

Onondaga County DSS Americans with Disabilities Act Policy

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 Onondaga County DSS programs and services.

I. General requirements of the ADA/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 Onondaga County DSS programs, including but not limited to Family assistance, Safety Net Assistance, Medicaid, Food Stamps, Emergency Assistance Child Care, and Children and Family Services programs. The policy also applies to JOBSPlus!, Medicaid managed care providers 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 contractors should be referred to Paula Mallory Engel, Esq., the ADA/504 compliance officer at 435-2585 x133 or paula.engel@dfa.state.ny.us.

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 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 (manic depression), anxiety disorder, post traumatic stress disorder, learning disabilities (e.g., dyslexia), attention deficit disorder, mental retardation. 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 individual meets the ADA/504 definition of disability.

DSS applicants, recipients, and members of the public, and their companions (referred interchangeably, throughout this policy, as "people who interact with DSS"): The ADA and Section 504 protect individuals receiving DSS benefits and services, those applying for benefits and services, and others. It also requires that DSS provides effective communications for people who interact with DSS -- which group includes an individual's companion who may have a disability.

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 other companions who may have a disability cannot be discriminated against by DSS when they accompany or assist someone (with or without a disability) who is seeking information from DSS. I

Illustrations:

DSS must provide a sign language interpreter to the grandmother/caretaker of a child receiving DSS benefits, so the grandmother/caretaker can speak with the DSS about her granddaughter's case.

DSS must provide a sign language interpreter to the niece of an applicant so she can discuss her aunt's application with DSS, if the niece typically assists her aunt in such matters, and the aunt wants her niece's assistance and involvement.

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 protect individuals who DSS staff members 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 she takes medication, and DSS believes that means she has some type of disability.

IV. DSS ADA/504 Coordinator "DAC" and Program ADA Coordinators "PACs"

Paula Mallory Engel, Chief Welfare Attorney, (435-2585 x133) is the ADA Coordinator for Onondaga County DSS or "DAC". It is her responsibility to oversee and monitor ADA/504 compliance, advise staff in accommodating people who interact with DSS, and recommending policy and procedure changes to improve ADA compliance, and take the other actions specified in this policy. The DAC 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 people who

interact with DSS. Staff members do not need the Coordinator's permission to provide routine, obviously reasonable accommodations to people who interact with DSS.

Each program area has a Program ADA Coordinator, or "PAC". Please refer to Attachment E, which is a current list of PACs. The PAC for each area has received extra training and resources to help ensure that individuals who interact with DSS receive appropriate accommodations. The role of the PAC is to assist workers to identify reasonable accommodations, to ensure that an adverse decision on a case is not rendered when a grievance is pending (see Section V), and to assist the DAC to investigate and address pending grievances and their resolutions.

V. ADA/504 grievance procedure

Anyone has a right to file a grievance with Onondaga County DSS if the person believes she was denied an accommodation or was discriminated against in another way as a result of a disability. DSS staff must tell anyone who requested accommodations who are dissatisfied, and anyone who believes he or she was treated unfairly because of a disability about the immediate right to file a grievance directly with the DSS ADA Coordinator (or "DAC" – Paula Mallory Engel). The worker should give the individual the opportunity to meet with the PAC (see attached List of Program ADA Coordinators or "PACs"– Attachment E) or a supervisor who might be able to resolve the issue, or at least help the person complete a grievance form and promptly forward it to the ADA/504 Coordinator. If an individual chooses to meet with a supervisor or PAC, the individual should be told that the 10 day time period for deciding a grievance does not start until a grievance is filed.

Onondaga County DSS has a grievance form that individuals can use to file a grievance [Attachment C], 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 person wishes to pursue a grievance, the person must be provided with Attachment C (and provided needed assistance in completing it).

Grievances must be investigated and decided within 10 business days. While a grievance is pending, DSS should not reduce the benefits of a DSS client, close a person's case, or take other adverse action against the person with a disability or who interacts with DSS with a companion with a disability. If the individual has also requested a fair hearing, the ADA/504 DAC must still investigate and decide the grievance. If the grievance is denied, the DAC must issue a written denial explaining the reason for the denial.

