

AN ORDINANCE TO AMEND ORDINANCE NO. 7058, ADOPTION OF AN EMPLOYEE HANDBOOK/PERSONNEL MANUAL, TO INCLUDE SECTION 8.10: AMERICANS WITH DISABILITY ACT (ADA) OF 2008

WHEREAS, the City of Maryville adopted a new Employee Handbook/Personnel Manual, October 13, 2009, Ordinance No. 7058, and

WHEREAS, an amendment to Ordinance No. 7058, to include Section 8.10: Americans with Disability Act (ADA) of 2008, has been presented

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYVILLE,

MISSOURI, as follows:


SECTION 1: That Ordinance No. 7058, of the City of Maryville Employee Handbook/Personnel Manual, is hereby amended.

SECTION 2: Therefore, set forth and attached hereto and made a part of this Ordinance, an amendment to the Employee Handbook/Personnel Manual of the City of Maryville, Missouri.

SECTION 3: That the amended Employee Handbook/Personnel Manual of the City of Maryville, Missouri, be and is hereby adopted, said Employee Handbook/Personnel Manual being on file in the office of the City Clerk.

SECTION 4: That this Ordinance shall be in full force and effect from and after it's passage and adoption.

PASSED AND ADOPTED this 13th day of July, 2009.



Chad Jackson, Mayor

ATTEST:



Sheila Smail, City Clerk

8.10 AMERICANS WITH DISABILITIES ACT (ADA) OF 2008

Purpose

To provide a policy and procedure that will ensure 1) equal opportunities for disabled persons to participate in and benefit from services, programs, or activities sponsored by the City; 2) a bias free environment for disabled Employees, or for disabled persons who seek employment with the City; and, 3) prompt and equitable resolution of complaints alleging discrimination on the basis of a disability.

Responsibility

The Human Resources Manager is responsible for interpretation and oversight of this Policy and will serve as the ADA Coordinator.

Policy

The City of Maryville will not discriminate on the basis of disability in employment or the provision of services. It is the intent of the City to guarantee disabled persons equal opportunity to participate in or enjoy the benefits of City services, programs, or activities, and to allow disabled Employees a bias free work environment as required by the ADA and ADA Amendments Act of 2008. The City, upon request, will provide reasonable accommodation in compliance with the ADA.

The ADA Amendments Act of 2008 (the "Act") became effective January 1, 2009. As part of the Act, Section 4 amends the ADA to redefine the term "disability", by also defining "major life activities" and "being regarded as having such an impairment". Additionally, it sets forth rules of construction regarding the definition of "disability," including that:

- a) such term shall be construed in favor of broad coverage of individuals under the Act;
- b) an impairment that substantially limits one major life activities in order to be a disability;
- c) an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active;
- d) the determination of whether an impairment substantially limits a major life activity shall be made without regard to mitigating measures.

The City is committed to creating an environment in which facilities for public meetings and *General Information* public use are accessible. Furthermore, the City will provide auxiliary aids and services, if necessary, and if such reasonable accommodation can be provided without undue hardship to the City. Requests for such accommodations will require 48 hours notice.

The City has a commitment to ensure equal opportunities for disabled Employees. Every reasonable effort will be made to provide an accessible work environment and additional accommodations as required by the ADA as amended.

Employment practices (e.g. hiring, training, testing, transfer, promotion, compensation, benefits, termination, etc.) will be administered in such manner as to not discriminate against disabled Employees as required by the ADA as amended.

Employees or other participants in the City's programs, services, and activities who feels the City has violated their rights under the ADA as amended may submit written complaints to the ADA Coordinator.

City staff will ensure that disabled persons may participate in and benefit from City programs, services, and activities as required by the ADA as amended.