


TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES

Subject: AMERICANS WITH DISABILITIES ACT	File Under Section: PERSONNEL	
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Supersedes: August 11, 2005 Res. No. 1376, 8/11/2005	Approved By:  Larry Tarkowski Town Manager Date: 6/15/09 /S	

1.0 POLICY

1.1 It is the policy of the Town of Prescott Valley not to discriminate on the basis of disability status in employment or the provision of services. It is the intent of the Town to guarantee disabled persons equal opportunity to participate in and enjoy the benefits of Town services, programs, or activities, and to allow disabled employees a bias-free work environment. The Town, upon request, will provide reasonable accommodation in compliance with the Americans With Disabilities Act (ADA).

2.0 PURPOSE

2.1 The purpose of this policy is to provide a reasonable policy and procedure that will ensure: 1) equal opportunities for disabled persons to participate in and benefit from services, programs, or activities sponsored by the Town; 2) a bias-free environment for disabled employees, or for disabled persons who seek employment with the Town; and, 3) prompt and equitable resolution of complaints alleging discrimination on the basis of a disability.

3.0 APPLICABILITY

3.1 All Town of Prescott Valley employees.

4.0 REFERENCE

- 4.1 Americans With Disabilities Act of 1990,
- 4.2 Section 504 of the Rehabilitation Act of 1973, as amended,
- 4.3 Americans With Disabilities Act Amendments Act of 2008.

5.0 REAFFIRMATION OF COMMITMENT

- 5.1 The Town of Prescott Valley is committed to creating an environment in which facilities for public meetings and general public use are accessible. Furthermore, the town will provide auxiliary aids and services (interpreters, readers, assisted listening devices, text telephones, large print materials, audio tape, help in filling out forms, and other similar services and actions) if necessary and if such reasonable accommodation can be provided without undue hardship to the Town. Disabled persons may request the auxiliary aids and services of their choice, which will be given primary consideration. Communication of accessibility will be included in Town publicity announcements.
- 5.2 The Town of Prescott Valley has a commitment to ensure equal opportunities for disabled Town employees. Every reasonable effort will be made to provide an accessible work environment and additional accommodations, including auxiliary aids and services. Employment practices (e.g. hiring, training, testing, transfer, promotion, compensation, benefits, termination, etc.) will be administered in such manner as to not promote discrimination of disabled employees. Detailed policies and procedures regarding employment practices are contained in the Town's Personnel Policies and Procedures Manual.
- 5.3 Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of disability. Reasonable accommodation during an application/interview process will be provided upon request.
- 5.4 The Town of Prescott Valley is also committed to ensure equal opportunity for disabled persons to participate on boards and commissions. Board and commission meetings will be held in accessible locations, requested auxiliary aids will be provided, and accommodation provided during the selection process of board and commission members. Through the recruitment process, the Town will actively seek and invite the participation of board and commission members who are disabled.
- 5.5 All future construction and renovation of Town-owned buildings and facilities will be carried out in accordance with Barrier-Free Code Regulations and ADA Accessibility Guidelines (ADAAG).
- 5.6 Town staff will be trained to ensure that disabled persons may participate in and benefit from Town programs, services, and activities.
- 5.7 Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited.
- 5.8 In the event citizens, employees, or other participants in the Town's programs, services, and activities feel the Town has violated their rights under the ADA, this policy provides a grievance procedure for handling such complaints.

6.0 GRIEVANCE PROCEDURE

- 6.1 The Town of Prescott Valley adopts the following internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Equal Employment Opportunity Commission (EEOC) regulations implementing Title I of the ADA and the U.S. Department of Justice regulations implementing Title II of the ADA. Title I of the ADA states that “no covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.” Title II of the ADA states that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”
- 6.2 Complaints should be addressed to: ADA Coordinator, Town of Prescott Valley, 7501 E. Civic Circle, Prescott Valley, AZ, 86314, (928) 759-3100. The ADA Coordinator has been designated to coordinate ADA compliance efforts. He or she shall maintain the files and records of the Town relating to the complaints filed and ensuing investigations.
- 6.2.1 A complaint may be reported orally or in writing. It shall consist of the name and address of the person filing it, or on whose behalf it is filed, and a brief description of the alleged violation of the ADA regulations. A complaint shall be filed within twenty (20) calendar days after the complainant becomes aware of the alleged violation.
- 6.2.2 An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation shall be commenced by the ADA Coordinator, or the designee of the ADA Coordinator, within ten (10) calendar days following the filing of the complaint. The investigation will be informal but thorough, affording all interested persons and their representatives, if any, an opportunity to submit information relevant to such investigation.
- 6.2.3 A written determination as to the validity of the complaint and a resolution of the complaint, if any, shall be issued by the ADA Coordinator and a written copy mailed to the complainant within thirty (30) calendar days following the filing of the complaint.
- 6.2.4 The complainant may request a reconsideration of the case determination of the ADA Coordinator in instances where he or she is dissatisfied with the resolution. The request for reconsideration shall be made within ten (10) calendar days following the date the complainant receives the determination of the ADA Coordinator. The request for reconsideration shall be made to the Town Manager. The Town Manager shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information. The Town Manager shall issue his or her decision on the request for reconsideration within twenty (20) calendar days of the filing of the request for

reconsideration. A copy of said decision shall be mailed to the complainant.

- 6.2.5 The complainant's right to prompt and equitable resolution of the complaint must not be impaired by his or her pursuit of other remedies, such as the filing of a complaint with the U.S. Department of Justice or any other appropriate federal agency. Furthermore, the filing of a lawsuit in state or federal district court can occur at any time. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- 6.2.6 These rules shall: 1) protect the substantive rights of the interested persons, 2) meet appropriate due process standards, and 3) comply with the ADA and implementing regulations.