The DAC shall submit copies of ADA/504 grievances and decisions on those grievances to OTDA's Bureau of Equal Opportunity Development annually.

The DAC 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

If a building or part of a building where DSS services are provided is not physically accessible, DSS must ensure that the individual is provided meaningful access to services through other means, by either holding appointments with people who interact with DSS in another office in the building or at a different location, holding an appointment at the a person who interacts with DSS's home, conducting appointments over the phone, allowing an authorized representative to attend the appointment for the individual, or by other means.

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.

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.

IX. DSS must provide reasonable accommodations to individuals with disabilities

DSS must provide reasonable accommodations to 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 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 Program ADA Coordinator before a final determination is made.**

Examples of accommodations that may be provided:

Help with a filling out an application for benefits and help with gathering documents showing eligibility for benefits or a disability

Accommodations in appointments, including scheduling appointments at time of day that will prevent long waits; seeing people who interact with DSS who cannot wait on a priority basis; scheduling appointments so they do not conflict with doctor's appointments, rehab, or therapy; combining appointments to reduce travel; home visits for individuals who have difficulty traveling to DSS or attending appointments at DSS for disability-related reasons; allowing people who interact with DSS to reschedule appointments when a disability prevents attendance.

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 a person who interacts with DSS's consent, sending copies of notices to a person who interacts with DSS's friend, relative or neighbor who can remind the a person who interacts with DSS of appointments and/or help the a person who interacts with DSS attend an appointment

Reading notices and other program materials to the a person who interacts with DSS

Providing notices, applications, and other program materials in alternative formats (e.g., large print, Braille, 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 people who interact with DSS with disabilities to communicate with a worker by email or other methods when needed for a disability-related reason

Allowing people who interact with DSS to submit documents by fax when needed for a disability-related reason

Many other things

Accommodations in program rules: Rules must be modified for people with disabilities when reasonable. For example, rules requiring staff to see people who interact with DSS in the order in which they arrive at DSS, rules requiring people who interact with DSS to come to DSS for appointments, and rules requiring people who interact with DSS applying for benefits to come to DSS on particular days of the week or times of day, must all be modified for people with disabilities when necessary to provide an equal and meaningful opportunity to participate in DSS programs.

Accommodations for family members: 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 her child has an equal and meaningful opportunity to participate in the cash assistance program.

Accommodations for companions: Onondaga County DSS must ensure that communications not only with applicants, 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 work activities: People who interact with DSS may be entitled to a number of different types of accommodations in cash assistance work requirements, including:

Assignment to a particular program, work site, or job appropriate for the individual given her disabilities, as documented.

Part-time activities (less than 30 hours per week) if a person who interacts with DSS 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, modification or rules or procedures, job coaches, tutors, modified training materials), with documentation of need.

Assignment to activities which are not countable towards federal work participation rates (e.g., rehab or therapy for more than 4 consecutive weeks a year)

Exemptions from work activities if the person cannot participate as a result of a disability, even with the accommodations listed above, as documented.

A cash assistance recipient's or applicant's employability plan should contain information about a person's disability-related limitations, the accommodations needed, and whose responsibility it is to ensure that they are provided.

Accommodations needed on an ongoing basis: Many accommodations are needed on an ongoing basis. Once a staff person determines that an accommodation is necessary, she should indicate the need for this accommodation (though not the person's diagnosis) prominently in the case record (VenTek case record or the Non-Client ADA Issue Form - Attachment F) so other staff who interact with the individual are aware of it. Information about an accommodation should be denoted in the 3209 report. In addition, the staff person should take the steps needed 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 person does not have to ask for it each time. For example, a person who is unable to travel for appointments should not receive routine appointment notices requiring the individual must 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, reminder calls about appointments, etc.) Some people who interact with DSS have a relative, friend, advocate, or service provider 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 with 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).

