



CITY OF PITTSFIELD
ADA POLICIES AND PROCEDURES

I. ADMINISTRATION

A. ADA Coordinator:

Michael Taylor, Director of Personnel
City of Pittsfield
70 Allen Street, City Hall
Pittsfield, MA 01201
413-499-9340 (Phone)
MTaylor@pittsfieldch.com (e-mail)

B. Public Notice of ADA Compliance:

B.1. Distribution of Public Notice:

A Public Notice describing the City of Pittsfield's compliance with the requirements of the Americans with Disabilities Act will be posted in prominent locations at all program sites and in short form on all brochures and manuals.

B.2. ADA Public Notice Text:

CITY OF PITTSFIELD
AMERICANS WITH DISABILITIES ACT

The City of Pittsfield does not discriminate on the basis of disability and is committed to the full participation of persons with disabilities in our programs, services, and activities and on our work force.

The following person is responsible for coordinating the City of Pittsfield's compliance with the Americans with Disabilities Act. Inquiries, complaints and requests for communications aids and other accommodations and assistance should be directed to:

Michael Taylor, Director of Personnel
City of Pittsfield
70 Allen Street, City Hall
Pittsfield, MA 01201
413-499-9340 (Phone)
MTaylor@pittsfieldch.com (e-mail)

The City of Pittsfield's ADA grievance procedure, self-evaluation, policies, and procedures are also available on request.

Signed: 
Michael Taylor, Director of Personnel

II. EMPLOYMENT

A. Reasonable Accommodation Policy.

It is the policy of the City of Pittsfield that no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from employment or employment related benefits. Employment, hiring, and advancement will be based solely on the employee or applicant's ability to perform what the City of Pittsfield determines to be the essential functions of a position.

Further, it is the policy of the City of Pittsfield that reasonable accommodation will be made for an otherwise qualified applicant or employee with a disability, unless the City of Pittsfield can demonstrate that the accommodation imposes an undue financial or administrative hardship on the operation of its programs or results in the fundamental alteration of the program and service activity.

Notice of the availability of reasonable accommodations for job applicants will be included in postings and advertisements and will be made available upon request to applicants with disabilities during the pre-employment process as necessary to ensure equal opportunity for the applicant to secure employment with the City of Pittsfield.

All applicants will be informed at the initial interview that the City of Pittsfield does not discriminate on the basis of disability and that requests for reasonable accommodations needed for the performance of essential job functions should be made following receipt of a conditional offer of employment, preferably at the post employment offer meeting.

Persons with disabilities employed by the City of Pittsfield are encouraged to request reasonable accommodation at any time when such accommodation becomes necessary to the employee's performance of essential functions of their position or to the enjoyment of any other benefits of employment.

Requests for reasonable accommodations should be made verbally or in writing to the employee's immediate supervisor or to the ADA Coordinator. The request should include a description of the nature and purpose of the accommodation. Assistance will be made available to any employee requiring assistance in identifying an appropriate accommodation or in documenting the reasons why such accommodation is needed.

A decision will be made within ten business days of the submission of a reasonable accommodation request accompanied by any supporting documentation needed by the City of Pittsfield to fairly evaluate the request. The effectiveness of the accommodation and the need for changes or additions to the accommodation will be assessed during first month of the employee's use of the accommodation.

All reasonable accommodation requests and documentation, discussions, decisions and other matters relative to an employee's status as a person with a disability will be kept confidential.

The final decision concerning any requested accommodation that may represent an undue financial or administrative hardship will be made by the Personnel Director. Applicants and employees have the right to appeal the denial of any accommodation request using the ADA Grievance Procedure.

B. Employment Training Assurance

It is the policy of the City of Pittsfield that staff training and development activities provided for City personnel include information about ADA employment requirements. Yearly staff training and the Employee Manual include a full explanation of ADA policies, procedures, and practices regarding employment. Trainings and the

Employee Manual will include general information on reasonable accommodation, grievance procedures, essential vs. nonessential job functions, permissible vs. impermissible inquiries and confidentiality standards. All new employees receive training in ADA policies and procedures by the end of their orientation period. Supervisors and human resources personnel receive additional training appropriate to their respective positions and responsibilities.

III. NON-DISCRIMINATORY OPERATIONS

A. Equal Opportunity Policy

No qualified person with a disability shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any of the City of Pittsfield's programs, services or activities.

In providing its services, programs, and activities, the City of Pittsfield will not:

1. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, a benefit, service, or activity.
2. Deny 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. 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.

B. Reasonable Modification Policy

The City of Pittsfield will make reasonable modifications to policies and procedures necessary to accommodate the needs of a person with a disability whenever an otherwise qualified person with a disability requests such modification, unless it can be demonstrated that the requested modification would impose an undue financial burden or fundamental alteration to the program.

Requests for reasonable modifications can be made to program staff or the ADA coordinator and can be presented verbally or in writing. It is responsibility of the ADA Coordinator to ensure that requests are responded to appropriately and in a timely fashion—generally not more than five working days.

