



## **ONEIDA COUNTY DEPARTMENT OF SOCIAL SERVICES**

County Office Building 800 Park Avenue Utica, NY 13501

### **Americans with Disabilities Act** **Policies and Practices**

August 10, 2016

In April 2006, the New York State Office of Temporary and Disability Assistance issued 06-ADM-05, *Providing Access to Temporary Assistance Programs for Persons with Disabilities and/or Limited English Proficiency (LEP)*. This policy is being issued to implement 06-ADM-05 and the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act in Oneida County Department of Social Services (DSS) programs and services.

#### **I. General Requirements of the ADA-Section 504**

- DSS must provide an equal and meaningful opportunity to people with disabilities to participate in and benefit from DSS programs.
- DSS cannot use methods of program administration with a discriminatory effect on people with disabilities.
- DSS will make reasonable accommodations when necessary to avoid discrimination.

#### **II. Who must comply with this policy?**

The ADA and §504 of the Rehabilitation Act and this policy apply to all Oneida County DSS programs, including but not limited to Family Assistance, Safety Net Assistance, Medicaid, Food Stamps, Emergency Assistance, Child Care Assistance, and Children and Family Services Programs. This policy also applies to on-site Medicaid Managed Care providers, Employment Services and all other DSS programs provided by contractors. All DSS contracts shall contain a requirement that its contractors comply with the provisions of the ADA and § 504 of the Rehabilitation Act. This policy shall be provided to all DSS contractors who are required to be in compliance with the ADA and § 504. Complaints of ADA/§504 violations by DSS staff and contract agencies providing services to DSS applicants, recipients and others protected by the ADA must be referred to the Oneida Co. DSS ADA Coordinator John Herbowy, Esq., 800 Park Ave., 9<sup>th</sup> floor, Utica, NY 13501; Phone number: 798-5742; e-mail address: [jherbowy@ocgov.net](mailto:jherbowy@ocgov.net).

#### **III. Who is protected by the ADA and Section 504 of the Rehabilitation Act?**

The ADA and Section 504 of the Rehabilitation Act apply to all individuals who have a physical or mental impairment that substantially limits a major life activity. This is a very broad definition that covers many individuals, including many people who do not receive and do not qualify for disability benefits such as SSI or Social Security Disability (SSD).

Examples of physical impairments: Blindness, low vision, deafness, hearing limitations, arthritis, cerebral palsy, HIV, AIDS, traumatic brain injury, high blood pressure, asthma, irritable bowel syndrome,

quadriplegia, cancer, diabetes, multiple sclerosis, anatomical loss, alcoholism, past illegal use of drugs are all examples of impairments. This is not a complete list of physical impairments.

Examples of mental impairments: Clinical depression, bi-polar disorder, anxiety disorder, post traumatic stress disorder, learning disabilities (e.g., dyslexia), attention deficit disorder, and intellectual disabilities. This is not a complete list of mental impairments.

Examples of major life activities: Engaging in manual tasks, walking, standing, lifting, bending, performing manual tasks, speaking, hearing, seeing, breathing, eating, sleeping, taking care of oneself, learning, reading, concentrating, thinking and working. Major life activities also include major bodily functions such as bladder, bowel, digestive, immune system, cell growth, brain, neurological, circulatory, endocrine, and reproductive functions.

The determination of whether someone has a disability under the ADA is not a searching inquiry: The focus of DSS staff should be on ensuring that individuals have equal and meaningful access to our programs and services, not a detailed analysis of whether an individual meets the ADA § 504 definition of a disability.

The ADA protects DSS applicants and recipients, and members of the public: The ADA and Section 504 protect individuals receiving DSS benefits and services, those applying for benefits and services and others including the applicants/recipients family members, friends and associates. For example, an individual with a disability who wants information about DSS programs who has not yet applied for benefits has a right to access that information and a right to reasonable accommodations (see below) to do so. Family members and others who accompany someone applying for benefits cannot be discriminated against by DSS.

In some situations, the ADA protects family members, friends and associates: Sometimes DSS must accommodate family members with disabilities. For example, if an individual with a disability who is not an applicant or recipient needs an accommodation to apply for benefits for a child or grandchild, DSS must accommodate the individual. The ADA also requires DSS to provide effective communication with “companions” of people interacting with DSS, including relatives, friends and associates. For example, if a recipient typically has her niece help her with government benefits and other important matters, and the niece is deaf, DSS may have to provide a sign language interpreter for the niece so she can communicate with DSS about her aunts’ case.

The individual must meet essential program eligibility requirements: If an individual does not meet essential program eligibility requirements (e.g., income, resource, and immigration requirements), it is not discriminatory to exclude the person from a DSS program.

Past history of a disability: The ADA and §504 also protect individuals with a past history of a disability from discrimination based on that history.

Regarded as having a disability: The ADA and §504 protects individuals who DSS staff believe have a disability from discrimination. For example, DSS cannot discriminate against someone based on a belief that a minor condition is much more limiting than it is. Nor can DSS discriminate against someone because he/she takes medication, and DSS believes that means he/she has some type of disability.

#### IV. **ADA Section 504 Coordinator**

John Herbowy, Chief DSS Attorney, 800 Park Ave. 9<sup>th</sup> floor, Utica, NY 13501, phone number: 315-798-5742; fax number: 315-798-6425, e-mail address: [jherbowy@ocgov.net](mailto:jherbowy@ocgov.net) is the ADA Coordinator for the Oneida County DSS. It is his responsibility to oversee and monitor ADA Section 504 compliance, advise staff in accommodating individuals with disabilities, and recommending policy and procedure changes to improve ADA compliance, and take the other actions specified in this policy. The ADA Coordinator has the authority to instruct staff to modify rules and procedures to accommodate individuals with disabilities. The Coordinator is also responsible for investigating and deciding ADA § 504 grievances. However, it is each worker's responsibility to comply with the ADA and to provide accommodations to applicants, recipients, their family members, friends and associates. Staff does not need the Coordinator's permission to provide routine, obviously reasonable accommodations to clients.