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 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.

X. 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 people who interact with DSS are routine and should be provided as a matter of course.

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 in time 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 a 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.

XI. 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 people who interact with DSS that they have a right to disclose a disability. Workers should also tell people 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 need for an accommodation.

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 she has the means to obtain documentation.

Disability documentation from people who interact with DSS' own providers: Some people who interact with DSS 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.

XII. DSS's obligation to record disability-related information in the case record

Staff must record the following information in the person's case record (i.e., the GCI system, also known as "VenTek"): The flag option is available which is associated with the individual's Client Identification Number ("CIN"). The worker, with the approval of a first level supervisor (Supervisor I) or higher, will flag the a person who interacts with DSS as having an "ADA" issue, then enter the accommodation needed and the date of the narrative which explains the need in more detail. In the narrative portion, the worker is responsible for entering the name of the person'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. DSS must also keep a record of all accommodation requests. If there is no current VenTek record, the worker should complete the form attached as Attachment F (Non-Client ADA Issue Form), and include with the appropriate file record or notes for that interaction. The narrative at the specified date on VenTek or on Attachment F should explain the individual's needs as set forth above.

XIII. 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 a disability before sharing information about a person who interacts with DSS's disability with contractors or other agencies.

XIV. Service animals

A service animal is an animal trained to do work or perform a task for an individual with a disability. Service animals are used by individuals with a wide range of disabilities (both visible and hidden), and perform a wide range of tasks. DSS cannot exclude service animals from its programs, or impose limits on access to programs and services. DSS cannot require documentation that an animal is a service animal. If it is obvious that an animal is a service animal, staff cannot ask questions about the animal of the individual's disability. If it is not obvious that the animal is a service animal, DSS staff may make two inquiries to determine whether an animal qualifies as a service animal.

(1) Is the animal required because of a disability? and

(2) What work or task the animal has been trained to perform?"

The service animal must be on a leash, harness, or tether unless they would interfere with the animal's safe and effective performance of the task, in which case the animal must still be within the owner's control. DSS can exclude animals that are out of control if the individual does not take action to control the animal or the animal is not housebroken, but even when the animal can legitimately be excluded, the individual with a disability must be permitted to participate in the public entity's programs and services without the animal.

XV. Effective telephone and in-person communication with people with hearing impairments

DSS is required to provide effective communication with all individuals with a disability who interact with our Agency or contractors. This includes our communications with applicants, recipients, members of the public, and companions of these individuals. Both in-person and remote (e.g., telephone) communications must be effective. A free sign language interpreter is one (but not the only thing) that DSS must do to meet its obligation to provide effective communication.

Aurora of Central New York (422-2429) is the County's designated provider of sign language interpretation services. Alternative providers are Empire Interpreting Services (472-1383) and Whole Me (468-3275). DSS is required to provide, at no cost to the applicant/recipient, a qualified sign language interpreter for deaf or hard of hearing individuals who need them to communicate effectively about their social services benefits. This includes interpreters for companions of people who interact with DSS who may have a disability. DSS must ensure that communications with people with disabilities, including those with hearing, vision and cognitive impairments is effective. This would include, at minimum, discussions about eligibility for benefits, program rules, a person's rights and responsibilities when interacting with DSS, development of employability plans, a person's disabilities and their effect on the person's ability to comply with work requirements or other program requirements, and/or conciliation meetings. However, DSS cannot require or pressure individuals to use a DSS employee, an applicant's/recipient's friends or family members to interpret.

Children should never be used to interpret or facilitate communication except in an emergency involving an imminent threat to the safety or welfare of the individual or the public where there is no interpreter available.

For re-certifications or other on-going appointments, appropriate sign language arrangements should be made through Aurora or one of the other sign language interpretation services 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 arrange for an interpreter, employees should contact Aurora or one of the other sign language interpretation services listed above. To the maximum extent possible, delays in providing interpreters cannot count against the person who interacts with DSS. 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.

