

TOWN OF SUDBURY

Americans with Disabilities Act

(ADA)

EMPLOYMENT AND SERVICES

August 15, 2008

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**TOWN of SUDBURY
AMERICANS WITH DISABILITIES ACT
EMPLOYMENT AND PUBLIC SERVICES**

The Town of Sudbury is an Equal Opportunity Employer, and does not discriminate on the basis of disability in its employment practices or services. This statement has been established to confirm the Town's policy of non-discrimination and to comply with the requirements of the Americans with Disabilities Act (ADA) and the Federal Rehabilitation Act of 1973, and the laws of the Commonwealth of Massachusetts. Federal and State law define a disabled person as one who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. Program applicants, participants, members of the general public, employees, job applicants, and others are entitled to participate in and benefit from all agency programs, activities, and services without regard to disability.

Copies of this notice are available, upon request, in alternate print formats (large print, audiotape, braille, computer disk, etc.). Our grievance procedure, self-evaluation, as well as ADA policies, practices and procedures are available upon request.

I. EMPLOYMENT

A. Reasonable Accommodation Policy

It is the policy of the Town of Sudbury that no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from employment at the Town of Sudbury. Employment review and hiring will be based on the employee/prospective employee's ability to perform, with reasonable accommodation, what the Town of Sudbury determines to be the essential functions of a job.

All prospective employees will be informed that the Town of Sudbury 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 prospective employees following receipt of a conditional offer of employment, preferably at the post-employment offer meeting.

Persons with disabilities employed by the Town of Sudbury may request reasonable accommodations from their immediate supervisor or from the ADA Coordinator.

A decision regarding reasonable accommodation requests will be made within five business days of the submission of the request and

any supporting documentation required by the Town of Sudbury. The effectiveness of the accommodation and need for modifications or additional accommodation will be assessed during the first month of use of the accommodation.

Current employees seeking reasonable accommodations should make requests to their immediate supervisor who will inform the ADA Coordinator. Requests for accommodation can be made at any time when they become necessary to the performance of essential job functions or the enjoyment of benefits of employment. A decision regarding the requested accommodation will be made within ten working days of the submission of the request and any supporting documentation required.

Applicants or employees have the right to appeal the denial of any accommodation request using the ADA Grievance Procedure. The final decision concerning any requested accommodation that may represent an undue financial or administrative hardship will be made by the Town Manager.

B. Employment Training Assurance

It is the policy of the Town of Sudbury that staff training and development activities provided by agency personnel and volunteers include information about ADA employment requirements. Our Employee Handbook explains the Town's ADA policies, procedures, and practices including reasonable accommodation, grievance procedures, and essential versus non-essential job functions. All new employees are informed during an orientation session of these policies.

II. NON-DISCRIMINATORY OPERATIONS

A. 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 Town of Sudbury's programs or activities. In providing its services, programs, and activities the Town of Sudbury will not:

1. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, a benefit, service, or activity.
2. Afford 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. Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards, commissions or any other entity of the Town of Sudbury.

4. 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.

As earlier stated, it is the policy of the Town of Sudbury to ensure that persons with disabilities are provided maximum opportunity to participate in and benefit from programs, services, and activities. Moreover, it is our goal that such participation is in the same manner as those of non-disabled persons and in fully integrated settings.

B. Reasonable Modification Policy

The Town of Sudbury 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 such an accommodation would impose an undue burden or fundamental alteration to the program.

The Town of Sudbury will comply with all applicable Federal and State laws and regulations relative to the use of assistive equipment and trained assistance animals. In addition, no arbitrary restrictions or limitations will be placed on the type of assistive equipment or trained assistance animals that consumers may bring with them to the Town of Sudbury facilities.

Final decisions regarding requests for reasonable modifications will be made by the Town Manager in a timely fashion (no longer than 10 working days). Individuals seeking to contest a denial of a request for reasonable modification will be given the grievance procedure in the format appropriate to their needs.

C. Eligibility Requirements Assurance

Any prohibitions or limits on the eligibility of qualified individuals with disabilities to receive services or practice any occupation or profession, are not allowed under this policy.

Eligibility requirements have been reviewed by the ADA Coordinator and updated as necessary to comply with the requirements of the ADA. Whenever programs formulate new eligibility policies or new programs are developed, policies will be reviewed with the ADA Coordinator to ensure compliance. Staff will be informed of and trained on any changes in eligibility requirements that may arise.

D. Assurance Regarding Surcharges

It is the policy of the Town of Sudbury 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 a person with a disability.

E. Integrated Services Assurance

It is the policy of the Town of Sudbury that all of our services, programs, and activities are provided in the most integrated setting possible. People with disabilities will not be required to participate in separate programs even if separate programs specifically designed to meet the need of persons with disabilities are offered.