#### V. **ADA Section 504 Grievance Procedures**

Anyone has a right to file a grievance with Oneida County DSS if the person believes he/she was denied an accommodation or was discriminated against in any way as a result of a disability. DSS staff must tell anyone who has requested accommodations and who say they are dissatisfied, and anyone who believes he or she was treated unfairly because of a disability that they have the right to file a grievance and offer them a grievance form. Oneida County DSS has a grievance form that individuals can use to file a grievance **[Attachment A]**, but they are not required to use it. DSS staff must help individuals fill out a grievance form if they need help as a reasonable accommodation. If a grievance is submitted to a DSS staff person or a DSS contract agency staff person providing services to DSS client, the staff person must forward it to the ADA § 504 Coordinator, John Herbowy, Chief Attorney, 800 Park Ave. 9<sup>th</sup> floor, Utica, NY 13501; Phone number: 315- 798-5742; e-mail: [jherbowy@ocgov.net](mailto:jherbowy@ocgov.net). .

Grievances must be investigated and decided within 10 business days. While a grievance is pending, DSS must not reduce the applicant/recipients (A/R) benefits, close the A/R's case, or take other adverse action against the individual. If the individual has also requested a fair hearing, the ADA §504 Coordinator must still investigate and decide on the grievance. If the grievance is denied, the ADA coordinator must issue a written denial explaining the reason for the denial.

The ADA Coordinator shall submit copies of ADA/504 grievances and decisions on those grievances to the OTDA's (Office of Temporary and Disability Assistance) Bureau of Equal Opportunity Development. If a grievance has been filed, he shall also advise the local program director. He will also advise them that no adverse action can be taken during the pendency period.

The ADA Coordinator should consider whether one or more grievances on an issue indicates the need for changes in policies or practices, and if so, take steps to obtain these changes,

#### VI. **Physical accessibility**

Oneida Co. DSS buildings are equipped with handicap accessible entrances and parking areas. The B-1 entrance to the Utica building and the main entrance to the Rome building are equipped with automatic door openers. All applicants/recipients meet with DSS staff on the first floor (Central Intake) of the Utica and Rome county office buildings. There are larger interview rooms available in Central Intake to accommodate a person using a wheelchair or motorized device. If a larger room is needed for reasons related to a disability, and the room is already in use, staff using that room must promptly relocate to make the room available.

Accessible bathroom facilities for individuals conducting business with the county are available in each DSS building and their locations are displayed in the waiting rooms in Central Intake. An accessible bathroom for those conducting business with DSS in the Utica office building is located on the 9<sup>th</sup> floor and the building has elevators. There are signs on the inaccessible men's and ladies' rooms on the first floor of the Utica building indicating the location of the accessible bathroom facilities. In Rome, the accessible bathroom facilities are located in the waiting room area.

Contract agencies providing DSS services that are not accessible for persons using a wheel chair or motorized device will meet with their clients at the Oneida County Office building.

**VII. No separate programs**

People with disabilities cannot be put in separate programs (e.g., separate education and training programs) just because they have disabilities. If a person meets the essential eligibility requirements for a program, he or she has a right to participate in that program in the most integrated setting appropriate to meet their needs safely. An example would be a community based program.

**VIII. Services must be provided in the most integrated setting:** DSS must provide services to people with disabilities in the most integrated setting appropriate to the needs of the person with a disability. A public entity must provide community-based services to persons with disabilities when: (1) such services are appropriate; (2) he or she does not oppose community based services; (3) community based services can be reasonably accommodated, taking into account the resources available to the public entity and the needs of others who are receiving disability services from the entity.

**IX. DSS must provide reasonable accommodations to individuals with disabilities.**

DSS local and contract staff must provide reasonable accommodation to individuals with disabilities which includes applicants, participants, authorized representatives, members of the public and in some cases family members, friends and associates of individuals with disabilities. A reasonable accommodation is any reasonable change in the way DSS does something for a person with a disability or allows a person to do something. Clerical and line staff, not just supervisors and administrators, will be trained in the ADA and have authority to make reasonable accommodations as appropriate. Supervisory staff will ensure that all DSS employees understand their obligations to make reasonable accommodations for all people who interact with DSS: Including members of the public, disabled applicants and recipients as well as their companions or representatives with a disability, and to assist staff in resolving complicated situations. Whenever a clerical or line staff employee considers denying a requested accommodation, the decision shall be conferenced with a supervisor before a final determination is made.

Some examples of accommodations that may be provided to individuals with disabilities include but are not limited to:

- Help in filling out an application for benefits and help with gathering documents showing eligibility for benefits or a disability. Please note that if a county employee is not available to assist the applicant or recipient or their family member, representatives and companions, the Office for the Aging (OFA) staff is available to assist them through the process. OFA is located on the first floor of the county building adjacent to our central intake and is accessible for persons with disabilities. OFA will go to the individual to assist them if needed.
- Accommodations in appointments, including scheduling appointments at a time of day that will prevent long waits; seeing individuals with disabilities who cannot wait on a priority basis; scheduling appointments so they do not conflict with doctor, rehabilitation or therapy appointments;

combining appointments to reduce travel; allowing individuals to reschedule appointments when a disability prevents attendance.

