


City of Mary Esther 	<b>The Americans with Disabilities Act of 1990 (ADA)</b>	<b>Standard Operating Procedure</b>	
		SOP Number	Policy-2
		Effective Date	3/3/08
		Rev. # / Date	
		Approved	

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**I. Purpose**

To establish policy and procedures to fully comply with all Federal, State and local laws regarding applicants and employees with disabilities, the ADA, and the Rehabilitation Act of 1973.


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 City; 2) a bias free environment for disabled employees, or for disabled persons who seek employment with the city; and, 3) prompt and equitable resolution of complaints alleging discrimination on the basis of a disability.

**II. Responsibility**

It shall be the responsibility of the City Manager to ensure compliance with this procedure.

**III. Definitions**

- A. The ADA defines "disability" as a physical or mental impairment that substantially limits one or more of the major life activities. Individuals that have a record of such impairment, or are regarded as having an impairment that substantially limits one or more major life activities.
- B. Reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or Company and which permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities.
- C. Undue hardship is defined as an accommodation that would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business.
- D. The ADA protects a "qualified individual with a disability." As defined by the ADA, such an individual is an individual with a disability that, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- E. The EEOC regulations define "essential functions" to mean "the fundamental job duties.

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**IV. Policy**

The City of Mary Esther does not discriminate on the basis of race, color, national origin, sex, religion, age, marital status, or disability in employment or the provision of services. It is the intent of the City to guarantee disabled persons equal opportunity to participate in or enjoy the benefits of City services, programs, or activities, and to allow disabled employees a bias free work environment. The City, upon request, will provide reasonable accommodation in compliance with the Americans With Disabilities Act (ADA).

The City is committed to creating an environment in which facilities for public meetings and general public use are accessible. Furthermore, the City 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 City. 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 City publicity announcements.


The City has a commitment to ensure equal opportunities for disabled city employees. Every reasonable effort will be made to provide an accessible work environment. Detailed policies and procedures regarding employment practices are contained in other SOP's.

Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of disability. Reasonable accommodation will be provided upon request during an application/interview process.

Accommodations must be made on a case-by-case basis. An employee's request for an accommodation does not necessarily mean that the City is required to provide the accommodation. Instead, a request to reasonably accommodate is the first step in an interactive process between the employee and the City to determine whether the condition meets the ADA definition of disability.

The City 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 City will actively seek and invite the participation of board and commission members who are disabled.

All future construction and renovation of City-owned buildings and facilities will be carried out in accordance with ADA Accessibility Guidelines (ADAAG).

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In the event citizens, employees, or other participants in the City's programs, services, and activities feel the City has violated their rights under the ADA, this policy provides a grievance procedure for handling such complaints.


City staff will be trained to ensure that disabled persons may participate in and benefit from City programs, services, and activities.

**IV. Procedure**


The City of Mary Esther 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."

Complaints should be addressed to the City Clerk, City of Mary Esther. He or she shall maintain the files and records of the City relating to the complaints filed and ensuing investigations.

- A. A complaint may be filed either in writing or verbally. 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.
- B. An investigation, as may be appropriate, shall follow a filing of 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 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.

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- C. 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.
  
- D. 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 City Manager, City of Mary Esther. The City Manager shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information. The City 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.
  
- E. The complainant may request a reconsideration of the case determination of the City Manager in instances where he or she is dissatisfied with the decision of the City Manager. The request for reconsideration should be made within ten (10) calendar days following the date the complainant receives the determination of the City Manager. The request for reconsideration shall be made to a designated hearing officer through the City Clerk, or the designee of the City Clerk. The City Council shall review the records of said complaint and may conduct further investigation when necessary to obtain additional relevant information and shall issue its decision thereon within thirty (30) calendar days of the filing of the request for reconsideration. A copy of said decision shall be mailed to the complainant. The decision of the hearing officer is final.
  
- F. 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.
  
- G. These rules shall be construed to: 1) protect the substantive rights of interested persons, 2) meet appropriate due process standards, and 3) comply with the ADA and implementing regulations.

City of Mary Esther 	<b>The Age Discrimination in Employment Act of 1967 (ADEA)</b>	<b>Standard Operating Procedure</b>	
		SOP Number	Policy-3
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**I. Purpose**

To establish policy and procedures to fully comply with all Federal, State and local laws regarding the Age Discrimination in Employment Act of 1967.

**II. Policy**

It is the policy of the City to promote employment of older persons based on their ability rather than age and to prohibit arbitrary age discrimination in employment.

**III. Responsibility**

It shall be the responsibility of the City Manager to ensure compliance with this procedure.

**IV. Policy**

- A. The City will not discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment, because of such individual's age.
- B. The City will not limit, segregate, or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his/her status as an employee, because of such individual's age.