

Public Notice

AMERICANS WITH DISABILITIES ACT

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

The notice is provided as required by Title I and Title II of the Americans with Disabilities Act (ADA) of 1990. It is the intent of the Town of Norwell to fully comply with the provisions of the ADA.

Questions, concerns, complaints, or requests for additional information regarding the ADA may be forwarded to The Town of Norwell designated ADA Compliance Coordinator.

Name: Thomas Barry

Title: Norwell Building Inspector

Office Address: Building Department 345 Main St., Norwell MA 02061

Phone - 781-659-8018

Hours/Days - Mon/Tue 8:00-4:15, Wed 8-7:30 PM, Thurs 8:00-4:00 PM

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Individuals who need auxiliary aids for effective communication in programs and services of the Town of Norwell are invited to make their needs and preferences known to the ADA Compliance Coordinator. This notice is available in large print, on audio tape, and in Braille, from the ADA Compliance Coordinator.

Title I -See attached

Title II- Public Services

State and local governments may not discriminate against qualified individuals with disabilities. New construction and alterations to existing facilities must be accessible. Existing facilities must meet program accessibility requirements consistent with Section 504 of the Rehabilitation Act of 1973.

Modifications to Policies and Procedures: The Town of Norwell will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all Town programs, services, and activities. For example, individuals with service animals are welcomed in Town offices, even where pets are generally prohibited.

Limitations: The ADA does not require the Town to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

The information in this notice must be communicated on an ongoing basis in formats that ensure access to persons with visual, cognitive, physical or hearing impairments. This may include the use of public service radio and television announcements, printing information in brochures, program notifications and other municipal publications, sending notices to disability organizations, including organizations that have telephone tapes for people who are blind, posting notices in municipal facilities and printing notices in local newspapers.

Massachusetts Office on Disability
One Ashburton Place
Boston, MA 02108

1-800-322-2020 voice/TDD
1-617-727-7440 voice/TDD

SELECTMEN

Memo

To: Tom Barry, Building Inspector
Nancy Hemmingway, Conservation Agent
Barbara Childs, Human Resources

From: Lynda J. Allen, Exec. Ass't to Town Administrator

Date: October 3, 2019

Re: Americans with Disabilities Act

At the meeting on October 2, 2019, the Board of Selectmen voted to approve the following three documents for the Town of Norwell:

- Public Notice/ADA,
- ADA Grievance Procedure policy
- Grievance Form For Violations of the ADA Act

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**TOWN OF NORWELL
BOARD OF SELECTMEN**
345 Main Street
Norwell, MA 02061-0295
(781) 659 - 8000

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**TOWN OF NORWELL
COMMISSION ON DISABILITY
Americans with Disabilities Act (ADA)
ADA Grievance Procedure**

AMERICANS WITH DISABILITIES ACT POLICY

The Town of Norwell does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. The town does not discriminate on the basis of disability in its hiring or employment practices. Individuals who need auxiliary aids for effective communications in programs and services in the Town of Norwell are invited to make their needs and preferences known to the ADA Compliance Officer.

**GRIEVANCE PROCEDURE FOR AMERICANS WITH DISABILITIES ACT
COMPLAINTS**

The following Grievance Procedure is established to meet the requirements of the American with Disabilities Act. The procedure ensures a prompt and equitable resolution of complaints by any Employee, Applicant, Service Recipient, or Member of the General Public that she/he or a specific class of individuals has been subjected to discrimination on the basis of disability by the Town of Norwell. Any Grievant may, by her or himself file a complaint under 28 CFR Part 35 with a Federal Agency or the Town within 180 days of the date of the alleged discrimination, unless the time for filing is extended by the Town, or Federal Agency for good cause.

Applicability:

This grievance procedure has been adopted by all agencies of the Town of Norwell, with the exception of the Norwell Public Schools and the Norwell Housing Authority, both of which maintain separate grievance policies in accordance with regulations issued by the Massachusetts Office of Education and the Massachusetts Executive Office of Education and Development, respectively.

Standing:

A grievance may be brought by any Town Employee, Applicant, Service Recipient or Member of the General Public. Only the Grievant shall have official standing; that is, the grievance must be brought directly by the Grievant seeking redress or remedy, unless, the Grievant is unable, because

of a disability, to represent her/himself. However, the Grievant may be accompanied at any meeting or hearing by other family members or friends, not to exceed to two (2), if she/he desires. However, such others have no standing in this procedure and their participation may be limited at the discretion of the hearing officer.

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 interview of 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 longer than 60 calendar days after the alleged violation to:

ADA Coordinator
Norwell Town Hall
345 Main Street
Norwell, MA 02061

This grievance policy does not supplant any provision of an existing collective bargaining agreement with an employee representation group. Any grievance processed (or in process) under the terms of collective bargaining agreement may not be submitted though this ADA Grievance Procedure.

Legal Representation:

This grievance procedure is meant to be informal, and cannot be legally binding on either party. Therefore, legal representation on the behalf of either party is discouraged and shall only be allowed in special circumstances. Such legal representation obviously carries with it the threat of litigation and is thus contrary to the intent of this policy. Similarly, any grievance or complaint involving existing or threatened civil or criminal litigation cannot be addressed by this policy.