- home visits for individuals who have difficulty traveling to DSS or attending appointments at DSS for disability-related reasons;
- Giving a person more time to submit documents or complete other tasks.
- Providing additional explanations of forms and program rules.
- Allowing an individual to bring a friend, relative, neighbor or advocate with them to DSS appointments and during the application process.
- With the applicant/recipients consent, sending copies of notices to a friend, relative or neighbor who can remind them of appointments and/or help them attend the appointment.
- Reading notices and other program materials to the individual.
- Providing notices, applications and other program materials in alternative formats (e.g., large print, audiotape, etc.)
- Modifying welfare work activities (discussed below)
- Modifying agency policies for people with disabilities when necessary to avoid discrimination (e.g., shelter policies, appointment policies, no-animal policies, policies about how a task must be done)
- Allowing individuals with disabilities to submit documents by fax when needed for a disability-related reason.

Accommodations in program rules: Rules must be modified for people with disabilities when reasonable. Rules requiring staff to see people who interact with DSS in the order in which they arrive at DSS can be modified. If for example, a person with a mental health disability has difficulty being in crowded or noisy rooms, the person can be seen first/next or as soon as reasonably possible. Another possibility is allowing a person with a cell phone to wait outside, and calling the person when DSS is ready to meet with him/her.

Accommodations for family members/friends/associates and companions: In some situations, DSS must accommodate family members with a disability so an applicant/recipient has meaningful access to the program. For example, if a parent receives SSI and is applying for cash assistance for her child, DSS must accommodate the parent so his/her child has an equal and meaningful opportunity to participate in the cash assistance program.

DSS must ensure that communications, not only with applicant, participants and members of the public, but also with companions with disabilities is as effective as communications with others. “Companion” is defined as a family member, friend, or associate of an individual seeking access to a service, program or activity, who along with such individual is an appropriate person with whom the public entity should communicate.

Accommodations in cash assistance work activities: Accommodations must be made to ensure that cash assistance applicants and recipients can participate in the Employment Program, or, if the individual cannot participate because of a disability, exempting the individual from work requirements. Individuals with disabilities may be entitled to a number of different types of accommodation in cash assistance work requirements, including:

- Assignments to a particular program, work site, or job appropriate for the individual given his/her disabilities, as documented.
- Part-time activities (less than 30 hours per week) if the individual cannot participate full-time because of a disability or disability-related treatment, as documented.
- Accommodations at a job site or education and training program (e.g., equipment such as special chairs and screen readers, modification of rules or procedures, job coaches, tutors, modified training materials, flexible schedules, extra or frequent breaks), with documentation of need.

- Assignment of activities that are not countable towards federal work participation rates (e.g., rehab or therapy for more than 4 consecutive weeks per year).
- Exemptions from work activities if the person cannot participate as a result of a disability, even with the accommodations listed above, as documented.

The individual's employability plan must contain information about the individual's disability-related limitations, the accommodations needed, and whose responsibility it is to ensure that they are provided. Prior to referring a client for work activities, a medical report is sent to the client's doctor. The doctor's report lists the person's diagnosis and any limitations experienced by the person. The Employment worker then notifies the Work Activities site supervisor in writing of any accommodations required by the person being referred.

The Employment Unit has a contract with The United Cerebral Palsy (UCP) for a Disability Specialist who is located in Employment. The Disability Specialist assists the Employment Unit in determining the employability of a disabled client, whether the disability is long term or short term, what employment accommodations will be needed for the individual, whether the client should be put on the SSI track and with matters involving Legal Aid.

If a client discloses a disability, the DSS worker gives them a copy of the NYS Medical Form LDSS - 4526 ("Medical Examination For Employability Assessment, Disability Screening, And Alcoholism/Drug Addiction Determination") to bring to their doctor. If they do not have a doctor, they are provided with a Medical provider list. Once the medical form is returned the (UCP) Disability Specialist assists in making a determination.

Accommodations needed on an ongoing basis: Many accommodations are needed on an ongoing basis for the applicant/recipient, family member, friend or companion. Once a staff person determines that an accommodation is necessary, he/she must indicate the need for this accommodation (but not the individual's diagnosis) prominently in the case record so other staff who interact with the client are aware of it. For Temporary Assistance cases, the accommodation must be documented on the "Alerts Card" aka "Green Card" that is located inside the front cover of the case record. The document must indicate that an accommodation is necessary and will be available/reserved for future appointments. Information about a disability must also be denoted (coded) in the 3209 report, and made part of the electronic record, to make sure that the accommodation is provided without request in the future (until the individual's condition changes or the accommodation is no longer needed), so the individual does not have to ask for it each time. For example, an individual who is unable to travel to DSS for appointments should not receive routine appointment notices requiring them to go to appointments at DSS.

Using information the agency already has to accommodate people who interact with DSS: The agency should use information it already has about a person who interacts with DSS (e.g., from past applications or receipt of benefits) to offer accommodations to people who interact with DSS even if the person hasn't requested an accommodation.

Accommodations for those with mental health problems and/or cognitive disabilities: Many people who interact with DSS have mental disabilities and need accommodations as a result (such as help filling out an application and getting documents supporting eligibility, help reading documents and notices, additional explanations of program rules, etc.). DSS staff must provide these and other accommodations to individuals with mental disabilities. Some clients have a relative, friend, advocate, or service providers who can assist them, but many do not. Again, it is important to remember that communications with a person's companion with a disability must also be as clear as our communications with others. DSS cannot assume that all persons with whom we communicate who have a cognitive disability or mental health problem has someone to assist them.

Accommodating people who interact with DSS based on behavior: Some people who interact with DSS are not aware that they have disabilities (e.g., mental disabilities) and are therefore unlikely to request reasonable accommodations, even though they need and are entitled to them. Some people who interact with DSS behave in a hostile or disruptive manner because of a disability (e.g., a mental disability). For example, an individual with a mental health issue becomes agitated and cannot handle the stress of crowds or waiting in line. If they cannot be calmed by the receptionist or security, it should be recognized that the behavior may be a result of the disability and the individual may not be able to control themselves. An accommodation would be to see the individual as soon as reasonably possible and not on a first come first serve basis if there are a number of others ahead of them.

