



Superintendent's Circular

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EQT-07
Version 01

ACCOMMODATING EMPLOYEES WITH DISABILITIES, PREGNANCY, AND PREGNANCY-RELATED CONDITIONS

*This Circular will remain in effect unless rescinded or superseded
by a subsequent version.*

The Boston Public Schools is committed to providing equal employment opportunity to all individuals, in accordance with Chapter 151B of the Massachusetts General Laws and with the Americans with Disabilities Act (ADA). This circular provides information about the district procedures to address accommodation requests for employees on the basis of disability, pregnancy, and pregnancy-related conditions.

EMPLOYEES WITH DISABILITIES

Any current or prospective employee who is an individual with a disability may request a reasonable accommodation to assist in performing the essential functions of their assignment.

Chapter 151B and the ADA define a person with a disability as someone who: (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working, and the operation of a major bodily function. Although not exhaustive, examples of the range and variety of disabilities included under these laws are provided below.

- Non-Ambulatory Disabilities – Physical impairments, regardless of cause, that require an individual to use a wheelchair, including individuals who are paraplegic, quadriplegic, hemiplegic, or have had a limb or limbs amputated.
- Semi-Ambulatory Disabilities – Physical impairments that cause a person to walk with difficulty, perhaps with the assistance of a cane, crutches, or walker.
- Coordination Disabilities – Impairments of muscle control of the limbs.
- Sight Disabilities – Impairments affecting vision totally or partially.
- Hearing Disabilities – Impairments affecting hearing totally or partially.
- Speech Impairments – Impairments affecting totally or partially the ability to communicate orally.
- Learning Disabilities – Impairments that impede learning processes.
- Mental or Psychological Disorders – Impairments affecting individuals' neurological and/or psychological functioning, behavior, and/or mood.

The district's nondiscrimination policy prohibits bias-based conduct or discrimination on the basis of disability in any aspect of the employment relationship, including:

1. Recruitment, advertising, and the processing of applications
2. Hiring, evaluation, upgrading, promotion, award of permanent teacher status, demotion, transfer, layoff, termination, right of return from layoff, and rehiring
3. Rates of pay or any other form of compensation, and changes in compensation
4. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists
5. Leaves of absence, sick leave, or any other leave
6. Fringe benefits available by virtue of employment, whether or not administered by the Boston Public Schools
7. Selection and financial support for training, including professional development, conferences, and other related activities, and selection for leave of absence to pursue training.

PREGNANCY AND PREGNANCY-RELATED CONDITIONS

As of April 1, 2018, any current or prospective employee who is pregnant or has a pregnancy-related condition, such as lactation or the need to express breast milk, may request a reasonable accommodation to assist in performing the essential functions of their assignment.

If an employee requests an accommodation for: (1) more frequent restroom, food, or water breaks; (2) seating; (3) limits on lifting no more than 20 pounds; and (4) private, non-bathroom space for expressing breast milk, no medical documentation accompanying such a written request is necessary. Other accommodation requests may require supporting medical documentation or information.

Employees who are pregnant or have pregnancy-related conditions may contact the Office of Equity to begin the accommodations process.

REASONABLE ACCOMMODATION PROCESS

A “reasonable accommodation” is any modification or adjustment to a job or work environment that allows an applicant or employee with a disability, pregnancy, and pregnancy-related conditions to participate in the job application process, perform the essential functions of a job, or enjoy benefits and privileges of employment equal to those enjoyed by employees. Upon receiving a request for a reasonable accommodation, the Boston Public Schools will engage in an interactive dialogue process. The district will attempt to provide reasonable accommodations unless it would cause an undue hardship or fundamentally alter the district’s programs.

Any applicant or employee seeking reasonable accommodations on the basis of a disability, pregnancy, and pregnancy-related conditions may contact the Office of Equity to begin the process. Information an employee chooses to submit during the accommodation process, such as relevant medical documentation, will be kept confidential to the extent

practicable. Information collected in the reasonable accommodation process will be kept in a confidential file with the Office of Equity.

Your cooperation in implementing a policy of nondiscrimination against persons with disabilities will assist the Boston Public Schools in ensuring equal opportunity for all employees and potential employees.

STATE AND FEDERAL REMEDIES

If you believe you have been subjected to unlawful discrimination on the basis of disability, pregnancy, and pregnancy-related conditions, you may file a formal complaint with either of the government agencies set forth below. Using BPS' internal reporting process does not prohibit you from also filing a complaint with these agencies. These agencies have a short time period for filing a claim (300 days from the most recent act of alleged discrimination).

Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-660-4000

Massachusetts Commission Against Discrimination (MCAD)

Office Location:	Address:
Boston	One Ashburton Place, Room 601 Boston, MA 02108 (617) 994-6000
Springfield	436 Dwight Street, Suite 220 Springfield, MA 01103 (413) 739-2145
New Bedford	800 Purchase Street, Room 501 New Bedford, MA 02740 (508) 990-2390
Worcester	484 Main Street, Room 320 Worcester, MA 01608 (508) 453-9630

For more information about this circular, contact:

Owner:	Director of Accommodations in the Office of Equity
Department:	Office of Equity
Mailing Address:	Bruce C. Bolling Building, 2300 Washington Street, Roxbury, MA 02119
Phone:	617-635-9650
Fax:	617-635-7940
E-mail:	bpsequity@bostonpublicschools.org

Mary Skipper, Superintendent