

**Town of Old Saybrook
Individuals with Disabilities
Policy & Procedure
Adopted by Board of Selectmen: April 8, 2014**

I. Policy

It is the policy of the Town of Old Saybrook to comply with the Americans with Disabilities Act of 1990, as amended and accompanying regulations, as well as Connecticut state law and regulations regarding individuals with disabilities in all of its employment practices. The Town will implement this policy through the following procedures.

II. Job Accommodations

The Town will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified employee with a disability to enable him or her to perform essential job duties unless such accommodation would impose an undue hardship on the operations of the Town. An individual with a disability is “otherwise qualified” if he or she can perform the essential functions of the position with or without reasonable accommodation.

In determining the extent of the Town’s accommodation obligations, the following factors among others may be considered: (1) business necessity, (2) whether the accommodation would pose an undue hardship on the Town, and (3) whether the individual with a disability poses a direct threat to the health or safety of others in the workplace.

The Town will remove physical barriers to an employee’s workplace accessibility and usability where such removal is needed and readily achievable.

The following modifications may be made to an individual employee’s job under appropriate circumstances:

1. Modifications to a job application process that enables a qualified applicant with a disability to be considered for the position.
2. Modification of an individual’s job duties by reassigning, reallocating, or redistributing nonessential, marginal functions.
3. Modification of an individual’s work schedule within the individual’s normal shift, or reassignment to a vacant position.
4. Modification of the work environment, equipment, or the manner or circumstances under which the job is customarily performed, including training and work flow and/or procedures, affecting an employee’s job functions, that enables a qualified individual with a disability to perform the essential functions of that position.

If an employee who is known to have a disability is having significant difficulty performing the essential functions of his or her job and it is reasonable to conclude that the performance problem

is related to the disability, the Town will confidentially inquire whether the problem is related to the employee's disability. If the employee believes so, the Town will inquire whether the employee is in need of reasonable accommodation.

III. Reasons For Accommodations

The Town may make job accommodations or accommodation transfers under the following circumstances:

1. To accommodate the needs of a employee with a disability;
2. To accommodate other extraordinary personal needs of an employee;
3. To satisfy other needs of the Town's business.

IV. Accommodation Transfers

Accommodation transfers will be considered only when accommodation within the individual's current position would not pose an undue hardship on the Town's operations.

An employee who can no longer perform, with or without accommodation, his or her current position because of a disability, will be placed, on a lateral basis, in an existing vacant position (or in a position that will become vacant within a reasonable time). The employee must be qualified for and able to perform the essential job duties of that position, with or without accommodation. The placement also must not pose an undue burden on the Town's operations.

If such vacancy exists, or the employee declines such placement, the employee will be placed in an existing vacant position (or in a position that will become vacant within a reasonable time) on successively lower levels. The employee must be qualified for and able to perform the essential job duties of a position, with or without accommodation. The placement also must not pose an undue burden on the Town's operations, and must be consistent with the terms of any applicable collective bargaining agreement.

Employees in need of an accommodation transfer will be given first consideration (before posting) for such vacancies on a lateral or downgrade basis, subject to any applicable collective bargaining agreement provisions. Employees in need of an accommodation transfer will be considered on a promotional basis without priority or preference.

V. Employee Requests

Any employee in need of:

- accommodation for workplace accessibility or usability to perform essential job duties or to participate in organization-sponsored programs and activities,
- alternative accessible formats for organization communications,
- emergency treatment or emergency evacuation assistance,
- a disability leave of absence, or
- other accommodation

should make such needs known to Heather McNeil, ADA Coordinator (HMcNeil@town.old-saybrook.ct.us or (860) 395-3190). After appropriate discussion with the employee and their supervisor and/or the First Selectman regarding accommodation alternatives and consideration of the employee's specific needs, the ADA Coordinator will inform the employee as to what, if any, reasonable accommodation will be made.

VI. Application Process

The Town will make reasonable accommodations to the known physical or mental limitations of "otherwise qualified" applicants for employment who have a disability, unless such accommodation would impose an undue hardship on the operations of the Town. An individual with a disability is "otherwise qualified" if her or she satisfies all of the skill, experience, education and other job-related selection criteria, except that, because of a disability, he or she needs a reasonable accommodation to perform the job's essential functions.

VII. Confidentiality

Whenever applicants or employees provide the Town with medical information during the self-identification process, the information obtained is kept confidential. The Town will maintain all information regarding the medical condition or history of applicants, employees, and employees' dependents on separate forms and in separate secure medical files, and treat such information as a confidential medical record to be utilized only as permitted by law. The exceptions to this practice include (1) supervisors and managers may be informed of restrictions or accommodations, (2) first aid or safety personnel may be informed if the condition might require emergency treatment; (3) government officers investigating compliance with federal or state law shall be informed; and (4) other Town managers, officials, or employees with a need to know as determined by the Town.

Legal and Cross References

Americans with Disabilities Act, 42 U.S.C. §§12101-12117, and 12201-12213
Federal Regulations, 29 C.F. R. Part 1630
EEOC Technical Assistance Manual
EEOC Policy Guidance
Connecticut General Statutes §46a-60.

See also:

EEO Policy
Harassment Prevention Policy