

COUNTY OF GENESEE
DEPARTMENT OF SOCIAL SERVICES
5130 EAST MAIN STREET - SUITE 3
BATAVIA, NEW YORK 14020-3433
585-344-2580

Public Assistance, Medicaid, Food Stamps: 585-344-2587
Child Support Collection/Enforcement: 585-344-8500
FAX: 585-343-5548

EILEEN M. KIRKPATRICK
Commissioner
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GENESEE COUNTY DEPARTMENT OF SOCIAL SERVICES
AMERICANS WITH DISABILITIES
POLICY AND PROCEDURES

GENERAL

The Genesee County Department of Social Services will provide services to persons with a disability in a manner that complies with the requirements of Subtitle A of Title II of the Americans with Disabilities Act (ADA), which is intended to protect qualified persons with disabilities from discrimination on the basis of disability in the benefits, programs and services provided by all state and local governments.

Our DSS office is at a single location on ground level with no stairs. It is fully handicapped accessible, with ample reserved parking for persons with handicaps, accessible restrooms, water fountain, vending machines and ample private interview rooms and conference areas. On the rare occasion when it may be necessary to serve applicants/recipients in the secured area of the building, they must be escorted to/from that location by a staff member.

While DSS is allowed reasonable discretion in how we discharge our responsibilities under the ADA, flexibility and creativity is encouraged to ensure equality of opportunity for individuals with disabilities through individualized treatment and effective and meaningful opportunity. This requires that individuals with disabilities be treated on a case-by-case basis consistent with facts and objective evidence, rather than on the basis of generalizations and stereotypes. Persons with disabilities must be afforded the opportunity to benefit from programs, services and benefits that is as effective as the opportunity afforded to individuals who do not have disabilities.

At times, we are required to make reasonable modifications to policies, procedures and practices that would otherwise deny equal access and opportunity to qualified individuals with

disabilities. An applicant or recipient of benefits, programs or services cannot, however, be forced to accept a reasonable accommodation.

In addition to the following information, staff must be aware of and comply with the Federal Disability Laws and Employment Requirements document and 06-ADM-05 Revised document, as contained in Attachments A and B, herein.

ADA/504 DEFINITIONS

1. A person with a disability is one who:
 - a. Has a physical or mental impairment that substantially limits one or more of the major life activities of such person;
 - b. Has a record of such impairment; or
 - c. Is regarded as having such impairment.
2. Physical impairment under 1.a means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine. Specific examples of physical impairments include orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV disease (symptomatic or asymptomatic), tuberculosis, drug addiction and alcoholism.
3. Mental Impairment under 1.a means any mental or psychological disorder including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
4. Major life activities under 1.a means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
5. Substantially limits under 1.a means the person's major life activities are restricted as to the conditions, manner, or duration under which they can be performed in comparison to most people. For example, a person who is paraplegic is substantially limited in the major life activity of walking; a person who is blind is substantially limited in the major life activity of seeing; and a person who is mentally retarded is substantially limited in the major life activity of learning.
6. Record of impairment under 1.b means that the person has a history of, or has been misclassified as having, a physical or mental impairment that substantially limits one or more major life activities.
 - Examples of those who have a history of impairment are those with histories of mental or emotional illness, heart disease or cancer.
 - Examples of those who were misclassified as having a record of such impairment, i.e., any record or perception of an alleged impairment that subsequently was found not to be

factually correct, may include those who have been erroneously diagnosed as having mental retardation or mental illness. Discrimination on the basis of such a past record of impairment is prohibited.

7. Regarded as having such impairment under 1.c means:

a. The person has a physical or mental impairment that does not substantially limit major life activities, but the person is treated as having such a limitation; e.g., an individual with mild diabetes controlled by medication, is wrongfully barred by the staff of a county-sponsored summer camp from participation in certain sports because of her diabetes; or

b. The person has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; e.g., a child born with a prominent facial disfigurement, is wrongfully refused admittance to a county-run day care program because her presence in the program might upset the other children; or

c. The person has no impairment but is treated as having impairment; e.g., a person is excluded from a county-sponsored activity because the official believes unfounded rumors that the person is infected with the HIV virus. Myths, fears and stereotypes associated with disabilities or perceived physical or mental conditions may limit the person's major life activities and qualify the person for protection under the ADA.

