outlines how department heads and/or hiring officials should respond to requests for reasonable accommodations in accordance with federal and state laws pertaining to qualified individuals with disabilities as well as the instructions for individuals on how to request accommodations.

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act require Barnstable County to provide appropriate employment accommodations to employees with documented disabilities unless doing so would create an undue hardship, compromise the health and safety of staff of the County, or fundamentally alter the nature of the County's employment mission.

All requests for reasonable accommodations will be handled by the Department Head or his/her designee. Department Heads may request the assistance of the County ADA Coordinator (Director of Department of Human Services) in the event the request cannot be accommodated within the Department easily.

### **Training Requirements**

1. Department Heads and Hiring Officials are expected to be familiar with the laws and statutes relating to the Americans with Disabilities Act and the Rehabilitation Act that apply to employment and provision of services to the public.
2. The ADA Coordinator will provide annual information to employees regarding compliance with the ADA and other disability laws and statutes. County employees will receive information and instruction on:
  - o how to request communication access for individuals who are Deaf or hard of hearing and have requested accommodation
  - o how to operate the TTY in the Department of Human Services as well as the procedure for instructing staff in the process for retrieving calls
  - o accessible print and web guidelines
  - o conducting an accessible meeting or event
  - o other emerging topics

### **Guidelines for Job Applicants**

The ADA prohibits employers from asking job applicants about the existence, nature, or severity of a disability. Applicants for employment at Barnstable County should inform the hiring official or the Department of Human Resources of the need for any reasonable accommodation. Upon receiving an accommodation request, hiring officials and Human Resources designees should do one of the following:

## **Guidelines for Public Requests**

Any eligible person with a disability who desires access to services provided by Barnstable County may request a reasonable accommodation from the program. If the person is not provided an accommodation, said person may file a grievance by following the ADA Grievance Procedure.

## **Requirements for posting of ADA Public Notice and ADA Grievance Procedure**

The Barnstable County ADA Public Notice and Grievance Procedure are posted in a location accessible to the public and on the County website.

## **Reporting Requirements**

All requests for accommodation and their disposition must be forwarded to the ADA Coordinator within five working days of disposition.

The ADA Coordinator will file requests/dispositions in a locked file for seven years. Only authorized employees will have access to this information. It will not be filed with personnel records.

Each employee will receive training on disability issues, laws and compliance annually as part of the requirements for employment. A record of employee training will be maintained in the HR office and a copy to the ADA Coordinator.

Any grievances related to a request for reasonable accommodations filed by an employee shall immediately be reported to the ADA Coordinator and the Department Head who will collaborate on a resolution of the grievance.

## **Rights and Responsibilities of Barnstable County Employees**

### ***Duty to Cooperate***

Department heads, supervisors, and other agents of the county have a duty to engage employees and applicants in an interactive process in response to requests for reasonable accommodations. Anyone who feels uncomfortable initiating the interactive process is encouraged to contact ADA Coordinator at 508-375-6628 as soon as they have notice of a possible need for an accommodation.

### ***Freedom from Retaliation***

Any eligible member of the County has the right to request a reasonable accommodation. It is a violation of County policy to retaliate against an individual for

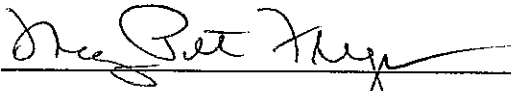
Assistance of the ADA Coordinator may be requested by the hiring official/department head and/or the applicant/employee.

Upon receiving and reviewing the appropriate documentation, a determination will be made regarding the individual's disability status as well as his/her essential job functions as they relate to the accommodation being requested.

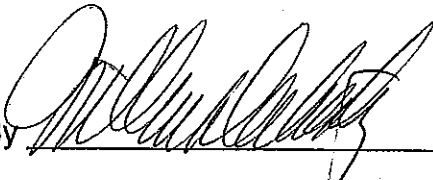
**4. What should I do if I feel as though I've been discriminated against or harassed because of my disability?**

Individuals may report alleged acts of discrimination or harassment on the basis of disability by contacting the ADA Coordinator at 508-375-6628.

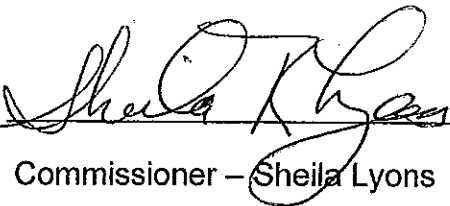
APPROVED BY BARNSTABLE COUNTY COMMISSIONERS

By  \_\_\_\_\_  
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Date: 5/4/11

By  \_\_\_\_\_  
Commissioner - William Doherty

Date: 5/4/11

By  \_\_\_\_\_  
Commissioner - Sheila Lyons

Date: 5/4/11