

Policy Name: III.1 Accommodations Policy	Section: III Human Resources	Programs: All
	Standard/Area: Criterion I Human Resources	Review Date: 8/17/21, 7/23/25
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Section I: Intent

Martha's Vineyard Community Services 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.

Section II: Policy

It is the policy of Martha's Vineyard Community Services that no otherwise qualified individual with a disability shall, solely by reason of their 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 Martha's Vineyard Community Services determines to be the essential functions of a position.

Further, it is the policy of Martha's Vineyard Community Services that reasonable accommodations will be made for an otherwise qualified applicant or employee with a disability, unless Martha's Vineyard Community Services can demonstrate that the accommodation imposes an undue financial or administrative hardship on the operation of its programs.

It is the policy of Martha's Vineyard Community Services that staff training and development activities provided for agency personnel include information about ADA employment requirements.

It is the policy of Martha's Vineyard Community Services that auxiliary aids and services will be provided when necessary to ensure effective communication with persons whose disabilities affect communication.

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 Martha's Vineyard Community Services programs or activities. In providing its services, programs, and activities, Martha's Vineyard Community Services will not:

- a. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, a benefit, service, or activity.
- b. 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.
- c. 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.



Section III: Procedure

1. ADA Coordinator:

Ann Egan, VP of Human Resources
111 Edgartown Rd. Vineyard Haven, MA
02568 508-693-7900 x210 (VOICE)
774-549-9659 (TTY)
508-693-7192 (FAX)

2. Public Notice of ADA Compliance:

The following public notice describing Martha's Vineyard Community Services 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, manuals and on the company website.

MARTHA'S VINEYARD COMMUNITY SERVICES

AMERICANS WITH DISABILITIES ACT

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

Ann Egan, VP of Human Resources

**111 Edgartown Rd.
Vineyard Haven, MA 02568
508-693-7900 x210 (VOICE)
774-549-9659 (TTY)
508-693-7192 (FAX)**

Individuals who need auxiliary aids for effective communication in programs and services are invited to make their needs and preferences known to the ADA Coordinator. Martha's Vineyard Community Services' ADA policies and procedures are also available on request.

3. ADA Grievance Procedure:

This Grievance Procedure was established to meet the requirements of the *Americans with Disabilities Act*. Disabled individuals or their authorized representatives who believe that they have been discriminated against on the basis of disability in employment or the provision of services, activities, programs, or benefits are encouraged to use it to bring their complaints to the attention of Martha's Vineyard Community Services.

- a. The complaint should be submitted in writing or on audiotape to the ADA Coordinator named below. It should include a description of the alleged discriminatory incident or action, the place and date of its occurrence, and the name of any employee or representative of Martha's Vineyard Community Services involved. The complaint should also include the name, address, and phone number of the person bringing the complaint or their authorized representative. If assistance is needed to file or pursue the complaint, the ADA Coordinator upon request will provide it. The complaint should be submitted as soon as possible but no later than 60 calendar days after the alleged discriminatory incident to:



Ann Egan, VP of Human Resources

111 Edgartown Rd.
Vineyard Haven, MA 02568
508-693-7900 x210(VOICE)
774-549-9659 (TTY) 24-hr
508-693-7192 (FAX)

- b. Within 15 calendar days of its receipt, the ADA Coordinator will meet with the complainant to clarify the facts of the incident and discuss possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator will respond in writing, or if needed for effective communication, in an alternate format preferred by the complainant, such as large print, Braille, audio recording, qualified sign language interpreter or via computer technology. The response will explain the position of Martha's Vineyard Community Services and present options for substantive resolution of the complaint.
- c. If the ADA Coordinator's response does not satisfactorily resolve the issue, the complainant may appeal the Coordinator's decision within 15 calendar days of its receipt to the Chief Operations Officer. Within 15 calendar days of receipt of the appeal, the Chief Operations Officer or their designee will meet with the complainant to further clarify the complaint and discuss possible resolutions. Within 15 calendar days of the meeting, the Chief Operations Officer or their designee will respond in writing or alternate format with a final resolution of the complaint.
- d. All complaints received by the ADA Coordinator, appeals, and responses from the ADA Coordinator or Chief Operations Officer will be kept by Martha's Vineyard Community Services for at least three years.

