

TOWN OF LONDONDERRY

Title VI - Town Policy

Resolution 1997-12 – Rev. 2 - Adopted 9/8/97

Chapter X - AMERICANS WITH DISABILITIES EMPLOYMENT POLICY

SECTION I

PURPOSE

- A. It is the policy and practice of the Town to comply with the Americans with Disabilities Act and ensure equal opportunity in employment for all qualified persons with disabilities. The Town of Londonderry is committed to ensuring non-discrimination in all terms, conditions, and privileges of employment. All employment practices and activities, whether provided or conducted by the Town or another entity on our behalf, will be conducted on a non-discriminatory basis.

SECTION II

LIMITS/AUTHORITY

- A. Recruiting, advertising, and job application procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Upon request, applications are available in alternative, accessible formats, as is assistance in completing the application.
- B. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position, not any disabling condition.
- C. Pre-employment physical examinations are required only for those positions in which there is a bonafide job-related physical requirement or a federal or state regulation and are given to all persons entering the position only after conditional job offers. Medical records will be kept separate and confidential.
- D. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.
- E. All fringe benefits, whether provided or administered directly by the Town or another entity on our behalf, must be accessible to persons with disabilities. Training, apprenticeship programs, conferences, professional meetings, as well as financial support and leave for them will be available for all employees. Recreational and social activities sponsored by the Town will be accessible to all employees.

Chapter X - AMERICANS WITH DISABILITIES EMPLOYMENT POLICY**SECTION II LIMITS/AUTHORITY (Cont'd)**

- F. The Town is also committed to not discriminate against any qualified employee or applicant because he or she is related to or associated with a person with a disability. The Town will follow any state or local law that provides individuals with disabilities greater protection than the Americans with Disabilities Act.
- G. This policy is neither exhaustive or exclusive. The Town is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the Americans with Disabilities Act and all other applicable Federal, State, and local laws.

SECTION III COMPLAINT PROCEDURE

- A. Complaints regarding administration of this policy should be filed with and addressed to the Town Manager or his/her designee.
- B. 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. Alternative means of filing complaints, such as personal interviews or tape recording of the complaint, will be made available for persons with disabilities upon request.
- C. A complaint should be filed within sixty (60) calendar days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case by case basis.)
- D. An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by the Town Manager or his/her designee. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
- E. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Town Manager and a copy forwarded to the complainant no later than fifteen (15) calendar days after its filing or if the Town Manager is unable to resolve the complaint, he or she shall notify the complainant and the Town Council of his or her decision. All facts and allegations made by the complainant shall be forwarded to the Town Council who shall then proceed to step 15.

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SECTION III COMPLAINT PROCEDURE (Cont'd)

- F. If the response by the Town Manager does not satisfactorily resolve the issue the complainant and/or his or her designee may appeal the decision of the Town Manager within fifteen (15) calendar days after the receipt of the said response to the Town Council or their designee.
- G. Within fifteen (15) days after receipt of the appeal or complaint the Town Manager and Town Council shall meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after said meeting the Town Manager and Town Council shall respond in writing, and where appropriate, in a format accessible to the complainant, with final resolution to the complaint.
- H. The Town Manager shall maintain the files and records of complaints filed against the Town relating to the Americans with Disabilities Act.
- I. In the event that the Town Manager is named party to a complaint he/she shall not participate in the complaint process and his/her function(s) in the process shall be assumed by the chairperson of the Town Council.

~~~~End of Chapter~~~~