People who interact with DSS should not be referred to other agencies as an accommodation: Applicants and recipients with disabilities may need other services (e.g., mental health care) that DSS does not provide. Referring people who interact with DSS to other agencies and organizations for these services may be appropriate in such instances, but it is not a substitute for providing accommodations at DSS so the applicant/recipient can obtain DSS services or any person who interacts with DSS can receive effective communications.

Who is responsible for providing reasonable accommodations at DSS? Every worker has a responsibility to provide accommodations. If the worker is not sure if an accommodation is reasonable, the worker should consult with a supervisor or program administrator. However, many accommodations needed by individuals from DSS are routine and should be provided as a matter of course, not requiring supervisory approval.

Time frame for providing accommodations: Many accommodations (such as help with completing an application) must be provided on the same day they are requested. Other accommodations should be provided expeditiously to prevent a denial of equal and meaningful access to programs and services. Most accommodations should be provided within 5 days.

DSS cannot require people who interact with DSS to accept an accommodation: Individuals have a right to refuse accommodations. If an individual refuses an offered accommodation and as result, cannot comply with a program requirement, DSS staff can initiate an adverse action against that person. Before doing so, however, staff should re-offer the accommodation and inform the person who interacts with DSS that an adverse action may be taken if the person is unable to comply with a requirement as a result of refusing the accommodation.

**X. The disclosure of a disability by a person who interacts with DSS and the obligation to document a disability.**

Disclosure of a disability is voluntary: Workers must tell individuals who interact with disabilities that they have a right to disclose a disability. Workers must also tell individuals who interact with DSS that they have a right not to disclose a disability, but if they want a reasonable accommodation, they must disclose a disability.

When can DSS require documentation of a disability?: If a person who interacts with DSS has a disability and asks for accommodation, DSS staff can, in some circumstances, require the person to submit documents from a doctor or other professional showing the existence of a disability and the need for an accommodation. Following is a list of exceptions:

- If a disability is obvious (e.g., blindness, quadriplegia, mental retardation) DSS staff cannot require documentation of the disability.

- If an individual needs an accommodation during the application process but does not have documentation of a disability, DSS must accommodate the person and give the individual a reasonable amount of time to get documentation.
- If an individual needs an accommodation, has no documentation and does not yet have Medicaid coverage or other means to pay for doctor's visits, lab tests, etc., DSS must accommodate the individual until he/she has the means to obtain documentation.

Disability documentation from people who interact with DSS 'own providers: Some individuals have previously diagnosed disabilities and have or can obtain documentation of disabilities from their own treating professionals. Staff must consider and give appropriate weight to these documents.

**XI. DSS's obligation to record disability-related information in the case record:** Staff must record the following information in the client's case record: the client's disability, the type of accommodation requested, whether the request was granted or denied, whether the accommodation was provided, the reason an accommodation request was denied. This information should be recorded on the "ADA Issue/Accommodations Form" {Attachment B} The form should be included in the application/recertification packets and is to be completed by staff. The form is to be included in the client's case record as follows:

- Made part of all available electronic case files
- For TA cases, the form should be attached to the inside front cover of the case record under the HIPPA, Screening and Release forms.
- For SNAP cases it should be attached to the inside front cover under the narration sheet.
- For MA cases, the form should be attached to the inside front cover.
- For Services cases the form should be attached to the inside front cover.
- For Employment Unit cases, the form must be attached to the inside back cover.
- Resources must attach the form to the inside front cover.

DSS staff should record disability-related information for individuals who are not applicants or recipients (e.g., family members, friends and companions of applicants and recipients, members of the public), on the ADA Issue/Accommodation Form as well, using a separate form each person requiring the accommodation.

**XII. Confidentiality of disability-related information**

Staff must comply with all applicable confidentiality laws regarding a person who interacts with DSS's disability-related information. At the same time, staff must inform relevant staff at the agency about an individual's need for an accommodation so they can arrange for and/or provide accommodations. DSS staff must get the consent of the person with the disability before sharing information about a person who interacts with DSS's disability with contractors or other agencies.

**XIII. Service animals are allowed to accompany individuals with disabilities.**

Individuals with disabilities have a right to bring their service animals in all areas of the public entity's facilities where clients and members of the public are allowed to go. A service animal is a dog trained to perform a task for an individual with a disability, including individuals with vision impairments, hearing impairments, manual impairment, seizure disorders, balance problems, mental health problems, and other conditions. Service animals need not be trained by a professional trainer. DSS cannot require individuals to provide a certificate or license that an animal is a service animal.

The service animal must be under the individual's control, and leashed, harnessed or tethered, unless a leash, harness, or tether would interfere with the animal's safe, effective performance of its task. If a

service animal is acting up and out of control and the handler does not take effective action to control it or the animal is not housebroken, DSS can exclude it from the premises. But even if the animal is properly excluded for this reason, DSS must allow the individual to participate in the services or activity without the service animal.

If it is obvious that a dog is trained to do work or perform tasks for a person with a disability, staff cannot ask questions about the dog or the individual's disability. If it is not obvious, staff can ask only whether: (1) the animal is required because of the disability; and (2) what work or task has the animal been trained to perform.

#### **XIV. Effective communication with people with hearing and speech impairments.**

**In-Person Communications:** DSS is required to provide, at no cost to the individual, a qualified sign language interpreter for deaf or hard of hearing individuals who need them to communicate effectively with DSS. The current provider is Empire Interpreting and services can be accessed by contacting either Jay Slater or Susan Urben at the number 315-472-8032.

Additionally, Compass Interpreters also have limited capacity to provide deaf interpretation week days till 2 pm. They request advance notice if at all possible due to the limited availability. To request these services contact the 24 hour interpreter service line at 315-749-7080.

#### **Please note:**

Please be sure to notify the provider that the services are being used for a county program so services will be billed at the established County rate.