8. Qualified person with a disability means a person with a disability, as defined under paragraph 1., who, with or without reasonable modifications to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a district. A person with a disability is qualified if that person meets the essential eligibility requirements for receipt of services or participation in the program or activity.

PROVISION OF REASONABLE ACCOMODATIONS FOR ACCESS

1. In keeping with the Americans with Disabilities Act (ADA), Genesee County DSS is committed to providing reasonable accommodations to those applicant/recipients who have a disability.

2. Staff must make reasonable efforts to recognize possible disabilities, based either on the person's disclosure or an indication of an apparent disability. We may not inquire into the nature of the disability beyond what may be necessary to provide a reasonable accommodation, but can offer the person an opportunity for a more comprehensive evaluation to determine whether an accommodation is necessary. If the person does not disclose a disability, staff can use behavioral observations, knowledge of prior agency contacts, etc. to identify a disability, and if those conditions constitute a disability, we must offer reasonable accommodations.

3. Staff must assist applicants/recipients to meet eligibility requirements by eliminating non-essential procedures or rules that deny a person with a disability an equal opportunity to participate in the district's programs, services and benefits, and provide information in a manner that is accessible to persons with visual or hearing disabilities, and provide necessary auxiliary aids and services to ensure effective communication with persons with disabilities.

4. Reasonable accommodation may include: (a) making facilities accessible, (b) making reasonable modifications to the Social Services rules, policies or practices, (c) removal of communication or transportation barriers, or provision of auxiliary aids and services.

5. Auxiliary aids and services include: (a) qualified interpreters, note-takers, transcription services, written materials, telephone handset amplifiers, assistive learning devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning telecommunication devices for deaf persons (TDDs), videotext displays, or other effective methods of making orally-delivered material available to persons with hearing impairments, (b) qualified readers, taped texts, audio recordings, Braille materials, large print material, or other effective methods of making visually delivered material available to persons with visual impairments, (c) acquisition or modification of equipment or devices, (d) Interpreter Services, Desk Guide/Posters, and (e) other similar services and actions.

A qualified interpreter is an interpreter who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary.

6. The ADA/504 contact person(s) responsible for Social Services program access and for taking and resolution of ADA complaints is the Director of Administrative Services (Lisa Penna) or in her absence the Director of Financial Assistance (Mark Castiglione). Complaints may be made verbally or in writing. Complaints will be investigated and resolved or responded to within ten (10) days of receipt. A written response will be provided to the complainant with a copy provided to the Commissioner. (See Complaint Procedure and forms)

7. All applicant/recipients of Social Services programs and services are informed about the ADA's prohibition against discrimination through the following:

- a. LDSS-4148A (client book 1) made available at reception desk, or from an eligibility or intake worker.
- b. LDSS-4148A is made available at Recertification interviews (group and individual) through eligibility worker.
- c. LDSS-4148A can also be mailed to persons upon request.
- d. Agency fact sheet included with all application packets. (See fact sheet Helpful Hints: What to Expect At Social Services)

8. Reasonable accommodation will be made on a case by case basis. Applicant/recipients can make a request for accommodation though telephone, in writing or in person. This information and contact numbers are contained in the Agency fact sheet included in all application packets. (Helpful Hints: What to Expect At Social Services)

9. Many accommodations needed by individuals with disabilities are routine, and staff is encouraged to make such accommodations. This may include helping clients complete forms and gather documentation, scheduling and rescheduling appointments, allowing another individual to accompany the client for assistance during the interview, providing additional explanations of program rules, sending copies of notices to 3rd parties, and continuation of accommodations which have been previously noted/provided on an on-going basis. If a worker is unable to make an accommodation or unable to respond to a request for an accommodation, their supervisor should be consulted, and follow the direction of that supervisor in an effort to provide an accommodation immediately.