Final decisions regarding requests for reasonable modifications that in the opinion of the ADA Coordinator may represent an undue burden or fundamental alteration will be made by the Mayor in a timely fashion and no longer than 10 working days. Individuals seeking to contest a denial of a request for reasonable modification will be given the grievance procedure in the format appropriate to their needs.

C. Eligibility and Safety Requirements Assurance.

It is the policy of the City of Pittsfield that prohibitions or limitations to the eligibility of qualified individuals with disabilities to receive services or participate in programs are not allowed. Eligibility requirements have been reviewed by the ADA Coordinator and updated to comply with the requirements of the Americans with Disabilities Act. Whenever programs formulate new eligibility policies or new programs are developed, policies will be reviewed by the ADA Coordinator to ensure compliance.

Safety requirements have also been reviewed to ensure that they are necessary to the safe operation of programs, and that any decision to limit the participation a person with a disability related to safety concerns

will be reviewed on a case by case basis to ensure that that the decision is based on facts and that all appropriate mitigating measures are taken to provide for maximum participation. Staff will be informed of, and trained in any changes in eligibility and /or safety requirements that may arise.

D. Assurance Regarding Surcharges.

It is the policy of the City of Pittsfield that surcharges will not be charged to persons with disabilities, their family members or organizations representing them for the provision of reasonable accommodations, reasonable modifications to policies and procedures, auxiliary aids and services, or any other costs related to the participation of persons with disabilities.

E. Integrated Services Assurance.

It is the policy of the City of Pittsfield that all of our services, programs, and activities are provided in the most integrated setting possible. People with disabilities are not required to participate in separate programs even if separate programs specifically designed to meet the needs of persons with disabilities are offered.

F. Significant Assistance Assurance.

It is the policy of the City of Pittsfield that programs that receive significant assistance, either financial or in-kind, from the City of Pittsfield may not discriminate against persons with disabilities. It is the responsibility of the ADA Coordinator to inform organizations receiving assistance of this policy and to respond to any questions regarding its meaning and application. It is also the Coordinator's responsibility to investigate any situation in which discrimination towards persons with disabilities may have occurred, and to take appropriate action either to correct the discriminatory situation or to recommend to the Mayor termination of assistance.

G. Accessible Transportation Policy.

It is the policy of the City of Pittsfield that transportation services are accessible to and usable by participants in our programs regardless of disability. Individuals requiring accessible transportation should make their requests in writing or verbally to the ADA Coordinator. Requests should be made at least three days (3) in advance. An effort will be made to respond to requests made on shorter notice. When a request cannot be met, notice will be given as soon as possible and at least one day before the date of the requested trip.

The following local transportation providers equipped with accessible vehicles will be contacted when needed:

- Berkshire Regional Transit Authority, 413-499-2782
- City of Pittsfield Council on Aging, 413-499-9346

H. Community Referral Assurance.

When providing referral other programs or services, it is the City of Pittsfield's policy to determine whether primary referral agencies—those commonly used—are accessible to person with disabilities and aware of the obligations of the ADA. When making referrals, the City of Pittsfield provides clients with disabilities information regarding community programs that—to the best of our knowledge—are accessible to persons with disabilities and comply with ADA. In each program area operated by the City of Pittsfield at least one accessible provider has been identified in each of the categories of services in which we commonly make referrals. A list of accessible, ADA responsive referral agencies is available through the ADA Coordinator on request.

I. Training Assurance Regarding Non-Discriminatory Program Operation

The City of Pittsfield provides training on the ADA to new employees during orientation and to all employees through in-service at least yearly. Training covers the general information about the ADA and the principles of non-discriminatory operation including but not limited to, how to respond to requests for reasonable modifications to policies and procedures, and how to identify and respond to safety issues.

IV. EFFECTIVE COMMUNICATION

A. Effective Communications Policy.

It is the policy of the City of Pittsfield that auxiliary aids and services will be provided when necessary to ensure effective communication with persons whose disabilities effect communication. Persons with communications disabilities will be given the opportunity to request the aid or service that they prefer and the requested aid or service will be given primary consideration. The preferred means of communication will be provided unless doing so would impose an undue financial burden or an effective alternative means of communication is available.

Requests for auxiliary aids or services should be made verbally or in writing to program directors or to the ADA Coordinator. Unless otherwise specified, the City urges requests to be made at least 10 days in advance of the occasion on which the communications support will be needed. Reasonable effort will be made to respond on shorter notice. The person requesting the service will be notified as soon as possible if the City is unable to meet their request and an effective alternative will be offered. It will be the responsibility of the ADA Coordinator to train staff and oversee implementation of effective communication procedures. The Mayor will be responsible for making any decision related to undue burden or fundamental alteration.

B. TTY/TDD Assurance.

A TTY machine is available at the City of Pittsfield Personnel Department, in the office of the ADA Coordinator. The TTY number is 413-499-9340 and is listed in the telephone directory as the City of Pittsfield's main telephone number. In addition, a TTY machine is available in the Administration Building of the Pittsfield Public Schools, 269 First Street, Pittsfield, MA 01201. The TTY number is 413-499-9508. TTY training is provided to all new employees during their orientation period and updated for all employees on an annual basis.