4. Reasonable Accommodation Procedures.

- a. 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 Martha's Vineyard Community Services.
- b. All applicants will be informed at the initial interview that Martha's Vineyard Community Services does not discriminate on the basis of disability and that requests for reasonable accommodations needed for the performance of essential job functions or for the enjoyment of other benefits of employment should be made following receipt of a conditional offer of employment, preferably at the post employment offer meeting.
- c. Persons with disabilities employed by Martha's Vineyard Community Services are encouraged to request reasonable accommodations at any time when such accommodation become necessary to the employee's performance of essential functions of their position or to the enjoyment of any other benefits of employment.
- d. Requests for reasonable accommodations should be presented 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.
- e. A decision will be made within 10 working days of the submission of a reasonable accommodation request accompanied by any supporting documentation needed by Martha's Vineyard Community Services 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.

- f. 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.
- g. The final decision concerning any requested accommodation that may represent an undue financial or administrative hardship will be made by the CEO. Applicants and employees have the right to appeal the denial of any accommodation request using the ADA Grievance Procedure. In the case of a denial based on undue hardship by the CEO the employee or applicant may appeal in writing to the President of the Board of Directors.

6. Employment Training Assurance

- a. Yearly staff training and the Employee Manual include a full explanation of ADA policies, procedures, and practices regarding employment. Yearly in-service trainings and the manual 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
- b. Martha's Vineyard Community Services 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 burden or fundamental alteration to the program.
- c. Requests for reasonable modifications can be made to the ADA coordinator and can be presented verbally or in writing. It is the responsibility of the ADA Coordinator to ensure that requests are responded to appropriately and in a timely fashion—generally not more than 2 working days.
- d. Final decisions regarding requests for reasonable modifications that in the opinion the ADA Coordinator may represent an undue burden or fundamental alteration will be made by the Chief Operations Officer 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.

7. Eligibility and Safety Requirements Assurance.

- a. It is the policy of Martha's Vineyard Community Services 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, the policies will be reviewed by the ADA Coordinator to ensure compliance.
- b. 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 of a person with a disability related to safety concerns will be reviewed on a case by case basis to ensure that the decision is based on facts, not myths or stereotype, 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.



8. Assurance Regarding Surcharges

It is the policy of Martha's Vineyard Community Services 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.

9. Integrated Services Assurance

It is the policy of Martha's Vineyard Community Services 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 need of persons with disabilities are offered.

10. Significant Assistance Assurance

It is the policy of the Martha's Vineyard Community Services that programs that receive significant assistance, either financial or in-kind, from Martha's Vineyard Community Services 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 Chief Operations Officer termination of assistance.

11. Accessible Transportation Policy

It is the policy of Martha's Vineyard Community Services 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 3 working days in advance. 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 provider is equipped with accessible vehicles and will be contacted when needed:

VTA - "The Lift"

508-693-9440,

Hours of Operation – 8:30am-5:00pm

12. Community Referral Assurance

When providing referral to other programs or services, it is Martha's Vineyard Community Services' 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 Martha's Vineyard Community Services 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 Martha's Vineyard Community Services 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.

13. Training Assurance Regarding Non-Discriminatory Program Operation

Martha's Vineyard Community Services 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.

14. Effective Communications Policy.

- a. 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 burden or an effective alternative means of communication is available.
- b. 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 agency urges requests to be made at least 10 working days in advance of the occasion on which the communications support will be needed. Reasonable effort will be made to respond on shorter notice.
- c. The person requesting the service will be notified as soon as possible if the agency 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 CEO will be responsible for making any decision related to undue burden or fundamental alteration.

15. TTY/TDD Assurance.

The TTY equipment is in the CONNECT Offices of Martha's Vineyard Community Services. All CONNECT staff are trained to use the TTY system on an annual basis. The TTY number is 774- 549-9659. The TTY number is printed on all documents and mailings that contain Martha's Vineyard Community Services' voice telephone number.

16. Alternative Format Policy and Procedures.

It is the policy of Martha's Vineyard Community Services that all documents, publications, and materials used in agency programs 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 Mass Commission for the Blind 617-727-5550 or online at <https://www.mass.gov/orgs/massachusetts-commission-for-the-blind>. Reasonable efforts will be made to respond on shorter notice. Large print, short audio tapes and computer disks 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 from MAB Community Services 617-738-5110.

The procedure for requesting alternate formats is:

- a. The person making the request should identify the materials desired and 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 working days before an event or activity.
- b. The materials will be provided in the requested format at no charge.

- c. Primary consideration will be given to the format preferred by the person making the request, and Martha's Vineyard Community Services will decide whether to provide the preferred format or an effective alternative format.
- d. If a request cannot be met the person making the request will be informed as soon as possible but at least 2 working days in advance of the event or activity.
- e. The CEO will make final decision regarding any request that may represent an undue financial or administrative burden.