10. Information about the accommodation request, reason for the decision, and provision of the accommodation should be recorded in the client's file, including the date, time and name of the individual making the request; the date, time and type of accommodation provided; whether an alternative accommodation was provided and why; or that the request was denied and why. The anticipated duration of the need for such accommodation in the future should be noted as "ongoing" or time-limited.

11. Applicant/recipients who are offered reasonable accommodation, but refuse, will be notified in writing of the accommodation offered and the resulting action of their refusal. They will be given a copy of "The Refusal of Reasonable Accommodations" form and a copy will be placed in their case file as documentation of such refusal.

12. Requests for reasonable accommodations that cannot be resolved at the level of the direct line worker will be dealt with as follows:

A. General disabilities (physical and mental):

(1.) Requests for accommodations for new applications will be forwarded to a Principal Social Welfare Examiner in the Temporary Assistance Unit for a determination as to reasonable accommodation.

(2.) Requests for accommodations for Recertification interviews will be forwarded to the Principal Social Welfare Examiner in the appropriate unit for a determination as to reasonable accommodation.

(3.) Requests for accommodations for Services Division (Child Protective/Preventive, Foster Care or Adult Services) will be forwarded to the Supervisor of the appropriate unit for a determination as to reasonable accommodation.

(4.) Telephone interviews (if allowed under specific program regulations) or home visits may be arranged for those applicants/recipients who are unable to come into this Agency due to disability and have no authorized representative available to interview for them.

(5.) Applicant/recipients unable to complete required forms due to physical, mental or literacy issues will be assisted by DSS staff in completion of forms required.

B. Visually/sight impaired:

(1.) Requests for accommodation for visual/sight impairments will be taken under consideration for all applicants/recipients and procedures followed same as under (A) general disabilities.

(2.) Applicants/recipients unable to complete required forms will be assisted by DSS staff by reading written material to the individual and recording their verbal responses.

C. Hearing Impaired:

(1.) Requests for accommodation for hearing impairments will be taken under consideration for all applicant/recipients and procedures followed same as under (A) general disabilities.

(2.) Communication with hearing impaired persons will be made by written materials and the exchange of written notes when necessary, if such communication is effective.

(3.) Applicants/recipients requesting sign language assistance will be informed that they can bring an interpreter of their choice or DSS will make arrangements for a sign language interpreter to be present during their visit to DSS. If this request is not made in advance, consideration will be given to rescheduling the appointment until such arrangement can be made.

(4.) DSS staff may also utilize our TDD machine to communicate directly with people who have access to them. Generally this is done when the client initiates the call. Instructions for use of the TDD machine are available in the Switchboard manual and at the TDD machine located in cubicle #38. (See TDD Instructions)

(5) Also, the New York Relay Service which is used to assist communications between people who use text telephone devices (TTY's) and people who use voice telephones is available by dialing 7-1-1. This is a free service, but relies on an operator as the "go-between" to the client.

D. Language Assistance:

(1.) Requests for accommodation for language translation assistance will be taken under consideration for all applicants/recipients and procedures followed same as under (A) general disabilities.

(2.) NYS OTDA publication 4842 (If you need an Interpreter) is displayed in the reception area, interview rooms and any other client accessible areas of DSS.

(3.) NYS OTDA publication 4843 (Interpreter Services Desk Guide) is utilized by all DSS staff with applicants/recipients to identify what language they speak in order to assist them in getting language assistance.

(4.) DSS staff will follow Agency protocols as outlined in "Policy and Procedures for Language Assistance for Applicant/Recipients."

