

Grievance Procedures

Americans with Disabilities Act Grievance Procedure

Complaints concerning discrimination on the basis of disability by the Town of Bolton may be sent to Donald Lowe, Town Administrator/ADA Coordinator. Donald Lowe will contact the complainant within 15 calendar days after receipt of the complaint to discuss the complaint and will respond in writing within 15 days of the discussion.

Donald Lowe
Town Administrator/ADA Coordinator
663 Main Street
Bolton, MA 01740
978-779-3300
townadministrator@townofbolton.com

Grievance Procedure Policy - Non union employees

We expect our managers to have an "open door" policy. Freedom to talk openly with your supervisor or Department Head is essential to a productive work environment and to your satisfaction with working in the Town of Bolton. Although, most concerns are solved on an informal basis with your supervisor or Department Head, formal processes are available to resolve difficult problems.

A "**grievance/complaint**" is defined as a request by an individual or group of individuals for personal relief in any matter of concern or dissatisfaction which is subject to the control of Town management. The grievance/complaint procedure is subject to the provisions of the bylaw or federal or state statutes. This section shall not apply to any disciplinary action taken against an employee, nor shall it apply to grievances or complaints that are otherwise governed by an applicable collective bargaining agreement. Procedure is seeking redress as follows:

Step 1:

Any grievance will first be presented to the immediate supervisor, with 15 business days of the occurrence. That supervisor will make whatever investigation they deem necessary to clarify the matter in question and to resolve the problem or misunderstanding if possible. The immediate supervisor will notify the HR Director of the grievance and the steps the immediate supervisor is taking to address the grievance. The HR Director shall advise the immediate supervisor on how to best resolve the grievance. The immediate supervisor's decision shall be made as soon as practicable after full discussion by the parties concerned but not later than five business days from the date of the presentation of the grievance. Every attempt should be made by both parties to resolve the grievance at this step. If the grievance cannot be resolved at Step 1, the Grievant may proceed to Step 2A (if the grievant's immediate supervisor is not the Town Administrator) or to Step 2B (if the grievant's immediate supervisor is the Town Administrator).

Step 2A:

Formal procedure (If the grievant's immediate supervisor is not the Town Administrator). If the grievant is dissatisfied with the decision at Step 1, they may take up the matter in writing with the Town Administrator within five business days of the decision. Within 14 business days after receipt of the written grievance the Town Administrator will meet with grievant and/or the grievant's immediate supervisor. An investigation or inquiry into the grievance by the Town Administrator, including discussion with principals concerned may take place. The Town Administrator will render a decision in writing within 30 calendar days from the date of the meeting with the grievant and or the grievant's immediate supervisor, a copy of which will be provided to the grievant. The Town Administrator shall keep a separate record of their proceedings which shall not be open to public inspection, except as may otherwise be required by law.

Step 2B:

Formal procedure (if the grievants immediate supervisor is the Town Administrator): If the grievant 's immediate supervisor is the Town Administrator and the grievant is not satisfied with Step 1 they may then appeal directly to the Board of Selectmen. After review of the decision the Board of Selectmen will issue a decision to the grievant in writing within 20 business days from receipt of the appeal. The Board of Selectmen's decision is final and binding upon the parties and is not subject to any further review.

Step 3:

If a grievant is not satisfied with the Town Administrator's decision in Step 2A, the grievant may appeal the decision to the Board of Selectmen. The appeal shall be in writing and submitted with five business days after the date on which the grievant received the Step 2A decision. A decision will be issued to the grievant in writing by the Board of Selectmen within 20 business days from the receipt of the appeal. The Board of Selectmen's decision is final and binding upon the parties and is not subject to any further review.

Any grievance which is not taken up with their immediate supervisor at Step 1 within 15 business days after the last occurrence of the action or event out of which the grievance arose shall not be presented or considered at a later date.

All time limits provided herein may be extended by mutual agreement between the grievant and the Town Administrator or the Board of Selectmen.



Town of Bolton

Bolton, Massachusetts

Town Hall, 663 Main Street, Bolton, MA 01740
Phone 978-779-2297 Fax 978-779-5461

SERVICE ANIMAL POLICY

The Town of Bolton complies with the Americans with Disabilities Act and the Rehabilitation Act of 1973, Section 504, which states, "No otherwise qualified person with a disability in the United States...shall, solely on the basis of a disability, be denied access to, or the benefits of, or be subjected to discrimination under any program or activity provided by any institution receiving federal assistance." The Town of Bolton intends to provide the broadest possible access to service animals in all of its public areas.

The U.S. Department of Justice has issued regulations effective March 15, 2011 (28 CFR 36.302), limiting the types of animals that qualify as "service animals" for purposes of the Americans with Disabilities Act (ADA). According to these regulations, "Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition." Section 36.302(c)(9) also identifies miniature horses as service animals. Other species of animals, wild or domestic, do not qualify as "service animals". Therapy or emotional support animals are not considered to be service animals.

The Town of Bolton is not responsible for the care or supervision of the service animal.

Below are the policy guidelines for the Town of Bolton:

- A service animal is permitted to accompany the individual with a disability to most areas within Town facilities where members of the public are normally allowed to go. Some areas are not safe for service animals; therefore, these areas may exclude service animals. Water treatment facilities and/or areas that require protective clothing may exclude service animals. This denial or granting of admission to an area will be made based on the nature of the machinery and/or on the nature of the work performed.
- An individual with a service animal may not be segregated from other members of the public.
- A service animal may be removed from a facility if that animal poses a direct threat to the health or safety of others.

- A service animal may be removed from a facility if that animal's behavior is out of control and the handler does not take effective control or, if the service animal is not housebroken.
- If a service animal is removed from a facility, the individual with a disability will be given the option of continued participation, with assistance, within the facility.
- The service animal must be clean, in good health, with current rabies vaccination.
- All service animals must be on a leash at all times.
- All members of the public and Town employees must abide by current town laws pertaining to licensing and vaccination requirements for service animals. It is the responsibility of the owner and/or user of the animal to know about these laws.
- All owners and or users of service animals are responsible to clean up after and properly dispose of their animal's waste while within municipal facilities.

If you have further questions, please contact the Town Administrator, 663 Main Street, Bolton, MA 01740 or call 978-779-3300.

Adopted: September 1, 2011