



TOWN OF MILLIS

DISABILITY DISCRIMINATION PREVENTION POLICY

A. The Town will not discriminate against people with disabilities in any employment practices or in terms, conditions or privileges of employment, including, but not limited to application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff/recall, termination, compensation, leaves or benefits.

B. The Town will make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless such action would cause an undue hardship to the operations of the Town.

C. Procedures for Establishing Standards

The Town has and will continue to establish bona fide occupational qualifications for each position, including the education, skills, and work experience required, and the physical, mental, and environmental standards necessary for job performance, health, and safety. Such standards are job-related and consistent with business necessity.

D. Reasonable Accommodation Procedures

1. The Town will provide reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee unless such accommodation will impose undue hardship on the Town.
2. The Town will provide reasonable accommodation to ensure equal employment opportunity in the application process; to enable a qualified individual with a disability to perform the essential functions of the job; and to enable an employee with a disability to enjoy equal benefits and privileges of employment.
3. The Town need not provide reasonable accommodation for an individual who is otherwise not qualified for a position.
4. The duty to provide reasonable accommodation is ongoing and may arise any time that an employee's job changes.
5. It is the obligation of the individual with the disability to request the accommodation.

E. Non- Discrimination in the Hiring Process

1. **Job Advertisements and Notices.** Recruitment information should highlight the essential functions of the job.
2. **Accessibility of Job Information.** Information about job openings should be accessible to people with different types of disabilities. The Town is not obligated to provide written information in alternative formats in advance but should make such available upon request.
3. **Recruitment.** Consistent with the purpose of the ADA, the Town will continue to extend its outreach to include sources of candidates with disabilities.

F. Pre-employment Inquiries

The ADA prohibits any pre-employment inquiries about an applicant's disability. This prohibition does not prevent an employer from obtaining necessary information regarding an applicant's qualifications, including medical information necessary to assess such qualifications and to ensure health and safety on the job.

Before making a job offer, the Town may ask questions about an applicant's ability to perform specific job functions and may make a job offer that is conditioned on satisfactory results of a post-offer medical examination or inquiry. The Town may not make inquiries about specific disabilities.

G. Health and Safety Considerations

Even if the applicant is qualified to perform the job, the Town may deny employment if such employment would pose a direct threat to the health and safety of the individual or others if such threat cannot be eliminated through reasonable accommodation. Such determination must be made by the Town Administrator or his/her designee after careful review of the circumstances.

H. Non-discrimination in Other Employment Practices

1. **Opportunity for Advancement.** The non-discrimination requirements that apply to initial selection also apply to all aspects of employment, including opportunities for advancement. As a result, current employees applying for promotions may not be discriminated against based upon disability.
2. **Training.** Employees with disabilities will be provided equal opportunity to participate in training to improve job performance and will be provided opportunities for advancement. Training opportunities will not be denied because of the need to make a reasonable accommodation unless the accommodation would create an undue hardship for the Town.
3. **Evaluation, Discipline, Discharge.** The Town will hold employees with disabilities to the same standards of performance as other similarly situated employees.
4. **Compensation.** The Town will not reduce the pay of an employee with a disability because of the elimination of a marginal job function, or because it has provided a reasonable accommodation at its expense. However, an employee who is reassigned to a lower paying job may be paid the corresponding lower salary.

5. **Health Insurance/Employee Benefits.** The Town will provide the same coverage to its employees regardless of disability.
 6. **Leave.** The Town will not refuse to grant a leave to an employee with a disability if other employees are granted comparable types of leave.
 7. **Collective Bargaining Agreements.** The Town may not do anything through a contractual relationship that it cannot do directly.
- I. **Drug and Alcohol Abuse**
 1. **Illegal Use of Drugs.** The Town will discharge or deny employment to current illegal users of drugs, in accordance with existing policy.
 2. **Alcoholism.** An employee who is an alcoholic is considered to be a person with a disability under the terms of the ADA. However, the Town may discipline, discharge, or deny employment to an alcoholic whose use of alcohol adversely affects job performance or conduct to the extent that he or she is “not qualified” for the position.
 3. **Recovering Addicts.** Persons addicted to drugs, but who are no longer using drugs illegally and who are receiving treatment for drug addiction, or who have been rehabilitated successfully, are protected from discrimination by the ADA.
 4. **Pre-employment Inquiries.** The Town may ask questions regarding the use of alcohol or illegal use of drugs. However, the employer may not ask whether the applicant is a drug addict or alcoholic or whether he/she has ever been in a drug or alcohol rehabilitation program.

(Located on page 38 of the Town of Millis Personnel Plan)