Procedure:

This procedure has been structured to try to resolve problems at the operating level; that is, at the level of the department or agency that would be responsible for implementing any action resulting from the grievance.

Step I -Department Level:

The Grievant shall first attempt to resolve the complaint at the level of the department exercising jurisdiction; i.e. with responsibility for the action, program, or service at issue. The grievance may be oral or written, and shall be submitted to the Department Head (or designee), who shall meet with the Grievant as necessary.

The Department Head shall notify the ADA Coordinator upon receipt of the grievance.

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The Department Head shall issue a written finding, and where appropriate in a format accessible to the complainant such as large type, Braille or audio tape, with copies to the Grievant and to the ADA Coordinator, within twenty (20) working days of submission of the grievance.

Step 2 -Building Inspector (ADA Coordinator):

If the complaint is not resolved to the satisfaction of the Grievant, or if the Department Head lacks authority or jurisdiction, the Grievant may submit the grievance to the ADA Coordinator. Said submission must be in writing and filed within ten (10) working days of the finding of the Department Head.

The ADA Coordinator (or designee) shall meet with the Grievant to discuss the complaint and possible resolution. Within twenty (20) working days of submission of the Step 2 grievance, the ADA Coordinator will respond in writing, and where appropriate in a format accessible to the complainant such as large type, Braille or audio tape. The response will explain the position of the Town of Norwell and offer options for substantive resolution of the complaint.

Step 3: -The Board of Selectmen

If the response by the ADA Coordinator ~~complaint~~ is not resolved to the satisfaction of the Grievant, she/he may appeal the decision of the ADA coordinator to the Board of Selectmen. Said submission must be in writing and filed within ten (10) working days after receipt of the ADA Coordinator response.

The Board of Selectmen (or designee) shall meet with the Grievant and shall issue a written finding within twenty (20) working days after receipt of the appeal of the step 3 grievance A copy of the written finding, and where appropriate in a format accessible to the complainant such as large type, Braille or audio tape, with a final resolution of the complaint shall be provided to the Grievant.

Any decision or recommendation that requires approval of actions or commitment of funds beyond the level of normal departmental authority must be submitted by the ADA Coordinator to the appropriate Board or Commission, together with his recommendation for action. Said Board or Commission must approve the recommendation prior to implementation, and must seek any necessary funding from the Town Meeting.

Norwell Commission on Disabilities:

The Department Head and ADA Coordinator may refer a grievance or complaint or any part thereof to the Commission on Disabilities for advice and for technical assistance and support on a formal or informal basis.

Adopted by the Norwell Board of Selectmen on October 2, 2019

Ellen Allen, Chair
Alison Demong,
Jason Brown,
Joseph Rule
Bruce Graham

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**Actions for the Town of Norwell to implement as mandated by the
Americans with Disabilities Act (ADA)**

Requirement 1:

28 CFR Part 35.105

Establishes a requirement (based on the section 504 regulations) that a public entity evaluate current policies and practices to identify and correct any that are not subject to the provisions of 504. This evaluation must be on file and available for public inspection for three (3) years.

Requirement 2:

28 CFR Part 35.107

Requires Public entities of more than 50 employees to designate a responsible employee and adopt grievance procedures.

Requirement 3:

28 CFR Part 35.170

Details the Complaint Procedure.

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Title I (Personnel) Compliance Guidelines

The following is an excerpt from the Title I regulations:

"Employers with 15 more more employees may not discriminate against qualified individuals with disabilities. Employers must reasonably accommodate the disabilities of qualified applicants or employees, including modifying work stations and equipment, unless due hardship would results.

The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. For the purposes of this title, considerations shall be given to employer's judgement as to what functions of a job are essential, and if an employer has prepared a written description before advertising for the job. This description shall be considered evidence of the essential functions of the job.

The term "reasonable accommodation" may include: A) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and B) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

In general, the term "undue hardship means;

- A) An action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph B.
- B) Factors to be considered in determining whether an accommodation would impose an undue hardship on a covered entity include:
 - i) The nature and cost of the accommodation needed under this Act;
 - ii) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact or otherwise of such accommodation upon the operation of the facility;
 - iii) the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type and location of its facilities;; and
 - iv) the type of operation or operations of the covered entity including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

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GRIEVANCE FORM
FOR VIOLATIONS OF THE AMERICANS WITH DISABILITIES ACT

1. Name: _____
First Middle Initial Last
Street: _____
City & State: _____ Zip: _____
Telephone Number: () _____ Email: _____

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

Department/Organization/Business: _____

Contact Name: _____

Street Address: _____

City and State: _____

3. Please describe the particular way in which you believe you have been denied access to a Norwell service, program or activity due to your disability:

4. Please specify all dates, times and locations of incidents:

5. Have you pursued resolution of your complaint through the internal grievance procedure of the organization? Yes or No (please circle).

If yes, what is the status:

6. Have you filed a complaint with respect to this matter with any other Federal, State or Local Government Agency? Yes or No (please circle).

If yes, name of Agency: _____

Street Address: _____

City&State: _____ Zip: _____

7. 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; or non-handicap persons treated differently; has the organization given an explanation for its conduct or actions?

8. If known, please provide the names and contact information of any witnesses:

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Please submit this form to the Selectmen's Office with any written materials, dated documents, etc., which you think are relevant to this complaint.

(signature) (date)