Some individuals with speech and hearing impairments use the following technology/procedures to make and receive phone calls:

TTY (teletext typewriter). If one party to the call does not have a TTY (e.g., DSS), the two parties communicate through a relay operator who has a TTY and can read the TTY text to the party without the TTY and type a response.

Video Relay. The caller uses a video phone (a computer or TV monitor) and uses sign language to communicate.

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 a call to a TTY user. Dial 711 and give the relay operator the phone number you want to call. If one party to the call doesn't 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.

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

To make a call to a video relay user. Dial 711 and give the relay operator the phone number you want to call. If one party to the call doesn't 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.

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

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

XVI. Effective communication for individuals with vision impairments

When providing information in written form, the district must, when requested, make that information available to members of the public, applicants and recipients, or their companions with vision impairments in a format that is usable by the a person who interacts with DSS. In determining what type of auxiliary vision aid is appropriate, primary consideration must be given to the request of the individual with the disability. Therefore, the form of the assistance should be dictated by the person who interacts with DSS whenever possible. Documents may be converted to Braille by contacting Beata Karpinska-Prehn of Arise (671-2929) bkarpinska@ariseinc.org or Sonya Miller of Arise (671-2968, smiller@ariseinc.org). Documents to be converted should be in Word format and can be e-mailed directly to Beata or Sonya. Printed documents may be enlarged, either on a copy machine or computer, for easier reading. Regularly used enlarged documents should be maintained for later use with other visually impaired people who interact with DSS. Additionally, to the extent possible, documents may be put on computer discs or e-mailed to people who interact with DSS in formats that are compatible with assistive technology.

Any final form of converted documents or forms should be sent digitally to the DAC (DSS ADA Coordinator) Paula Mallory Engel (paula.engel@dfa.state.ny.us) for creation of a central repository for the Agency's continued use.

It is expected that line staff can make these and other accommodations without assistance or approval of the supervisor. For more complicated cases or where the a person who interacts with DSS is unsatisfied with the proposed accommodation, the supervisor's role is to offer assistance and ideas to the line worker and a person who interacts with DSS about options that may not have been effectively explored. Files must be documented so that the applicable accommodation may be available for future appointments and necessary auxiliary aides and services can be scheduled in advance of the appointment. Once the supervisor is aware that a particular individual has the need for this reasonable accommodation (i.e., through the VenTek or other flag), the supervisor must ensure that future notices generated from a computer must also be converted once the accommodation has been identified and accepted.

In appropriate cases, oral communication may be used to assist visually impaired people who interact with DSS. However, simply reading documents to people who interact with DSS, without more, may not always provide an effective opportunity to participate. Commonly used important documents (e.g., know-your-rights materials, materials describing DSS programs, appointment notices, adverse action notices, fair hearing notices, etc.) should be converted into alternate forms of communication when necessary.

XVII. Other impairments

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 people who interact with DSS seeking assistance. All interventions should begin with the simple question to the person: what accommodation or assistance does he or she require to fully participate in the DSS program at issue? For individuals who can't read because of cognitive or learning disabilities, applications, rules and other documents may be read to them. For individuals who cannot come to the civic center, some alternative accommodation may be necessary. This could be completing the required task on the phone or by e-mail, allowing someone to act as the person's representative or arranging for someone to take a home application or re-certification.

XVIII. Job seekers

In addition to the other obligations set out in this policy, for adult, cash assistance clients who are enrolled in the JOBSPlus! work and training programs, appropriate work place accommodations must be made to insure the client can participate in the JOBSPlus! program.

In some cases, the proper accommodation is waiving the work experience requirement altogether. In other cases, the accommodation may be to the work experience activity itself, such as part-time work activities, flexible schedules, frequent breaks, or work assignments that are consistent with a disabled individual's limitations. Onondaga County uses the VESID Lives program which, through a contract between OTDA and CNY Services, provides case management for those individuals who are working with VESID in order to get a job. Many of these individuals need accommodations, which VESID arranges, as well as case management to deal with the other aspects of their lives that interfere with getting/keeping a job. JOBSPlus! routinely refers jobseekers to this program and CNY Services outstations staff at this program on a weekly basis. For more information on accommodations for jobseekers, supervisors may contact Janice Mayne at 442-3242.