13. Supervisory staff as outlined above will either make arrangements for accommodations or deny requests for accommodations in writing to the client within one business day. If an applicant/recipient requests an accommodation and is denied such accommodation, or rejects an alternative accommodation as insufficient, they must be verbally notified on that same date by their worker and/or the supervisor of their right to make a complaint. Verbal complaints will be reduced to writing by the staff member/supervisor; written complaints will be accepted as an attachment to the Agency Complaint Form. (See Policy and Procedure for Agency Complaints.)

14. All staff are expected to be familiar with this ADA Policy and Procedure, and related documents. Staff with questions should seek the advice of their supervisor or of the ADA/504 contact person for the agency.

NOTE: Genesee County DSS must adhere to confidentiality provisions as required by SSL 136 and must protect the privacy of information regarding the existence of a person's disability. For individuals providing client services (including work sites), we must only share the accommodations required, not the nature of the disability. Persons acting as interpreters must understand their obligation to maintain client confidentiality.

Federal Disability Laws and Employment Requirements

The Personal Responsibility and Work Opportunities Reconciliation Act requires that Title II of the Americans With Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) apply to TANF programs. The ADA (42 USC Section 12101 et seq.; 28 CFR Part 35) applies to states, counties and other local governments administering all or part of a TANF program, and Section 504 (29 USC Section 794; 45 CFR Part 84) applies to entities which receive federal funding, either directly or indirectly, through a grant, contract or subcontract. The ADA and Section 504, as they apply to Temporary Assistance and Food Stamp Employment programs, require that districts:

- ensure equal access to employment programs for qualified people with disabilities through the provision of appropriate services;
- adopt methods of administration which do not discriminate against, and which ensure equal access and opportunity to qualified individuals with disabilities; and
- modify policies, practices and procedures to provide equal access which allows qualified individuals with disabilities to participate in and benefit from employment programs unless doing so would fundamentally change the program or cause an undue hardship.

Equal Access

Ensuring Equal Access

To ensure that individuals with disabilities are provided with equal access to employment programs, districts must first assess clients' specific abilities and limitations, and may not make work activity assignments based on generalizations or stereotypes. For example, a district may not determine that any individual with a disability is to be assigned to the same activity or to no activity.

Reasonable Accommodations

Qualified individuals with disabilities must be provided reasonable accommodations so they have an opportunity to participate in and benefit from services and programs in a manner that is as effective and meaningful as the opportunities available to individuals without disabilities unless doing so would fundamentally change the program or cause the district an undue hardship. The district, when developing the employability plan as described in 18 NYCRR 385.6 and 385.7, should determine what activities are appropriate and available and what accommodations are necessary to allow the individual to participate. Additionally, individuals with disabilities may require accommodation when scheduling appointments. For example, when assigning an individual to appear for an assessment, the district should consider if the individual needs to be seen with little waiting period or has a health-related appointment that conflicts with the appointment time. A discussion of determining appropriate activity assignments is provided below.

For more information regarding federal disability laws, districts may refer to the federal statutes and regulations cited above, or visit the United States Department of Health and Human Services Office for Civil Rights website at www.hhs.gov/ocr.

Also see
18NYCRR 385.11(b)

Grievance Procedure

Whenever an individual requests an accommodation, the district must record the request, including the district's response, in the individual's case record. If an individual who has requested an accommodation believes he/she has not been adequately accommodated, the individual may request in writing to have the matter resolved through the district's grievance procedure as described in 18 NYCRR 385.11(b). The grievance procedure is to be applied whenever an individual who has requested a specific accommodation believes that the district has not adequately responded to the request. The district has thirty days from the date of the written request to resolve the grievance, and must provide for at least one meeting with the individual, appropriate staff and the mediator. The district must also provide the individual with the results of the grievance procedure in writing. If the matter is not resolved through the grievance procedure, the individual must be informed of the right to a fair hearing. The grievance procedure is not used for disputes regarding the district's determination of the exempt/non-exempt status, which is disputed through the fair hearing process, as described in the disability review procedure below.

