



TOWN OF ERVING

ADM-001

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Policy

Americans with Disabilities Act Non-Discrimination Notice & Grievance Policy

Approved: _____

Select Board Chair, Jacob A. Smith

Date: August 29, 2022

Table of Contents

.01	Issue Date / Effective Date.....	1
.02	Purpose.....	1
.03	Application.....	1
.04	Designation of an ADA Coordinator.....	2
.05	Grievance Procedure	2
.06	Federal Agencies.....	3

.01 Issue Date / Effective Date

This policy is issued and effective on August 29, 2022.

.02 Purpose

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA") and its regulations, the Town of Erving will not discriminate against qualified individuals on the basis of disability in its services, programs, or activities.

.03 Application

Employment: The Town of Erving does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: The Town of Erving will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Town of Erving programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: If necessary, the Town of Erving will make reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Town of Erving offices, even where pets are otherwise generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Erving, should contact the office of the Select Board as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Town of Erving to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

The Town of Erving will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing the auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to person who use wheelchairs.

.04 Designation of an ADA Coordinator

The Select Board has identified the Town Administrator, Bryan Smith as the ADA Coordinator for the Town. Complaints that a program, service, or activity of the Town of Erving is not accessible to persons with disabilities should be directed to the ADA Coordinator.

.05 Grievance Procedure

The Town of Erving has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

Complaints should be addressed to:

Bryan Smith, Town Administrator
12 East Main Street
Erving, MA 01344
(413) 422-2800
administrator@erving-ma.gov
(or successor as ADA Coordinator)

1. A complaint should be filed in writing, contain the name, address, and phone number of the person filing it, and briefly describe the alleged violation of the regulations. Other arrangements for submission of a grievance such as a personal interview or tape recording will be made available for people with visual impairments or those with motor impairments upon notification of such impairments.
2. A complaint should be filed within 30 days after the complainant becomes aware of the alleged violation. (Processing of allegations of violations of the act which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as determined necessary by the ADA Coordinator, shall be made within a reasonable time following the filing of a complaint. Said investigation shall be conducted by the ADA Coordinator or their designee. These rules contemplate an informal but thorough investigation affording the person or persons alleging a violation and their representative, if any, an opportunity to submit relevant material in connection with the complaint.

4. A written determination of the findings made as a result of the investigation, and the proposed resolution, if any, shall be issued by the ADA Coordinator and copy shall be forwarded to the Complainant with 15 working days after its being filed with the Complaint file.
5. The ADA Coordinator shall maintain the files and records of the Town of Erving relating to the complaints filed with the office under the ADA.
6. The Complainant may request a reconsideration of the finding made by the ADA Coordinator by the Select Board. The request for a reconsideration must be made in writing and submitted to the Select Board within seven (7) business days of the mailing of the determination to the Complainant. The Select Board shall review the findings made by the ADA Coordinator and may either affirm or reject that determination. No new evidence or material shall be submitted to the Select Board regarding any request for reconsideration except to the extent that the same is requested in writing by the Board.

.06 Federal Agencies

An individual who believes that they or a specific class of individuals has been subjected to discrimination by the Town on the basis of disability in services, programs, and/or activities may, by themselves or by an authorized representative, file a complaint with the appropriate federal agency (or the U.S. Department of Justice for referral) not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the designated agency for good cause shown.