

City of New Haven

ADA Disability Policy Statement And Administrative Procedures

Purpose: The purpose of this policy is to set forth federal legal obligations and acceptable standards of conduct for all municipal employees by providing a work place free of discrimination, including harassment based on disability as defined in the Americans with Disabilities Act (42-USC 12101 et al). Harassment based on disability is a form of discrimination and is therefore unlawful and is prohibited by the Americans with Disabilities Act, the Rehabilitation Act of 1973 and the Connecticut Fair Employment Practices Act. Employees of the Board of Education will be exempt under this policy because the New Haven Board of Education adopts and enforces its own policies in compliance with State law.

Issuing Authority: The Chief Administrative Officer is the issuing authority for this policy.

Enforcement Authority: Daily administration is the responsibility of Department Heads and the Director of the Department of Services for Persons with Disabilities.

Policy

1. The City will take disciplinary action against any employee found to have engaged in discrimination or harassment of another employee based on disability. The extent of discipline will depend upon the nature and severity of the offense and may include warning, suspension, and termination.
2. The City does not discriminate on the basis of disability in the hiring or promotion of its employees, nor does it discriminate in the terms and conditions of employment because of disability.
3. The City will make a reasonable accommodation for an employee who is a qualified individual with a disability in order for them to perform the essential job functions of their position unless the accommodation creates an undue hardship, creates a direct threat to the employee or others, or is not otherwise required by the ADA.
4. The City does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities.
5. The City will make reasonable modifications to its policies, practices and procedures to ensure qualified individuals with disabilities have an equal opportunity to participate in the City's programs, services or activities unless it fundamentally alters the program, service or activity, creates a direct threat to the employee or others, or is not otherwise required by the ADA.
6. This policy will be enforced at all levels of municipal government including but not limited to employees, applicants for employment, vendors, volunteers and visitors.
7. Forms of discrimination or harassment based on disability may include treating someone with a disability adversely because of their disability, inappropriate and/or unwelcome comments, jokes, questions, or unwarranted disclosure of disability related information by employees and non-employees.

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Examples of discrimination or harassment based on disability include but are not limited to:

- hostile behavior or comments about a person with a disability because they requested and/or received a disability related accommodation as required by law
- tampering with or using without permission medical equipment, assistive devices/technology or accommodation related equipment belonging to or used by a person with a disability
- use of degrading or slang terms when referring to someone with a disability (for information on appropriate terms and etiquette, contact the Department of Services for Persons with Disabilities)
- inappropriate inquiries as to the existence, extent or treatment of someone's disability
- unwarranted disclosure of confidential disability related information
- denial of an employee benefit or opportunity because of an employee's disability
- jokes about disabilities or persons with disabilities
- engaging in the above stated conduct or harassing a person because they are associated with a person with a disability

Complaint Procedure:

- A. **Informal Procedure.** The informal process is discretionary and is not required prior to filing a formal complaint.

Any person who wishes to pursue the informal process should:

- promptly notify the offender that his/her conduct is unwelcome, inappropriate and illegal and should cease immediately, or
- make the complaint known to their Department Head, or
- notify the Department of Services for Persons with Disabilities, when the Department Head is the offender.

- B. **Formal Procedure.** In the event the aggrieved party does not wish to pursue the informal procedure, or the informal procedure fails to produce satisfactory results, the following procedure should be followed to initiate a formal complaint to the City's designated ADA Coordinator:

- Immediately file the complaint, i.e., a written description of the offensive conduct, with the Director of the Department of Services for Persons with Disabilities, the City's designated ADA Coordinator.
- A written complaint should contain the name and address of the complainant and a description of the discriminatory or harassing conduct because of complainant's disability.
- All employment related complaints must be filed within 180 days of occurrence in accordance with State law.
- The Director of the Department of Services for Persons with Disabilities must acknowledge receipt of the complaint within 10 days.
- The recipient of the complaint or his/her designee will undertake a thorough, objective and complete investigation of all allegations.
- The investigator(s) shall make a written report of the results of the investigation to the Corporation Counsel and Chief Administrative Officer within 90 days of receipt of the complaint.
- An investigator(s) may consult with the Office of Corporation Counsel on any formal complaint.

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- The Department Head and the Department of Services for Persons with Disabilities will endeavor to protect the confidentiality and legal rights of all parties involved.
- The Department of Services for Persons with Disabilities in conjunction with the Chief Administrative Officer shall take appropriate action to remedy the issues raised in the complaint.

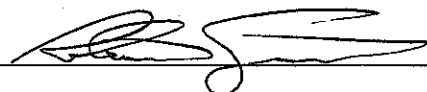
Persons filing charges of disability discrimination or harassment are instructed to notify the investigator(s) of any retaliatory conduct.

Definition of Disability under the Americans with Disabilities Act and for Purposes of this Policy

In order to be granted protection under the Americans with Disabilities Act you must be a qualified individual with a disability. A qualified individual with a disability is a person that can perform the essential job functions of his/her position with or without a reasonable accommodation. Generally a person has a disability if they have:

- a) a substantial impairment of a major life activity; or
- b) a record of a substantial impairment of a major life activity, or
- c) is regarded as having a substantial impairment of a major life activity.

Issuing Authority: _____



Effective Date: _____

December 11, 2009

Previously Revised: N/A

A copy of this policy is available for review at the Department of Human Resources, and on the City's computer network at N:\POLICIES or the City's website at <http://www.cityofnewhaven.com/HumanResources/Policies.asp>