Services will not be provided to any person with a disability in a manner or at a location different from that available to other service recipients unless the potential for removal of architectural barriers or the use of assistive devices and equipment have been found to be inadequate or inappropriate to the needs of the individual. In all cases, the affected individuals, (family members and other representative when appropriate) will be fully involved in the consideration and decision-making process.

F. Significant Assistance Assurance

It is the policy of the Town of Sudbury that programs to whom we provide significant support may not discriminate against people with disabilities. All contracts and all program sites are regularly assessed to ensure nondiscrimination against people with disabilities. All new contracts and programs are assessed prior to approval to ensure they do not discriminate against people with disabilities.

G. Accessible Transportation Policy

The Town of Sudbury does not provide transportation for Department of Public Health sponsored programs.

H. Community Referral Assistance

Our program does not require referrals as a condition of participation. We do make occasional referrals to the following two programs:

1. Massachusetts Prevention Center
552 Massachusetts Avenue
Cambridge, MA 02139
This facility is completely handicapped accessible

2. Smokers Quit Line
American Cancer Society,
Boston
877-937-7848
This hot line is equipped with TDD/TTY

I. Training Assurance Regarding Non-Discriminatory Program Operation:

The Town of Sudbury provides orientation training to all new employees. All Town of Sudbury employees receive a copy of the Employee Handbook which includes ADA policies. On-going information of the ADA will be included in all future new staff orientations and as needed at regular Department Head Meetings.

III. EFFECTIVE COMMUNICATION

A. Effective Communications Policy

It is the policy of the Town of Sudbury 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 by the Town of Sudbury and will be provided unless doing so would impose an undue burden or a fully effective alternative is available.

B. Alternative Format Policy and Procedures

It is the policy of the Town of Sudbury to make all documents, publications, and materials used in agency programs available to persons with disabilities who need them in alternative formats including large print, audio recording, braille, and computer compact drives.

Large print, short audiotapes, and computer diskettes in ASCII formats will be prepared by members of the Town of Sudbury who have been identified by the ADA Coordinator and trained in the necessary skills and procedures.

The procedure for requesting alternate formats is:

1. The person making the request should identify the materials desired and specify his or her preferred alternate format to the ADA Coordinator either in person, by phone, or in writing at least ten (10) days in advance of the event or activity for which the material is needed.
2. The materials will be provided in the requested format at no charge. *(Every attempt will be made to meet requests made less than 10 days before an event or activity).*
3. If, after primary consideration has been given to the preferred format, the request cannot be met, an alternative effective format will be offered. If a request cannot be met the person making the request will be informed as soon as possible but at least 2 days in advance of the event or activity.
4. Final decisions regarding requests for reasonable modifications will be made by the Town Manager in a timely fashion (no longer than 10 working days). Individuals seeking to contest a denial of a request for reasonable modification will be given the grievance procedure in the format appropriate to their needs.

C. Interpreter Services Policy

It is the policy of the Town of Sudbury 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 agency. Requests should be made 10 days in advance of the scheduled event or meeting. *(Every reasonable effort will be made to meet requests made with less than 10 days).* Requests should be

made either in person, over the phone, or in writing to the Program Director:

Maria Cataloni
Executive Assistant to the Town Manager
Town of Sudbury
278 Old Sudbury Rd.
Sudbury, MA 01776
Tel. (978) 639-3382
FAX (978) 443-0756

The Program Director will contact the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH), to schedule the interpreter service. In addition to MCDHH, the Town of Sudbury maintains a list of names and phone numbers of at least three (3) 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 Town of Sudbury will immediately attempt to contact and schedule a freelance interpreter.

If an interpreter service cannot be obtained, the Program Director 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 a time as an interpreter can be scheduled.

Final decisions regarding requests for reasonable modifications will be made by the Town Manager in a timely fashion (no longer than 10 working days). Individuals seeking to contest a denial of a request for reasonable modification will be given the grievance procedure in the format appropriate to their needs.

E. Assistive Listening Device Assurance

It is the policy of the Town of Sudbury that assistive listening devices will be provided upon request to persons needing such devices to participate in programs, services and activities of the agency.

The procedure for requesting an assistive listening device is for the person needing the device (or their representative) to identify the need for a device in person, by telephone, or in writing to the Program Director at least ten (10) business 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 rental and timely delivery of the device by express mail. *(Every reasonable effort will be made to meet requests made with less than 10 days notice).*

Final decisions regarding requests for reasonable modifications will be made by the Town Manager in a timely fashion (no longer than 10 working days). Individuals seeking to contest a denial of a request for reasonable modification will be given the grievance procedure in the format appropriate to their needs.