Participation Requirements During Grievance

During the grievance process, the individual may not be sanctioned for failing to comply with the disputed activity or appointment, however, consistent with 18 NYCRR 385.11(b), the individual may be required to participate throughout the adjudication process. If the client's grievance alleges that the worksite is not appropriately accommodating the individual's health limitations, the individual may not be required to perform the specific worksite tasks at issue until the district determines the individual's limitations are being accommodated.

Voluntary Disclosure

In general circumstances, the United States Department of Health and Human Services prohibits requiring an individual to disclose a disability. Therefore, general screening for a disability, including learning disabilities and mental health disorders, must be voluntary for Temporary Assistance clients. Nonetheless, districts must inquire about an individual's health-related limitations to determine appropriate work assignments. Districts are encouraged to offer screenings as part of a mandatory employment assessment. If an individual refuses to disclose or cooperate with efforts to identify a suspected disability, the district should discuss the following with the individual:

- an impairment is suspected and that disclosure is voluntary;
- the steps the district wishes the individual to take to identify the suspected impairment;

- the benefits of identification, including the accommodations and services which are available to individuals with documented disabilities; and,
- if he or she chooses to not disclose a disability or cooperate with efforts to identify a disability, he or she may be required to participate in work activities without accommodation.

Waiver of Accommodations

Districts should document in writing when an individual with a suspected disability refuses to participate with efforts to verify the disability and chooses to participate in work activities without accommodation. A sample waiver is available for district use that describes the requirements and benefits to the individual and has a place for the individual to sign acknowledging he or she has been informed and chooses to participate without accommodation. These individuals would be non-exempt and assigned to work activities without applying the disability review procedure. See Section 15 for the sample waiver form.

Voluntary Screening and Assessment of Disability

Districts are not limited in their ability to assess an individual's non-health related barriers if the assessment is not intended to identify a disability. For example, assessments that determine an individual's education level, literacy level or English language proficiency are not intended to identify any specific disability and the district may require the individual's cooperation as part of the mandatory assessment.

Exceptions to Voluntary Disclosure

General screening for a disability under Temporary Assistance programs must be voluntary for the client; however, there are circumstances when identification and treatment for a disability is critical to program administration. Under these circumstances, a client may be required to participate in efforts to evaluate a suspected disability and participate in necessary treatment. Districts may require a client to participate in a screening and evaluation of a suspected disability under the following circumstances:

- If a client claims to be unable to work, or limited in his or her ability to work due to a disability, the individual may be required to participate in a screening and evaluation to verify the alleged disability/work limitation and to identify appropriate services. Failure to participate in efforts to document an alleged disability is subject to public assistance case closure in accordance with 18 NYCRR 385.2(d).
- If a client has demonstrated an inability to successfully participate in work activities or employment and the district has reason to believe this is due to a

disability/work limitation, the district may require the client to participate in a disability related screening and/or evaluation. Additionally, if a client has demonstrated an inability to successfully function in a work setting and is determined through an evaluation/assessment to need treatment, the client may be required to participate in necessary treatment as a condition of eligibility for public assistance in accordance with 18 NYCRR 385.2(e).

Individuals with confirmed disabilities must be provided with reasonable accommodations and services to support their participation in employment activities and programs.

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PHONE: 585-344-2580
FAX: 585-343-5548

Helpful Hints: What to Expect At Social Services

Agency application hours are Monday- Friday 8:00am-5:00pm. When you arrive please check in at the window labeled Reception. You will be asked a few brief questions to assist us in identifying the correct program or worker you need to see, and to evaluate whether Emergency Assistance is needed. **Emergencies will be dealt with on the same day.** For non-emergencies, we make every effort to see applicants/recipients on the same day they come in, but those arriving after 3:00 pm cannot always be seen and may be asked to return the next day. Also, it may be necessary for you to come back on more than one occasion to complete the application process, or to return additional documentation to us. We encourage you to personally deliver your completed application to our agency in order to protect your filing date.

An eligibility worker must interview you in order to determine if you are eligible for benefits. If you are applying for Food Stamps only and cannot make it into the agency, please call to discuss the situation. We have implemented procedures which may allow you to make your application on-line from any computer with internet access. To set up an appointment or request other arrangements please call 585-344-2580.