Compass is the first choice for interpreting services as they offer the county a more affordable rate.

It is important to note that whenever possible appointments should be canceled in advance as the county is charged for client or worker "no-show" appointments.

The request for interpreter service should be documented on the Interpreter's Services Request log (along with all other Interpreter requests). The interpreter service logs are monitored by the Contract Administrator and maintained as a file

DSS cannot require that an individual use a DSS employee, or an applicant/recipient's friends or family members to interpret. Nor can staff encourage individuals to use a DSS employee, or an applicant/recipient's friends or family member to interpret, or even suggest that they do so. An adult friend who has accompanied an individual with a disability to DSS can only be used to interpret only if:

- The individual with a disability specifically requests it;
  - The accompanying adult agrees; and
  - Using the accompanying adult is appropriate under the circumstances (i.e., the individual has sufficient ability in English and American Sign Language, and it is appropriate for the individual to participate in communications involving confidential and personal matters)
- OR
- In an emergency involving an imminent threat to the safety of the individual or the public; and
  - No interpreter is available. Before concluding that an interpreter is not available, staff must attempt to obtain an interpreter by calling the interpreter service.

In many situations, it will not be appropriate to use an accompanying adult to interpret, because of the nature of the client's disability (and difficulty determining the client's true wishes and comfort level) or the nature of the services the client is receiving from DSS (i.e.. adult or child protective services).

Whenever an individual comes to DSS with a family member or friend who identifies him or herself as the person's interpreter, DSS staff must inform the individual that DSS staff have an obligation to provide an interpreter free of charge, and must ask the individual if he or she wants DSS to provide an interpreter.

A minor child cannot be used as an interpreter unless it is an emergency situation such as an imminent threat to the individual or public and no interpreter is available.

For re-certifications or other on-going appointments, appropriate sign language arrangements should be made through Empire prior to the appointment. To the extent possible, scheduled interpretive services shall be arranged on three days notice to the interpretation services provider.

If the deaf or hearing impaired individual can read and write English sufficiently well, DSS staff are permitted to write notes to communicate with the person, but only for brief, simple interactions, such as making an appointment with the agency or submitting a document.

To the maximum extent possible, delays in providing interpreters cannot count against the client. When an appointment is rescheduled for a person with a disability because reasonable accommodations cannot be made on the date the application is filed or the date an attempt is made to file an application, the delay does not affect the application filing date or any other dates relevant to processing of applications. DSS must also address emergency/immediate needs such as impending homelessness, emergency food needs or utility shut-offs of such applicants.

#### Telephone communication:

Effective Telephone communication with people with disabilities: some individuals with speech and hearing impairments use the following technology/procedures to make and receive phone calls:

TTY (teletext typewriter): A piece of equipment that operates over telephone lines (or computer modem) and enable parties to call or type messages to one another that are printed as text by the other party's TTY. If both parties have TTY, they can communicate directly through TTY's. If only one party has a TTY, the parties communicate through a voice relay services operator. (see below)

Voice Relay Services (VRS): A toll-free operator who speaks and has a TTY reads the typed TTY messages to the party without a TTY, and types that party's spoken responses back to the TTY caller.

Video relay: The caller uses a video phone (a computer or TV monitor) and uses sign language to communicate. If one party to the call does not have video relay equipment, the two parties communicate through a video relay operator who uses American Sign Language to facilitate communication between the deaf and hearing person.

Speech to speech relay: Specially trained relay operators serve as the voice of the person with a speech disability who may be difficult to understand.

#### To make and receive calls to deaf and speech-impaired individuals:

To receive a call from a TTY user: Oneida Co. DSS does not have a TTY. Just answer the call and communicate through the relay operator.

To make a call to a video relay user: Dial the phone number given by the client.

To receive a call from a video relay user: Just answer the call and communicate through the relay operator.

To return messages from a relay user: Pay attention to the number of the message. The number may be the client's direct number or it may be the number of a relay operator. If the client uses voice or video relay, you may need to call a relay operator and give the operator the number.

**XV. Effective communication for individuals with vision impairments.**

When providing information in written form, the district must, when requested, make that information available to individuals, including applicants, recipients, members of the public, and companions of individuals interacting with DSS with vision impairments in formats effective for them. Alternative formats include, but are not limited to Braille, large print, computer disc in a format that can be accessed by screen readers or Braille displays on a computer, information in text format in the body of an email, audiotape, and other formats. In determining what type format will be provided to an individual, primary consideration must be given to the request of the individual with the disability. Even if DSS does not already have the materials in a particular format, or doesn't usually convert materials into that format, DSS may have to convert materials into that format for an individual with a disability.

Many notices and other materials sent by DSS to applicants and recipients have mandated time frames for a response and negative consequences for not responding within those time frames. Materials sent to applicants and recipients are to be converted into alternative formats and mailed promptly allowing them to receive their notices within the same time frame as those being sent to all other applicants/recipients.

Enlarged Printed Material: Staff should enlarge documents either on a copy machine or a computer, for individuals who need large print. Standard large print is 18 fonts, but some individuals needs larger fonts.

Braille: To get documents converted into Braille, contact Nancy Hestor at the Central Association for the Blind at 797-2233 or [nancyh@cabvi.org](mailto:nancyh@cabvi.org) . To the extent possible, materials should be provided to the Association in a Microsoft Word document. It will take approximately 1 -2 days for the conversions to be completed.

Computer disc or e-mail: Documents may be put on computer discs or e-mailed to individuals in formats that are compatible with assistive technology. Most computers and assistive technology can access documents in Word format, but some older computers require documents to be in plain text. For help in converting documents contact Doyal Gilman, Network Administrator, at 798-5544 or [dgilman@ocgov.net](mailto:dgilman@ocgov.net).

Oral Communication: In appropriate case, oral communication may be used to assist visually impaired A/R's. However, simply reading documents to A/R's, without more assistance, may not always provide an effective opportunity to participate.

