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The Ayer Disabilities Commission (ADC)
Ayer Town Hall, One Main Street, Ayer MA 01432

Ayer Disabilities Commission

Minutes of Meeting – Thursday, August 17, 2023

Location: Ayer Town Hall, 1st Fl. Meeting Room

Time: 6:00PM

In Attendance: D. Cibor, M. Titus, B. Boisseau, R. Anderson, A. Manoian

Participant: Town Manager/Municipal ADA Coordinator, Robert Pontbriand

Item - Call Meeting to Order at 6:01PM:

Chair-D. Cibor called the Ayer Disabilities Commission meeting of Thursday, August 17, 2023 to order.

Item - Vote on Acceptance of Agenda:

Chair-D. Cibor requested members to review posted Agenda, and if acceptable to make motion for acceptance of Agenda.

Motion by R. Anderson to accept Agenda

Second: by M. Titus

Discussion: (None)

All in Favor: (Unanimous)

Public Comment:

None.

OLD BUSINESS

Item: Working Session with Town Manager/Municipal ADA Coordinator, Robert Pontbriand

Composition, review & production of Town of Ayer "ADA Reasonable Accommodation Policy"

A Manoian provided DRAFT "Reasonable Accommodation Policy" language for the Commission members to review & discuss as follows:

Municipal Employment

A. Reasonable Accommodation Policy

It is the policy of the Town of Ayer that no otherwise qualified individual with a disability shall, solely by reason of her/his disability, be excluded from employment in any municipal department, and/or appointment to any board, commission, agency and/or committee. Employment review and hiring will be based on the employee/prospective

employee's ability to perform what the Town of Ayer determines to be essential functions of a job.

The Town of Ayer's Reasonable Accommodation Policy, in compliance with the Americans with Disabilities Act (ADA), is not subject to change by any state or local law or other requirements that would impose prohibitions or limits upon the eligibility of qualified individuals with disabilities to practice any occupation or profession. Further, it is the policy of the Town of Ayer that reasonable accommodations shall be made for any applicant or employee with a disability, unless the Town of Ayer can demonstrate that the accommodation imposes an undue financial or administrative hardship on the operation of its municipal programs.

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 if necessary to provide equal opportunity to secure employment with the Town of Ayer. Prospective employees will be informed at their initial employment interview that the Town of Ayer does not discriminate on the basis of disability and that requests for reasonable accommodations needed for the performance of essential jobs functions or for the enjoyment of other benefits of employment should be made by prospective employees following receipt of a conditional offer of employment, preferably at the post-employment offer meeting. Requests for reasonable accommodation should be made verbally and in writing describing the nature and purpose of the requested accommodation. Assistance will be made available upon request to any individual who needs assistance in identifying or documenting the reasonable accommodation/s as needed. A decision regarding reasonable accommodation requests will be made within five (5) business days of the submission of the request along with any supporting documentation as may be required by the Town of Ayer. The effectiveness of the accommodation/s and need for additional accommodation will be assessed as needed.

Current employees seeking reasonable accommodation/s should make requests to their immediate supervisor and the Office of the Town Manager/Municipal ADA Coordinator. Requests for accommodation can be made at any time when they become necessary for the performance of essential job functions or the enjoyment of benefits of employment. A decision regarding the requested accommodation, for current employees, will be made within ten (10) business days of the submission of the request and any supporting documentation required. The final decision concerning any requested accommodation that may represent any undue financial or administrative hardship will be made by the Town Manager in consultation with the _____. Applicants or employees have the right to appeal denial of any accommodation request by submitting a written appeal to the _____. The Town of Ayer shall assure equal rights and opportunity to all qualified employees. This includes, though not exclusively, benefits and training, travel, and promotion opportunities.