If you require reasonable accommodations due to a disability, hearing/speech impairment or are in need of a language interpreter please call the above number or inquire at the Reception window at DSS. It may also be helpful for you to refer to pages 38-39 of LDSS-4148B *What You Should Know About Social Services Programs: Questions & Answers.* Complaints concerning ADA/504 accommodation requests that you cannot resolve with your worker/supervisor will be referred to the ADA/504 DSS Contact Person for investigation.

Please be patient. We strive to see clients in a timely manner but there will be days when your wait will be lengthy. Parents are asked to monitor their children at all times and not allow children to run or play in public areas such as hallways or restrooms. A children's play area is provided for your use. Cell phone usage is not permitted in the waiting area, but may be used outside of the building.

Please be aware that people come to this agency for a variety of reasons and to see workers who perform different Social Services functions. If people arriving later than you are seen before you

they may be here to see a different type of worker than you need to see. In most situations, people with appointments will be seen before someone who comes in without an appointment.

Our Agency will not tolerate foul or offensive language, verbal abuse or threats of any kind. The public is not allowed to bring weapons of any sort into this building or into any county agency. DSS will respond to inappropriate behavior immediately and may result in response by a police agency and /or arrest if necessary.

This notice, in addition to the following notices, is provided in all application packets. Please notify DSS immediately if you are missing any of the following:

- DSS Application and booklet on "How to Complete" application.
- Documentation Requirements (DSS 117 and 149)
- Landlord Statement (DSS 152)
- In Lieu of TA & Child Care Information fact sheets (DSS 116 and 170)
- Book One: What you should know about your Rights and Responsibilities
- Book Two: What you should know about Social Services Programs
- Book Three: What you should know if you have an Emergency
- Health Care Programs for New Yorkers fact sheet (DSS 133)
- EITC fact sheet (DSS 108)
- Domestic Violence Information (DSS 150)
- Information About Services for Sexual Assault Victims
- Child Support Information (DSS 169A and 169B)
- Food Stamp Penalty Warning (DSS 147)
- Reporting Changes for Food Stamps (DSS 115 and LDSS 4791)

Please read and save the above information materials as they contain important information for those applying for or receiving assistance.

New York State provides a toll free number available for clients to request a fair hearing. It is 800-342-3334. Internet access for fair hearing requests is available at <http://www.otda.state.ny.us/oah/forms.asp>

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Refusal of Reasonable Accommodations

Name:

Address:

Case number:

On _____ the above-named individual did refuse reasonable accommodations to enable him/her better access to the services available from Genesee County Social Services. The accommodations offered were as follows:

Acceptance of this accommodation is not an essential eligibility requirement for the DSS program, and your refusal is your choice. Declining this accommodation may result in your inability to complete an essential program eligibility requirement, however, that could result in a loss of benefits when/if you do not comply with requirements and/or submission of required documents.

The potential consequences of refusing the offered accommodations have been explained to the above-noted individual, and a copy of this notice provided to him/her.

DSS Worker

Date

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Policy and Procedures for Agency Complaints

Staff Responsibilities

If an employee receives a complaint (verbal or written) from an individual, they are responsible to complete an Agency Complaint Form and forward immediately to their Supervisor for review and investigation. These procedures are not meant to include "complaints" for which there is a right to a fair hearing. Complaints referenced in this policy statement fall into two distinct categories:

1. Civil Rights Complaints- individual alleges discrimination including but not limited to program access and delivery of services based on race, color, national origin, gender, religion, political belief, age or disability. (Food Stamp Civil Rights Complaints require completion of an OTDA/EOD Complaint form as per 04-ADM-07 in addition to our local agency complaint forms.)
2. Non Civil Rights Complaints- individual is alleging dissatisfaction with:
 - a. The action or failure of DSS to act in a particular case;
 - b. The manner in which DSS generally handles its cases;
 - c. The DSS facilities and /or services, or the manner in which it generally conducts business;
 - d. Other facilities and/or services used by DSS for providing care and services for its clients; or
 - e. Any other aspect of DSS administration.

