

**RESPONSIBLE OFFICE:** Department of Fire & Life Safety

**AUTHORITY:** The Americans with Disabilities Act of 1990, as amended. TCA 4-3-2303. Title I regulations regarding employment of 29 CFR Part 1630, Title II regulations regarding public entities of CFR Part 35. If any portion of this policy conflicts with applicable state or federal laws or regulations, that portion shall be considered void. The remainder of this policy shall not be affected thereby and shall remain in full force and effect.

**PURPOSE:** The purpose of this policy is to state the Town of Ashland City's EEO policy of non-discrimination based on disability.

**APPLICATION:** All persons seeking access to programs, services or facilities of the Town of Ashland City, and all employees of the Town of Ashland City and all persons seeking employment or conducting business with the City.

**DEFINITIONS:** Retaliation is defined as overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

**POLICY:** It is the policy of the City to prohibit discrimination or harassment against any qualifying individual with a disability on the basis of disability in regards to the City's hiring and employment practices, or in the admission or access to, or treatment or employment in, its programs, services or activities. The City shall comply with applicable requirements of Section 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Department of Personnel Policies Rules and Regulations, as well as any other applicable law pertaining to disability non-discrimination.

**PROCEDURE:** The Town of Ashland City hereby adopts this ADA grievance procedure issued in said document which may be revised from time to time by the city council.

#### **HOW TO REPORT DISABILITY DISCRIMINATION INCIDENTS**

If an employee, applicant for employment, or third party believes he/she has been subjected to conduct that violates this policy, he/she must report those incidents as soon as possible after the event occurs.

Employees and applicants for employment may file a complaint with the City's Department of Fire & Life Safety, Human Resources Manager, the department head, their supervisor(s), or to:

ADA Coordinator, Office of Fire & Life Safety

101 Court Street

Ashland City, TN 37015

615-792-6400

Under no circumstances is the individual alleging disability discrimination and/or harassment required to file a complaint with the alleged harasser. If an employee or applicant believes he/she cannot file a complaint within his/her department, that person should contact the Mayor's Office at 615-792-4211 ext. 228.

Individuals who wish to file a complaint are encouraged to submit the complaint in writing and to include a description of the incident(s) as well as the dates(s), time(s), place(s) and any witnesses.

### **HOW TO REPORT RETALIATION INCIDENTS**

If an employee, applicant for employment or third party believes he/she has been subjected to retaliation for engaging in protected conduct under this policy, he/she must report incidents as soon as possible after the event occurs.

Any employee, applicant for employment, or third party who makes complaints of disability discrimination and/or harassment or provides information related to such complaints will be protected against retaliation. If retaliation occurs, the employee, applicant for employment, or third party should report the retaliation in the same manner as he/she would report a workplace harassment complaint.

### **HOW COMPLAINTS ARE INVESTIGATED AND RESOLVED**

The ADA Coordinator in the Office of Fire & Life Safety will conduct a thorough and neutral investigation of all reported complaints of workplace disability discrimination, harassment and/or retaliation as soon as practicable. Generally, an investigation will include an interview with the complainant to determine if the conduct at issue violates this policy. If the department determines that the conduct falls within the terms of the policy, the department will interview the alleged offender and any other witnesses who have direct knowledge of the circumstances of the allegations.

The department retains the sole discretion to determine whether a violation of this policy has occurred and to determine what level, if any, of disciplinary action is warranted.

If a complaint involves an immediate supervisor, department head, the City council will investigate the complaint on behalf of the department and report the results to the appropriate agency or authority.

### **HOW CONFIDENTIALITY IS TREATED**

To the extent permitted by law, the City will try to maintain the confidentiality of each party involved in disability discrimination and/or harassment investigation, complaint or charge, provided it does not interfere with the department's ability to investigate the allegations or to take corrective action. However, the City cannot guarantee confidentiality. Any documents that are made or received in the course of the investigation are public record under the State's Public Act, unless otherwise exempted by state law. Unless such exemption applies, state law will prevent the City from maintaining confidentiality or investigative records.

### **DIRECTIVE TO SUPERVISORY PERSONNEL**

Supervisory personnel who receive a complaint alleging disability discrimination or learn by any means of conduct that may violate this policy must immediately report any such event to the department's Human Resources Manager, ADA Coordinator, or to the Office of the Mayor.

### **CORRECTIVE ACTION FOR VIOLATION OF THIS POLICY**

Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

Supervisory personnel who allow disability discrimination, harassment and/or retaliation to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

### **OTHER PROVISIONS**

When a complaint is filed, the investigator will inform the complainant, accused and witnesses of the statement of limitation on confidentiality included in the Intake/Referral process. The investigator will also inform the complainant, accused, and witnesses of the strict prohibition of retaliation, as defined in this policy.

The investigator will communicate information concerning the allegations only to those to whom the investigator is authorized to report such matters.

The investigator will issue a letter to the accuser and the accused concerning the outcome of the investigation. A copy this letter will be forwarded to the city attorney and office of the Mayor.

All documents generated by the investigation and any subsequent disciplinary action shall be preserved and only disposed of in accordance with the appropriate State rule.

Any disciplinary action taken requires that records of such action be maintained in the disciplined employee's personnel file subject to the City's policy concerning the retention of disciplinary records.

The supervisor is responsible for maintaining the proper performance level, conduct and discipline of employees under his/or her supervision. When corrective action is necessary resulting from violation of policy, the supervisor must take the appropriate disciplinary action.