

## City of Lawrence

### Americans with Disabilities Act Non-Discrimination on the Basis of Disability Policies and Procedures

#### 1. *Employment Policies and Procedures*

The City of Lawrence does not discriminate in employment practices against qualified job applicants or employees on the basis of disability in the areas of hiring; promotion; demotion; transfer; recruitment; job advertisements; termination; job postings; and training, etc. Persons with disabilities have equal opportunity to participate in the City of Lawrence programs. In addition, the City of Lawrence shall:

- provide a program of information and awareness training about disabled persons to all supervisors and interviewers;
- review all job descriptions to ensure that they do not tend to screen out qualified disabled individuals;
- eliminate unnecessary, non job-related mental and/or physical requirements for entry into each job;
- in the area of promotion, when a vacancy occurs, institute an internal search to determine if there is a qualified employee with a disability who could be promoted;
- provide alternate methods of informing employees with disabilities of relevant information (such as informing blind individuals of announcements posted on bulletin boards);
- review employee performance appraisals to ensure that no discriminatory patterns or practices exist or are developed affecting employees with disabilities or applicants; and provide reasonable accommodation in all areas of accessibility.

It is understood that the obligation to comply with this policy is not obviated or alleviated by any state or local law or other requirement that based on disability imposes inconsistent or contradictory prohibition. Any prohibitions or limits upon the eligibility of qualified individuals with disabilities to receive services or practice any occupation or profession are not allowed under this policy.

#### 2. *Reasonable Accommodations Policy*

Further, it is the policy of the City of Lawrence that reasonable accommodation shall be made to the known sensory, physical, mental, or other limitations of an otherwise qualified applicant or employee with a disability, unless the City of Lawrence can demonstrate that the accommodation imposes an undue financial or administrative hardship on the operation of its programs. This includes the hiring process, interviews, job postings, etc.

The final decision concerning whether a request for an accommodation is an undue financial or administrative hardship is made by the Mayor in discussion with the

Personnel Director, and, if necessary, the City Council. Aggrieved employees or applicants have the right to appeal as per our written appeals process.

3. *Procedure for Requesting a reasonable Accommodation (RA) is:*

- A. A qualified employee or job applicant with a disability may request a reasonable accommodation (RA) by first specifying his or her RA either verbally or in writing to his/her supervisor or interviewer.
- B. The supervisor will then consult with the City of Lawrence ADA Coordinator to find out how to acquire the RA and provide it for the employee.

If the RA cannot be provided within 10 business days of the request, the supervisor will issue a memo to the employee or applicant with an explanation. If a substitute RA is being offered to the employee, this will also be required to be explained verbally and in writing. The ADA Coordinator will modify these policies when necessary.

4. *Employment/Pre-Employment Criteria*

The City of Lawrence shall not use any employment test or other selection criteria that screens out or tends to screen; out individuals with disabilities.

The City of Lawrence shall not make any pre-employment inquiry or conduct a pre-employment medical examination of an applicant to determine whether the applicant is an individual with a disability or the nature or severity of the disability.

The City of Lawrence may, however, make pre-employment inquiries to an applicant's ability to perform job-related functions. Training is provided to staff on a regular basis, on rights and obligations under Title I of the ADA. This includes the City of Lawrence requirement to provide reasonable accommodation, the differentiation between essential and marginal job functions, permissible and non-permissible inquiries, confidentiality requirements, etc.

5. *Employment Training Assurance*

Employees right to confidentiality (whenever confidential information regarding disability, etc, is divulged) will be assured. Training will be conducted at least once every two years, and then all new staff are trained, as per our staff orientation, on all of the above requirements. The ADA Coordinator is the employee responsible for seeing that this is done. Details of disability are kept separate from other employee information.

6. *General Policy (Non-Discrimination Operations) Equal Opportunity Policy*

It is the policy of the City of Lawrence that no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from the participation

in; be denied the benefits of, or be subjected to, discrimination under the programs or activities of the City of Lawrence. In providing its services, programs, and activities, the City of Lawrence shall not:

1. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, service, or activity.
2. Afford a qualified individual with a disability the opportunity to participate in, or benefit from, any aid, benefit, or service that is not equal to that afforded to others.
3. Deny a qualified individual with a disability the opportunity to participate as a member of committees, or any other entity of the City of Lawrence.
4. Otherwise limit a qualified individual with a disability the enjoyment of any right, privilege, advantage, or opportunity enjoyed by other qualified individuals receiving the aid, benefit, or service.

7. *Reasonable Modification Policy*

The City of Lawrence will make reasonable modifications to our policies, practices, and procedures in order to accommodate persons with disabilities unless it can demonstrate that such modification would fundamentally alter the nature of our program or the services that we offer. The City of Lawrence is committed to making reasonable modifications when they are needed to afford persons with disabilities access to services and programs.

The final decision concerning whether a request for a modification is reasonable (or is a fundamental alteration of the program) is made by the Mayor in discussion with the Personal Director, City Attorney, and if necessary, the City Council.

Persons requesting a particular modification may be asked to furnish documentation to support the need for the modification.

Aggrieved individuals have the right to appeal as per our written appeals process. This policy will be modified when necessary to make our program accessible to people with disabilities.