All Civil Rights and Non-Civil Rights complaints must be recorded and immediately referred to the Unit Supervisor for investigation and follow-up. If an individual alleges a civil rights discrimination but declines to give a written complaint, the employee receiving the complaint must still record it and refer to their Supervisor immediately.

Supervisor Responsibilities

1. Supervisors are responsible for assuring that their assigned staff are knowledgeable or and comply with Agency Complaint Policy and Procedure.
2. Every complaint received must be promptly acknowledged.
3. Pursuant to Federal and State requirements, supervisors are required to record any allegation of civil rights discrimination that is made by applicants/recipients of the Food Stamp Program. A Food Stamp Civil Complaint must be recorded on OTDA/EOD Complaint Form and forwarded to OTDA upon completion of preliminary review or investigation. (Refer to 04-ADM-07)
4. The basis of each complaint must be reviewed and investigated to determine the validity of the complaint.
5. Supervisory staff is responsible for reviewing its own unit activity and determining appropriate action. Administration is available to assist in this process.
6. When a complaint is referred to DSS from the State, a response must be submitted back to the State within 20 days of receipt.

Upon receipt of a Complaint from an applicant/recipient:

1. Staff completes the Agency Complaint Form by completing all required fields.
2. Nature of complaint should be clearly identified including:
 - *Description of the circumstances which prompted allegation;
 - *The date on which alleged discrimination occurred and location;
 - *Names and addresses of individuals (or witnesses) that may have been present, etc.
3. Staff must indicate if complaint is alleging civil rights/ADA discrimination and/or a Food Stamp Civil Complaint.
4. Indicate name of the Supervisor the complaint is referred to, including date and time.

Supervisor receiving Complaint Form:

1. Acknowledge receipt of the Agency Complaint Form by signing name and date received.
2. Indicate staff person assigned to investigate (if not the receiving supervisor) and establish a resolution due date. (No more than 10 days from receipt of complaint). Attach any additional notes deemed necessary.

Investigation of Complaint:

1. Staff person assigned to investigate complaint completes all heading information on Agency Complaint Investigation Report.
2. Indicate complaint type: Civil, Non-Civil or Food Stamp Civil Complaint. If Food Stamp Civil Complaint, an OTDA EOD Complaint Form must be completed also.
3. Conduct investigation and determine validity of complaint. Indicate findings on complaint log, including names of individuals contacted or files reviewed. Note what appropriate action is required to resolve the issue.
4. If investigation is completed by someone other than the Supervisor, completed Agency Complaint Form, and EOD Form (if Food Stamp Civil Complaint) is forwarded to the Unit Supervisor for Final Determination and action.
5. Supervisor reviews investigation notes on Agency Complaint Investigation Report and indicates final determination at bottom. Supervisor reviews final determination with Administrative staff for completion of written notification to client.
6. If Food Stamp Civil Complaint, completed OTDA EOD Complaint Form must be forwarded to OTDA as per instructions in 04-ADM-07. Retain copy for Agency records and attach to Agency Complaint Report.
7. Once entire process is completed, the complete Complaint packet is given to appropriate Administrator of applicable program division. (i.e. Director of Financial Assistance for income maintenance, Director of Social Services for services division, etc.)
8. All finalized complaint packets are given to Commissioner's Secretary, who will retain packets and keep a log for Administrative purposes.

