

NONDISCRIMINATION ON THE BASIS OF DISABILITY

Adopted: January 19, 2016

Title II of the Americans With Disabilities Act of 1992 requires that no qualified individual with a disability shall, because the Town of Lee facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the Town of Lee or be subject to discrimination. Nor shall the Town of Lee exclude or otherwise deny services, programs or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.

Definition: A “qualified individual with a disability” is an individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aides and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Town of Lee.

Reasonable Modification: The Town of Lee shall make reasonable modification in policies, practices or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the Town of Lee can demonstrate that making the modifications would fundamentally alter the nature of the service, program or activity.

Communications: The Town of Lee shall take the appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others. To this end, the Town of Lee shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy benefits of, a services, program or activity conducted by the Town of Lee. In determining what type of auxiliary aid or service is necessary, the Town of Lee shall give primary consideration to the requests of the individuals with disabilities.

Auxiliary Aids and Services: “Auxiliary aids and services” includes (1) qualified interpreters, note takers, transcription services, written materials, assisted listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio records, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

Limits of Required Modification: The town of Lee is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program or activity or in undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program or activity or unduly burden the Town of Lee shall be made by the Selectmen after considering all resources available for use in funding and operating the program, service or activity. A written statement of the reasons for reaching that conclusion shall accompany the decision.

Notice: The Town of Lee shall make available to applicants, participants, beneficiaries and other interested persons information regarding the provisions of Title II of the American with Disabilities Act (ADA) and its applicability to the service, programs or activities of the Town of Lee. The information shall be made available in such a manner as the Selectmen and Town Administrator find necessary to apprise such person of the protections against discrimination assured them by the ADA.

Compliance Coordinator: The Town of Lee shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. The town of Lee shall make available to all interested individuals the name, office address and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The Selectmen are of the general view that:

1. Discrimination against a qualified disabled person solely on the basis of handicap is unfair; and
2. To the extent possible, qualified disabled persons should be in the mainstream of life in the Town of Lee. Accordingly employees of the Town of Lee will comply with the above requirements of the law and policy statements of this Committee to ensure nondiscrimination on the basis of handicap.

**GRIEVANCE PROCEDURES FOR COMPLAINTS
OF DISCRIMINATION ON THE BASIS OF DISABILITY**

Adopted: January 10, 2001

The following grievance procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs and benefits by the Town of Lee.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Reasonable accommodations, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities who are unable to submit a written complaint.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but no later than 60 calendar days after the alleged violation to:

Town Administrator
Town of Lee
32 Main Street
Lee, Massachusetts 01238
(413) 243-5501

Within 15 calendar days after receipt of the complaint, the Town Administrator will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Administrator will respond in writing and, where appropriate, in a format accessible to the complainant such as audiotape. The response will explain the position of the Town of Lee and offer options for substantive resolution of the complaint.

If the response by the Town Administrator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the Town Administrator within 15 calendar days after receipt of the response to the Board of Selectmen, or their designee.

Within 15 calendar days after receipt of the appeal, the Board of Selectmen, or their designee, will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Board of Selectmen, or their designee, will respond in writing and, where appropriate, in a format accessible to the complainant such as audiotape, with a final resolution of the complaint.

All complaints received by the Town Administrator, appeals to the Board of Selectmen, or their designee, and responses from the Town Administrator and the Board of Selectmen, or their designee, will be kept by the Town of Lee for at least three years.



TOWN OF LEE
Office of the Town Selectmen
32 Main Street
Lee, Massachusetts 01238

Tel. 413-243-5500
Fax. 413-243-5523
Website: lee.ma.us

The Town of Lee does not discriminate on the basis of disability in admission to, access to, or in the operation of its programs, services or activities. The Town of Lee does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act (ADA) of 1990.

Questions, concerns, complaints or requests for additional information regarding the ADA may be forwarded to the Town of Lee's ADA coordinator:

Robert Nason
Town Administrator
Town Hall
32 Main Street
Lee, Massachusetts 01238

Phone: (413) 243-5501

Fax: (413) 243-5523

bnason@town.lee.ma.us

Office Hours: Mon-Fri – 8:30 AM – 4:00 PM

Individuals who need auxiliary aids for effective communication in programs and services of the Town of Lee are invited to make their needs and preferences known to the ADA coordinator.

This Notice is available in large print and audiotape from the ADA coordinator.



TOWN OF LEE
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Lee, Massachusetts 01238

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Fax. 413-243-5523
Website: lee.ma.us

January 28, 2016

To whom it may concern:

The Town of Lee is an Equal Opportunity Employer. Serving as both the appointing authority and the ADA Coordinator, I can assure you that the Town does not discriminate on the basis of race, sex, color, religion, age, national origin, veterans' status, disability (where it does not fundamentally alter the job, program or activity), sexual orientation or on the basis of other non-merit factors in the hiring and promotion process. Promotion and recruitment are on the basis of qualifications and all "Help Wanted" advertisements identify the Town of Lee as an Equal Opportunity/Affirmative Action Employer. Moreover, the Town makes all employment decisions, including leave administration, training, tests, medical exams/questionnaires, social and recreational programs, fringe benefits, collective bargaining agreements, and wage and salary administration on the basis of merit; and, toward that end is committed to make reasonable accommodations for disabled persons.

Sincerely,

Robert L. Nason
Town Administrator