Audiotape: Commonly used important documents (e.g., know-your-rights materials, materials describing DSS programs, appointment notices, adverse action notices, fair hearing notices, etc.) will be put on audio tapes for visually impaired clients. Step-by-step instructions on completing the forms will also be taped. An interview room at DSS will be designated for in-person contact with the visually impaired so they may listen to the tapes. For telephone contact and telephone recertifications, the tape can be played for the client. Clients will also be provided with a copy of the tape. If the tape is of a notice, staff should mail the cassette to the client.

Storing already-converted documents for use by others: Staff who convert a regularly used document into large print or another format should submit a copy in the alternative format to the ADA Coordinator, John Herbowy, OCDSS, 800 Park Ave., 9<sup>th</sup> floor, 798-5520; e-mail address: [jherbowy@ocgov.net](mailto:jherbowy@ocgov.net). Before converting a regularly used document, staff should check with the ADA Coordinator, John Herbowy to see if it is already available in a particular alternative format.

#### **XVI. Other Accommodations**

Because disabilities come in a variety of forms and are unique to the individual, it is not possible to describe the specific accommodations that will apply to all A/R's seeking assistance. All intervention should begin with the simple question to the A/R of what accommodation or assistance they require to fully participate in the DSS program at issue. For individuals who cannot read because of cognitive or learning disabilities, applications, rules and other documents may be read to them. For individuals who cannot come to the agency, alternative accommodations may be necessary. This could be completing the required task on the phone or by e-mail, allowing someone to act as the A/R's representative or arranging for a home application or re-certification.

#### **XVII. Notice of ADA § 504 Rights**

DSS staff must provide applicants, recipients, and members of the public, including companions of people who interact with DSS with information about the ADA and Section 504. DSS staff must prominently display a large scale version of the ADA Section 504 Notice of Rights Poster, "*People with Disabilities have rights: Did you know?*" {Attachment C} in waiting rooms at DSS, Employment and other areas, such as reception areas, frequented by applicants and recipients of Social Services.

Individual copies of the ADA Notice of Rights flyer, "*People with Disabilities have rights*" {Attachment D} must be available at these same locations and copies shall be accessible in baskets, shelves and other locations where client information is displayed.

#### **XVIII. Staff Training**

All staff that interact with clients, including receptionists and contract staff must be trained on the ADA and on this policy. This training will be done on an annual basis, either electronically or in a classroom setting. It is the responsibility of the ADA Coordinator to ensure that DSS staff receive this training. The training shall include, at minimum, the following topics:

- General information about Title II of the ADA
- Detailed information about the Oneida County DSS ADA policy
- Information about waiting room and reception procedures

#### **XIX. Best Practices**

Oneida County DSS has incorporated best ADA practices both from within and outside the agency whenever possible. The Central Intake department on the first floor of the County Office Buildings will adapt its procedures to better serve the disabled client population. Some of these adaptations will include the following:

- Reception area staff will be trained to address ADA issues as they arise
- An interview room will be designated for use by clients who have asked for audio tapes as an accommodation. The client may take the tape with them.

#### **XX. Disability Screening/Evaluations of Cash Assistance Applicants and Recipients:**

This section of the policy applies only to cash assistance applicants and recipients. Oneida County eligibility staff providing cash assistance benefits shall offer voluntary screening to all cash assistance applicants and recipients. The purpose of this screening is to determine whether the applicant has a disability that affects the ability to engage in work or other social services activities, the type and amount of activities the individual can engage in, and the accommodations needed to engage in those activities. Screening should be offered at the initial contact with the applicant and at recertification and the screening form will be included in the application/recertification packets. When screening is offered, staff must tell cash assistance Applicants and recipients that:

- They have the right to disclose a disability, and the right not to disclose a disability.
- Disability screening will help DSS to identify the need for accommodations that DSS has to provide, and by helping DSS to assign them to a work activity that is appropriate for them.
- If they decide not to be screened, DSS may assign them to a work activity that is not appropriate, and if they cannot comply they may be at risk of losing their benefits.
- They can request screening at any time.
- For applicants/recipients who disclose a disability or whose screening indicates a disability or possible disability that limits the ability to engage in work activities, a referral will be made to a medical professional for an evaluation to determine the type and degree of disability.
- If a screening or client disclosure indicates that the client has a physical, mental or learning disability, the client must be given an opportunity to submit documentation of the disability to DSS.
- A client who declines to be screened and discloses a disability must be given an opportunity to submit documentation to establish the disability. Where necessary, DSS staff must help the client to get documents relevant to establishing a disability.

To screen clients who agree to be screened, use the following “Americans with Disabilities Screening Tool”. {Attachment E} For all applicants/recipients 18 years and older, you should also use LDSS-4571 “Alcohol and Drug Abuse Screening and Referral Form” and if warranted the applicant should be sent to the CASAC for assessment. If the applicant/recipient is determined able to work based on the CASAC determination they should then be referred to the Employment Unit for evaluation of any other disabilities and the employability assessment. If the applicant/recipient indicates they have a disability, the Employment worker provides them with form LDSS-4526 “Medical Examination for Employability Assessment, Disability Screening, and Alcoholism/Drug Addiction Determination.

DSS must inform cash assistance applicants and recipients that they can submit documentation of the disability to DSS. Where necessary, DSS staff must help the client to get documents relevant to establishing a disability.

If disability screening or client disclosure indicates that the client may have a disability, including a disability that has not yet been diagnosed, DSS must give the client an opportunity to get an evaluation from an appropriate professional. DSS must offer clients a list of clinics and service provider for clients needing a referral. The Medicaid Provider list is updated by the Managed Care Unit and copies are distributed to all supervisors. Central Intake and Employment staff can obtain copies from their supervisors. If an individual needs help in identifying an appropriate professional or making an appointment with the professional, DSS staff must provide this help.