References: OTDA 04-ADM-07
FSSB, Section 8, Complaint Procedures
TASB, Chapter 4, Recipient/Applicant Rights, Inquiries and Complaints
NYCRR 303- Prohibitions against Discrimination
NYCRR-356.3 - Inquiries and Complaints

Forms: DSS – Agency Complaint Form
DSS – Agency Complaint Investigation Report
DSS – Food Stamp Civil Rights Violation Complaint

BUREAU OF EQUAL OPPORTUNITY DEVELOPMENT
FOOD STAMP PROGRAM CIVIL RIGHTS VIOLATION COMPLAINT FORM

Client name: _____ Food Stamp Case No: _____

LDSS Location/address: _____

Telephone: _____

Basis for complaint: _____

Date of Complaint: _____ Acknowledged (date): _____

File opened on (date) _____

If necessary, inactive period, from (date) _____ To (date) _____

Reason: _____

Written complaint and all documentation received (date) _____

LSSD Investigation began (date) _____

Staff assigned: _____ Telephone: _____

Determination:

Complaint Unsubstantiated/Dismissed _____ Client notified _____ Date _____

Complaint Substantiated/Resolution Reached _____ Client notified _____ Date _____

Complaint Referred to NYSOTDA & EOD for Investigation:

Client notified _____ Date _____

Complaint referred _____ Date _____

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AGENCY COMPLAINT INVESTIGATION REPORT

A copy of the completed Agency Complaint Form must be attached to this report.

Investigation completed by:

Date completed:

Case Name:

Case#:

Complainant Name (if different from case name):

Civil Complaint

Non-Civil

Food Stamp Civil Complaint

Describe Investigation, including names of individuals contacted, files reviewed, etc.

Describe Investigation Findings:

What Action Needs To Be Taken To Resolve Complaint:

Final Determination: (Must be Completed by Unit Supervisor)

Unsubstantiated/Dismissed Date Client Notified _____ How Notified _____

Substantiated/Resolution Reached Date Client Notified _____ How Notified _____

EOD Form Forwarded to OTDA (FS Civil Complaints only) Date Sent _____
(Attach copy of completed EOD form to this report form)

Supervisor signature

Date forwarded to Administration

COUNTY OF GENESEE
DEPARTMENT OF SOCIAL SERVICES
5130 EAST MAIN STREET - SUITE 3
BATAVIA, NEW YORK 14020-3433
585-344-2580

Procedures for Language Assistance for Applicants/Recipients

Genesee County DSS must assist and/or make assistance available to all applicants/recipients who are identified as needing language assistance in order to access our programs and services. Posters informing all persons entering our Agency of available assistance are prominently displayed in the lobby and by the reception window. Please use these procedures when language assistance is identified as a need:

Reception staff will most often be first to identify the need for language assistance. When the need is evident, the staff person at the reception window should contact either the Reception Supervisor or the first level supervisor for the appropriate program unit. If the need is identified by other staff, they will contact their supervisor for assistance. All DSS supervisors are responsible to assure provision of language assistance services for applicants/recipients and to inform their staff of these procedures.

Language Interpreter Services:

Genesee County DSS subscribes to Language Line Services which provides immediate telephone language interpreter services. You must first identify the language spoken utilizing the language card (that each supervisor has) or the poster as provided by NYS. Follow the attached instructions for accessing Language Line Services. Use the phone designated for Language Line Service Only in the lobby, or a phone that has conference or speakerphone capability, preferably in a conference room with outside access.

When you contact Language Line Services you will be asked for our Client ID 6 digit number and our personal access code (4 digits). You will need to press 1 for Spanish or 2 for all other languages. **Keep in mind that our Client ID and our access code are not to be given to anyone other than DSS personnel.**

Sign Language and Other Interpreter Services:

Staff may need to make arrangements for the provision of sign language services for an applicant/recipient, or for situations in which the language line use would not be practical.

A client may choose to identify a private individual who they wish to interpret for them. If payment is required for that individual, staff will discuss payments fees with them and receive approval for payment from Administration. If the Agency needs to identify/secure an interpreter, staff must call and arrange for an interpreter through Dynamic Communications Interpretations at 585-344-3144. Dynamic Communications will bill DSS for the cost of service provided.

TTY (text telephone users) Services are accessed through the New York Relay Service by dialing 7 – 1 – 1 from a voice telephone.