The Town of Ayer will not make any pre-employment verbal or written inquiries or conduct a medical exam regarding the existence, nature, or severity of an applicant's disability. Hence, there shall be no attempt to "pre-screen" applicants with disabilities or to circumvent the essential job functions mandate. No medical examinations shall be required for prospective employees unless such is an unavoidable necessity for the position in questions. In such instances, a medical examination may only be conducted after a conditional offer of employment has been made. The medical information of all employees shall be separate from their general file and locked under confidential protection. Access to medical information in such instances shall be limited to supervisory personnel and others who are determined and documented to have a legitimate need for the information, as determined by the Town Manager in consultation with _____.

A written Record of these individuals in each instance will be maintained

_____. The Town of Ayer may, however, make reasonable pre-employment inquiries regarding an applicant's ability to perform job-related functions. A clear description of the essential job function shall be made available to the applicant in such instances.

Following review and discussion – motion was made.

Motion: To Approve DRAFT Town of Ayer Municipal "Reasonable Accommodation Policy" as presented.

Motion by: R. Anderson

2nd: M. Titus

Discussion: None

In Favor: Unanimous

Item: Review and Update of Town of Ayer "Personnel Manual"

Commission members with Town Manager/Municipal ADA Coordinator, Robert Pontbriand engaged in general discussion on process for review/updating of municipal Personnel Manual.

A Manoian prepared and provided an overview sheet of Town of Ayer Website with list of current Municipal Policies on the municipal Payroll & Benefits Dept. Webpage – and opportunity to upload approved (2021) Town of Ayer Self Evaluation & Transition Plan document

Commission agreed to start general review of Town of Ayer website sections to identify areas in need of update/improvement.

The Commissioners and Robert agreed to proceed with inviting municipal Department Directors to upcoming ADC meetings in order to work collaboratively at identifying, revising and updating the Town of Ayer Personnel Manual.

It was proposed to begin with Director of Ayer Council on Aging – Katie Petrossi, Director of Ayer Public Works - Dan Van Schalkwyk, and IT Director – Cindy Knox.

New Business:

Item: Discussion, exploration, and formulation of proposed Ayer Disabilities Commission "Community Mobility Aids & Disability Equipment Provision" Program

Robert informed the Commissioners that he had initiated action by outreaching to the Dir. of the Ayer Council on Aging – Katie Petrossi, and that she responded favorably and has interest in working in partnership with the ADC on the proposed program.

Robert also informed the ADC that the "insurance/liability issue" is manageable and should not present as a "roadblock" under town policy.

All agreed that the ADC should start the program in a "modest" level and proceed to "build upon it".

It was inquired – "Does the ADC give the aids/equipment to people in need?" or "Does the ADC loan the aids/equipment to people in need?"

R. Anderson responded – "Give it", with the understanding that if/when no longer needed – please return the aids/equipment for others in need.

R. Anderson stated – The program should "accept donations of equipment or funds to purchase equipment".

Robert inquired – "Who may/would be responsible to inspect the returned aids/equipment to assure that they are in working order, not damaged, and safe for ongoing use." The Commission will give this ongoing consideration.

Robert inquired – "What are some of the most needed basic/standard aids/equipment?"

Commissioners responded – Four Wheel Walkers, Bed Assist Rails, Garb Bars, Walkers, and Crutches.

Robert stressed the importance of planning and determination of proper, accessible, and safe Storage and Location for aids/equipment.

R. Anderson suggested – the Town of Ayer's Website is the best place to (Inform the Public) about the new program and provide detailed program information.

B Boisseau encouraged the ADC to "talk & learn from the Lady of the Lake Catholic Church Program of Leominster MA".

B Boisseau stated that many disabled people have a "temporary need", perhaps a 2-week period for aids/equipment.

M. Titus stressed the importance of "keeping inventory of equipment" and to "track & log" the program aids/equipment for the success of the proposed program.

Motion to Adjourn:

Motion by: D. Cibor

2nd: M. Titus

Discussion: None

In Favor: Unanimous

The ADC Meeting adjourned at approx. 7:10PM.

Minutes recorded and submitted by Alan S. Manoian, Dir. AOCED/ADC Member

Date Minutes Approved: 9/21/23

Signature Indicating Approval: May 2 2023