Information obtained from screening and medical evaluations, including information from the client’s treating professional and evaluations obtained independently by the client, must be considered in determining whether a client is able to engage in work activities, and if so, in developing the client’s employment plan.

If an individual states they have a disability that limits his or her ability to engage in work activities, the individual cannot be assigned to a work activity until after the results of the evaluation are available, unless it is an activity that is consistent with the individual's claimed limitations or unless it is an activity in which the individual agrees to participate.

Information about a client's disabilities obtained by the employment services contractor must be made part of the client's file (with the client's consent) so that appropriate accommodations may be made by the employment services contractor, work placement and DSS.

If a cash assistance recipient has refused to be screened for disabilities and is unable to comply with work activities, DSS staff may offer the client an opportunity to be screened again prior to taking adverse action against the client. Any reasonable accommodation that were offered and refused should be offered again as well.

Original Date: 6-22-12

Dates Revised:

PLEASE NOTE THAT IF YOUR COMPLAINT IS FOUND NOT TO BE AN AMERICANS WITH DISABILITIES GRIEVANCE, IT WILL BE FORWARDED TO AN APPROPRIATE SUPERVISOR IN THE PROGRAM AREA FOR FURTHER RESPONSE.

### ADA Grievance Form

All questions contained in this questionnaire are strictly confidential and will become part of your grievance record with the Oneida County Department of Social Services – ADA Compliance.

Name (Last, First, M.I.)	<input type="checkbox"/> M <input type="checkbox"/> F	<b>DOB:</b>
<b>Your DSS status:</b> <input type="checkbox"/> Existing DSS Client <input type="checkbox"/> Applying for Benefits <input type="checkbox"/> Relative of Applicant <input type="checkbox"/> Friend of Applicant <input type="checkbox"/> Advocate for Applicant <input type="checkbox"/> Other (please specify) _____		
<b>Benefit/Service Area That is the Specific Concern:</b> <input type="checkbox"/> Cash Assistance (TA) <input type="checkbox"/> SNAP <input type="checkbox"/> Child Welfare <input type="checkbox"/> HEAP <input type="checkbox"/> Medicaid/Managed Care <input type="checkbox"/> Adult Protective <input type="checkbox"/> Legal <input type="checkbox"/> Fraud/ Resources <input type="checkbox"/> Day Care <input type="checkbox"/> Commissioner’s Office <input type="checkbox"/> Child Support <input type="checkbox"/> Employment	<b>Date that your needs were not met:</b> _____  <b>DSS Employee Name (if known):</b> _____	

#### Disability History

<b>Type of Disability:</b> <input type="checkbox"/> Physical (specify) _____ <input type="checkbox"/> Mental (specify) _____			
<b>What kind of help do you need that wasn’t available?</b>	<input type="checkbox"/> Sight <input type="checkbox"/> Help with forms and paperwork <input type="checkbox"/> Hearing <input type="checkbox"/> Help with forms and paperwork	<input type="checkbox"/> Help in accessing service locations <input type="checkbox"/> Help in accessing service locations <input type="checkbox"/> Other (Describe): _____	<input type="checkbox"/> Experienced other kind of discrimination. Please describe:  <input type="checkbox"/> Experienced other kind of discrimination. Please describe:  <input type="checkbox"/> Experienced other kind of discrimination. Please describe:

**Please describe exactly what you were trying to do with/at DSS, and how your disability made it difficult or not possible:**

**How can we help you do what you need and want to do at DSS?**

(The below shaded section is for DSS Use only)

Condition	How DSS can help	Accommodation Offered/Date





**THIS FORM IS TO BE PLACED IN A CLIENT'S FILE IF THEY OR THEIR COMPANIONS NEED ACCOMMODATIONS. THIS FORM INDICATES A DIAGNOSIS AND IS DIFFERENT FROM ALERTS CARD. SEE PAGE 2 FOR WHERE TO FILE IN THE CASE RECORD.**

**PLEASE NOTE THAT THIS FORM MUST BE PROMINENTLY PLACED WITH ALL PAPERS RECEIVED OR CREATED FOR THIS INDIVIDUAL WHO INTERACTED WITH DSS OR WITH THE EVENT THAT WAS HELD**

<i>Original Date:</i>	3/14/12
<i>Dates Form Revised:</i>	

**ADA ISSUE/ACCOMMODATION FORM**

<i>Name</i> (Last, First, MI)		<input type="checkbox"/> M <input type="checkbox"/> F	<i>DOB:</i>
<i>DSS status:</i>	<input type="checkbox"/> Applicant/Recipient <input type="checkbox"/> Relative of Applicant <input type="checkbox"/> Friend of Applicant <input type="checkbox"/> Advocate for Applicant <input type="checkbox"/> Other (please specify)		
<i>Benefit/Service Area That is the Specific Concern:</i>	<input type="checkbox"/> Cash Assistance (TA) <input type="checkbox"/> SNAP <input type="checkbox"/> Child Welfare/Child Protective <input type="checkbox"/> HEAP <input type="checkbox"/> Medicaid/Managed Care <input type="checkbox"/> Adult Protective <input type="checkbox"/> Legal <input type="checkbox"/> Fraud/Resources <input type="checkbox"/> Day Care <input type="checkbox"/> Commissioner's Office <input type="checkbox"/> Child Support <input type="checkbox"/> Employment		<i>Date needs were identified:</i> _____  <b>DSS Employee Name:</b> _____ Person filling out this form