C. Alternative Format Policy and Procedures.

It is the policy of the City of Pittsfield that all documents, publications, and materials used in City programs will be made available to persons with disabilities who need them in alternate formats. Procedures have been established to respond to requests for alternative formats including large print, audiotape, Braille, and computer diskettes in a timely fashion. Three weeks notice is generally required for the preparation of Braille materials, which are purchased through the City of Pittsfield, telephone # 413-499-9340. Reasonable efforts will be made to respond on shorter notice. For Braille: 1) Ferguson Industries, 173 Second Street, Cambridge, MA 02142, 617-727-9840, V/TDD 1-800-392-6450; 2) Massachusetts Association for the Blind, 200 Ivy Street, Brookline, MA 02146, 617-738-5110, TDD 617-731-6444; and for Tapes: 1) Massachusetts Association for the Blind (same address and phones); Learning Ally, 2067 Massachusetts Avenue, Cambridge, MA 02140, 617-500-2706

Large print, short audio tapes, and computer diskettes will be prepared by staff persons who have been identified by the ADA Coordinator and trained in the necessary skills and procedures. Preparation of long audiotapes will be purchased through the City of Pittsfield, telephone # 413-499-9340.

The procedure for requesting alternate formats is:

1. The person making the request should identify the materials desired and will specify his/her preferred alternate format to the program director or the ADA Coordinator either verbally or in writing 10 working days in advance of the event or activity for which the material is needed. Reasonable effort will be made to meet requests made less than 10 days before an event or activity.
2. The materials will be provided in the requested format at no charge.
3. Primary consideration will be given to the format preferred by the person making the request, and the City of Pittsfield will decide whether to provide the preferred format or an effective alternative format.
4. If a request cannot be met the person making the request will be informed as soon as possible but at least 2 days in advance of the event or activity.
5. The Mayor will make final decisions regarding any request that may represent an undue financial or administrative burden.

D. Interpreter Services Policy

It is the policy of the City of Pittsfield that sign language interpreters, will be provided upon request to any person needing interpreter services in order to participate in any meeting, program, or activity of the City. Requests should be generally made at least 30 working days in advance of the scheduled event or meeting, but reasonable effort will be made to meet requests made on shorter notice. Requests should be made either verbally, by TTY or in writing to a program director or the ADA coordinator.

Within four (4) hours of receipt of the request, the ADA Coordinator or other responsible employee will contact the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH), (telephone # (617) 695-7500) to schedule the interpreter service.

In addition to MCDHH, the City of Pittsfield maintains a list of names and phone numbers of at least three (3) qualified freelance sign language interpreters working in the region. If informed that MCDHH has not been successful in scheduling interpreters as requested, staff of the City of Pittsfield will immediately attempt to contact and schedule a freelance interpreter.

If an interpreter cannot be obtained, the ADA Coordinator or other member of the staff will offer the option of an alternative effective form of communication or the opportunity to postpone the meeting until such a time as an interpreter can be scheduled.

E. Assistive Listening Device Assurance.

It is the policy of the City of Pittsfield that assistive listening devices will be provided upon request to persons needing such devices to participate in programs, services and activities of the City. Assistive listening devices are available in the City of Pittsfield Personnel Office and will be provided upon notice given to the Personnel Director at least five (5) working days before the scheduled event or activity.

F. TV Captioning

It is the policy of the City of Pittsfield that when a television is used to provide services, the television will be equipped with a captioning decoder chip and staff will be trained to use it.

G. Video Assurance.

It is the policy of the City of Pittsfield to provide captioned versions of video tapes when such captioning is available in order to ensure that presentations are accessible to all individuals with disabilities.

H. Training Assurance

It is the policy of the City of Pittsfield that staff training and other staff development activities provided by City personnel and volunteers including training on the use of a TTY, the operator relay service and other equipment necessary to assure effective communication, personnel also receive training in procedures and policies on receiving and handling requests for auxiliary aids and services and for ensuring that primary consideration is given to the type of service or format preferred by the person with disability. Training on effective communication is given during orientation and at scheduled quarterly in-service programs.

V. PROGRAM AND FACILITY ACCESSIBILITY

It is the policy of the City of Pittsfield that all services be provided in locations that are accessible under the ADA.

Included as Attachment B is the City of Pittsfield's ADA Municipal Building/Survey Report. It must be noted that the City of Pittsfield does not provide services in all of the locations listed in the report. Additionally, when the City of Pittsfield provides services in a location not directly owned or operated by it, the location must be ADA accessible.

Note: Sites operating Department of Public Health funded programs include the schools in the Pittsfield Public School System and the City of Pittsfield Department of Public Health office at 100 North Street, Pittsfield, MA 01201. An inventory per Department of Public Health requirements has been performed, and all sites are ADA compliant.