Town of Sudbury
278 Old Sudbury Road
Sudbury, MA 01776

Telephone: (978) 639-3386 or (978) 440-5465

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

1. Name:
Street Address:
City and State:
Zip Code:
Telephone Number:

2. 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:
City and State:
Zip:
Telephone Number:

3. Who or what do you allege has violated requirements of the Americans with Disabilities Act:

Name:
Street Address:
City and State:
Zip:
Department/Organization/Unit:
Program:
Individual:

4. Have you filed a complaint with respect to this matter with any other Federal, State or local government agency:

Yes No

If yes, Name of Agency:

Street Address:

City and State:

Zip:

5. 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?

6. Have you or do you intend to file this complaint with a lawyer?

Yes No

If yes, Lawyer's Name:

Address:

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

(a) On what dates and times was a violation/discriminatory act noted?

8. 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; and if the institution has given an explanation for actions or conduct.)

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

(Signature)

(Date)

An Overview of the Americans with Disabilities Act

The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.

The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA is divided into five titles (or sections) that relate to different areas of public life.

Title I - Employment

- Designed to help people with disabilities access the same employment opportunities and benefits available to people without disabilities.
- Applies to employers with 15 or more employees.
- Requires employers to provide reasonable accommodations to qualified applicants or employees. A “reasonable accommodation” is a change that accommodates employees with disabilities without causing the employer “undue hardship” (too much difficulty or expense).
- Defines disability, establishes guidelines for the reasonable accommodation process, addresses medical examinations and inquiries, and defines “direct threat” when there is risk of substantial harm to the health or safety of the individual employee with a disability or others.
- Regulated and enforced by the U.S. Equal Employment Opportunity Commission. <http://www.eeoc.gov/laws/types/disability.cfm>

Title II - Public Services: State and Local Government

- Prohibits discrimination on the basis of disability by “public entities,” which are programs, services and activities operated by state and local governments.
- Requires public entities to make their programs, services and activities accessible to individuals with disabilities.
- Outlines requirements for self-evaluation and planning; making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination; identifying architectural barriers; and communicating effectively with people with hearing, vision and speech disabilities.
- Regulated and enforced by the U.S. Department of Justice. <http://www.ada.gov>

Title III - Public Accommodations and Services Operated by Private Entities

- Prohibits places of public accommodation from discriminating against individuals with disabilities. Public accommodations include privately-owned, leased or operated facilities like hotels, restaurants, retail merchants, doctor's offices, golf courses, private schools, day care centers, health clubs, sports stadiums, movie theaters, and so on.
- Sets the minimum standards for accessibility for alterations and new construction of commercial facilities and privately owned public accommodations. It also requires public accommodations to remove barriers in existing buildings where it is easy to do so without much difficulty or expense.
- Directs businesses to make "reasonable modifications" to their usual ways of doing things when serving people with disabilities.
- Requires that businesses take steps necessary to communicate effectively with customers with vision, hearing, and speech disabilities.
- Regulated and enforced by the U.S. Department of Justice. <http://www.ada.gov>

Title IV - Telecommunications

- Requires telephone and Internet companies to provide a nationwide system of interstate and intrastate telecommunications relay services that allows individuals with hearing and speech disabilities to communicate over the telephone.
- Requires closed captioning of federally funded public service announcements.
- Regulated by the Federal Communication Commission. <http://www.fcc.gov>

Title V - Miscellaneous Provisions

- Contains a variety of provisions relating to the ADA as a whole, including its relationship to other laws, state immunity, its impact on insurance providers and benefits, prohibition against retaliation and coercion, illegal use of drugs, and attorney's fees.
- Provides a list of certain conditions that are not to be considered as disabilities.

Transportation

- Public Transportation is offered by a state or local government and is covered by Title II of the ADA. Publicly funded transportation includes, but is not limited to, bus and passenger train (rail) service. Rail service includes subways (rapid rail), light rail, commuter rail, and Amtrak.

- If transportation is offered by a private company, it is covered by Title III. Privately funded transportation includes, but is not limited to, taxicabs, airport shuttles, intercity bus companies, such as Greyhound, and hotel-provided transportation.
- The U.S. Department of Transportation, Federal Transit Administration releases information, guidance and regulations on public transportation and the ADA.
<http://www.fta.dot.gov/ada>

More information about the ADA

ADA National Network: <http://www.adata.org>

The ADA National Network provides information, guidance and training on the Americans with Disabilities Act (ADA), tailored to meet the needs of business, government and individuals at local, regional and national levels.

National Network Publications

- ADA Questions and Answers: <http://adata.org/publication/americans-disabilities-act-faq>
- Disability Law Handbook: <http://adata.org/publication/disability-law-handbook>