**DISABILITY HISTORY**

<i>Type of Disability:</i>	<input type="checkbox"/> Physical (specify) _____ <input type="checkbox"/> Mental (specify) _____	
<b>What kind of help do you need to be able to access or benefit from DSS services</b>	<input type="checkbox"/> Sight or Hearing <input type="checkbox"/> Help with forms and paperwork <input type="checkbox"/> Help in accessing service locations	
	<input type="checkbox"/> Mobility <input type="checkbox"/> Help with forms and paperwork <input type="checkbox"/> Help in accessing service locations	
	<input type="checkbox"/> Other <input type="checkbox"/> Help with forms and paperwork <input type="checkbox"/> Other:	

**Please describe exactly what you are trying to do with/at DSS, and how your disability makes it difficult or not possible:**

**How can we help you do what you need and want to do at DSS?**

Condition	How DSS can help	Accommodation Offered/Date

**If you were offered help, and it wasn't useful help, please tell us what we could do differently**

Type Help	Reason it wasn't helpful	Accommodation Offered/Date

Other information that may be useful in providing for the clients' needs: \_\_\_\_\_

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**Where to File in the Case Record:**  
 All forms must be made part of the electronic record and when a paper file exists additionally:

- TA Cases – attach to the inside **front** cover of the case record under the HIPAA, Screening and Release forms.
- SNAP Cases – attach to the inside **front** cover under the narration sheet.
- MA Cases – attach to the inside **front** cover.
- Services Cases – attach to the inside **front** cover.
- Employment Unit Cases – attach to the inside **back** cover.
- Resources Cases – attach to the inside **front** cover.

## People with Disabilities Have Rights!

### Did You Know?

If you have a health or mental health problem that makes it hard for you to:

- Apply for benefits
- Go to appointments
- Do other things you need to do to get benefits

You have a right to receive help from DSS. This help is called reasonable accommodation.

To get this help, you must have a problem that limits what you can do. If you have:

- Depression or other mental health problems
- Problems with learning or memory
- Problems walking, sitting or standing
- Vision, hearing and speech problems
- Asthma
- Cancer, diabetes, heart problems
- HIV/AIDS
- Multiple Sclerosis (MS), Cerebral Palsy or Muscular Dystrophy
- Other health or mental health problems

You may be protected. If you have a condition that limits you, you may have a right to:

- Help from DSS with filling out an application and getting documents
- Change an appointment
- A meeting space at DSS that fits a wheelchair or other equipment
- Information in Braille, large print, or disc
- A sign language interpreter
- Part-time work activities
- An exemption from welfare work activities

To get reasonable accommodation, ask your worker or the receptionist. If you ask for an accommodation and do not get it you can file a grievance with the Oneida County DSS ADA

Coordinator: John Herbowy, Chief Attorney  
 Oneida County Department of Social Services – 9<sup>th</sup> floor  
 800 Park Ave.  
 Utica, NY 13501  
 Phone: (315) 798-5742

## Do You Have a Disability and Need Help?

If you have a disability that makes it harder to do the things we ask you to do, **please tell us**. A disability is any health or mental problem that makes it hard to do things, including:

- Diseases (i.e., diabetes, heart disease, cancer, seizures, asthma)
- Limited ability to walk, stand, bend or lift
- Vision, hearing or speech problems
- Breathing problems
- Depression or other mental health problems
- Developmental disabilities

If you tell us you have a disability, we can:

- Help you fill out forms
- Help you to get documents you need to qualify for benefits
- Call or visit if you cannot come to our office
- Tell you what the letters we send mean
- Refer you to other services you need
- Help you to ask for a hearing
- Change program requirements

The Americans with Disabilities Act says that Oneida County DSS must help people with disabilities so they can get benefits. This type of help is called reasonable accommodation. If you need a reasonable accommodation, please tell your worker or the receptionist.

If you ask for a reasonable accommodation and you don't get it, you can file an ADA grievance right now with the Oneida County DSS ADA Coordinator:

John Herbowy, Chief Attorney  
Oneida County Department of Social Services – 9<sup>th</sup> floor  
800 Park Ave.  
Utica, NY 13501  
Phone: (315) 798-5742  
Fax: (315) 798-6425  
E-mail: [jherbowy@ocgov.net](mailto:jherbowy@ocgov.net)

**Ask your worker or the ADA Coordinator for an ADA grievance form. You can ask for a supervisor's help in filling out an ADA Grievance Form.**

## Americans with Disabilities Screening Tool

As part of your application/recertification process we want to know if you have a disability that makes it harder for you to do the things we ask you to do. A disability is any health or mental condition that makes it hard for you to do things, including: diabetes, heart disease, cancer, seizures, asthma, limited mobility, vision hearing or speech problems, depression or other mental health problem, or developmental disabilities.

If you tell us that you have a disability, we can help you fill out forms, obtain documents needed to qualify for benefits, call you or make a home visit if you cannot come to the office, tell you what the letters you receive from us mean, refer you to other services that you need, help you to ask for a fair hearing and make accommodations for you as needed so you can fully understand and participate in programs and services offered by this agency.

Please answer the following questions:

- |    |   |     |    |
|----|---|-----|----|
| 1. | Do you have a health, mental health, or learning problem that makes it difficult for you to work or do DSS work activities.   | Yes | No |
| 2. | Has your daily activity in any of these areas been limited because of such a disability or illness that has lasted more than 12 months?   | Yes | No |
| 3. | Have you applied for or received SSI or SSD benefits?   | Yes | No |
| 4. | Do you need help with a substance abuse issue (drugs or alcohol)?   | Yes | No |
| 5. | Do you get home health care or have a home attendant, or someone (family or friend) that helps you with daily tasks because you have a disability or health, mental health or learning problem? | Yes | No |

If you checked yes to Question 1, what is the nature of your health, mental health or learning disability that makes it difficult for you to work or do DSS work activities?

If the answer to any of these questions is yes, is there some type of help, accommodation, or modification that would help you to work or participate in DSS programs?

I have read and I understand this form, or I cannot read the form and I was provided with the assistance needed to explain its contents to me and I understand what was explained to me.

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

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Witness