17. Interpreter Services Policy

- a. It is the policy of Martha's Vineyard Community Services 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 agency. Requests should be generally made at least 20 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.
- b. 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), at telephone 617 740-1600 or TTY at 617 740-1700 to schedule the interpreter service. Preferred method for scheduling interpreter services is online at <https://www.mcdhh.net/request/>.
- c. In addition to MCDHH, Martha's Vineyard Community Services 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 Martha's Vineyard Community Services will immediately attempt to contact and schedule a freelance interpreter.
- d. 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. It is the agency's policy to ensure funds are available for interpreting services by including a line item for interpreter services in each operating budget.

18. TV Captioning Assurance

It has been determined that if and when a television is used by Martha's Vineyard Community Services, the television will be equipped with a captioning decoder chip, the procedure for using the decoder function has been tested and described in writing in the television manual maintained by the ADA Coordinator

19. Video Assurance

It is the policy of Martha's Vineyard Community Services to provide captioned versions of video tapes when such captioning is available to ensure that presentations are accessible to all individuals with disabilities.

20. Training Assurance

It is the policy of Martha's Vineyard Community Services that staff training and other staff development activities provided by agency personnel and volunteers will include training on the use of a TTY, the operator relay service and other equipment necessary to assure effective communication. This training applies to identified Administrative Staff. Those identified staff will 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.

21. Program And Facility Accessibility

Martha's Vineyard Community Services reviews Accessibility using input from consumers and other stakeholders and conducting an Inventory. The Accessibility Plan is a summary of the barriers identified that limit access to and/or use of programs, the corrective actions that are proposed with target dates and follow-up.

22. Special Accommodations

Accommodations Related to Pregnancy Aligned with federal and state laws, employees have the right to be free from discrimination, and MVCS prohibits discrimination in relation to pregnancy or a condition related to the employee's pregnancy.

The Agency shall provide a reasonable accommodation for an employee's pregnancy or any condition related to an employee's pregnancy to enable them to perform the essential functions of their job, unless the requested accommodation would impose an undue hardship on the Agency. A reasonable accommodation may include, among other things: more frequent or longer paid or unpaid breaks, time off to attend to a pregnancy complication or to recover from childbirth with or without pay, acquisition or modification of equipment or seating, temporary transfer to a less strenuous or hazardous position, job restructuring, light duty, private non-bathroom space for expressing breast milk, assistance with manual labor or a modified work schedule.

Employees seeking pregnancy-related accommodations should make a request to Human Resources. The Agency will engage in an interactive process with the employee to determine the feasibility of the requested accommodation, considering various factors. Accommodations may be determined on a case-by-case basis by MVCS in consultation with the individual, and perhaps an appropriate health care or rehabilitation professional.

The Agency will not take adverse action against an individual because the individual requests or uses a reasonable accommodation under this policy.

Lactation Breaks

MVCS will provide a reasonable amount of time for employees to express breast milk for their infant child. Reasonable accommodations will be made to provide a private location, other than a restroom, that is shielded from view and free from intrusion. Non-exempt employees should use this break time to run concurrently with their existing break periods already provided, if possible. If this is not feasible, they may use vacation or personal time to cover any unpaid break time under this policy. Employees should work with their manager and Human Resources to determine how best to accommodate their nursing needs. Employees will not be discriminated nor retaliated against for using this policy.

Religious Accommodation

MVCS is dedicated to treating the religious diversity of all our employees equally and with respect. Employees may request an accommodation when their religious beliefs cause a deviation from the Agency's dress code, schedule, basic job duties, or other aspects of employment. The Agency will consider the request but reserves the right to offer its own



accommodation to the extent permitted by law. Some, but not all, of the factors that the Agency will consider are cost, the effect that an accommodation will have on current established policies and the burden on operations, when determining a reasonable accommodation.

If an employee requests an absence to observe a religious day that is not a federal holiday, the employee must request the time in advance. MVCS will require the employee to use personal or vacation time to be paid.

At no time will MVCS question the validity of a person's belief.

Section IV: Distribution and Training

The Accommodation Policy and associated attachments are distributed on the MVCS Employee Portal. Notifications related to new, amended, or reviewed policies will be communicated to MVCS leadership and program directors for dissemination to their staff as appropriate. The policy may be directly disseminated to appropriate staff and/or staff groups via email notification after initial dissemination to leadership as per direction of the CEO or designee. The dissemination will be performed by the Chief Operations Officer

Training requirements include review of this policy at orientation for all new employees, and yearly for all employees through in-service.

Section V: Legal, Regulatory, Accrediting, and Other Related References and Resources:

ADA- Americans with Disability Act

Title II 28 CFR pt.35

Rehabilitation Act Sect. 504 29 USC