XIX. Notice of ADA/504 rights

DSS staff must provide applicants, recipients, and members of the public (including companions of these 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/504 Notice of Rights in waiting rooms at DSS and JOBSPlus! and other areas, such as reception areas, frequented by applicants and recipients of Social Services. [see attachment B "**Do you have a disability and need help**" poster] DSS contractors shall be provided copies of notices for their offices and waiting areas. Individual copies of a Notice of Rights flyer must be available at these same locations and copies shall be accessible in baskets, shelves and other locations where a person who interacts with DSS information is displayed [see attachment A "**People with disabilities have rights**" flyer].

XX. Staff training

All staff members that interact with members of the public, including receptionists and security guards employed by DSS must be trained on the ADA and on this policy. This training will be done electronically on an annual basis. It is the responsibility of the ADA Coordinator to ensure that DSS staff members receive this training. In addition live training sessions shall be conducted in cooperation with ARISE on a periodic basis. The training shall include, at minimum, the following topics:

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

XXI. Best Practices

It is the policy of Onondaga County DSS to observe and incorporate best ADA practices both from within and outside the agency whenever possible. The TA intake program on the second floor Civic Center has adapted its procedures to better serve a growing disabled a person who interacts with DSS population. Some of these adaptations include the following:

Assigning a specially trained employee to the reception area to address ADA issues as they arise
Assigning staff to assist disabled individuals in completing the application process where such an accommodation is appropriate

- Creating a separate line and interview booth for disabled applicants who require this accommodation to better access services
- Displaying ADA-related flyers and posters in a manner that makes them easily visible by and accessible to disabled individuals
- Maintaining in the reception area readily available resource information about hearing, vision and language assistance

JOBSPPlus! participated in two OTDA CAMS pilots over the course of several years. The CAMS system (an acronym for "Comprehensive Accommodations, Modifications, and Strategies") was designed to identify what accommodations jobseekers needed and to develop modifications on the job to increase their chances of success. These training materials may be available by contacting Janice Mayne at JOBSPPlus!.

These ideas, to the extent transferable, shall provide the model for other DSS reception areas.

XXII. Disability screening/evaluations of cash assistance applicants and recipients

This provision (XXII) applies only to cash assistance applicants and recipients (hereinafter, "client"). Onondaga County eligibility staff providing cash assistance benefits shall offer the attached screening tool [see Attachment D] to screen all cash assistance applicants 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.

Applicants/recipients shall be informed that they have the right, but not obligation to disclose a disability, including the right to decline screening.

For applicant/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. JOBSPPlus! administrators and staff have been trained in ADA procedures and will be provided additional training as needed.

If a screening or a client's disclosure indicates that 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. If the screening 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. 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, either from a client's treating professional or from DSS's medical provider, must be used in establishing the employment plan. Information from the agency's medical providers may be used as well and may supersede that of the client's treating professional.

If an individual says she has a disability that limits her ability to engage in work activities, she 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 through the VenTek flag system or on Attachment F 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 accommodations that were offered and refused should be offered again as well.

Effective: November, 2011

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 a 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, standing
- Vision, hearing, and speech problems
- Asthma
- Cancer, diabetes, heart problems
- HIV/AIDS
- MS, cerebral palsy, 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 welfare work activities
- An exemption from welfare work activities

To get a reasonable accommodation, ask your worker or the receptionist.
If you ask for an accommodation and don't get it, you can file a grievance with the Onondaga DSS ADA Coordinator:

Paula Mallory Engel, Esq.
Legal Department
Onondaga Department of Social Services
John L. Mulroy Civic Center
412 Montgomery Street – 12th Floor
315-435-2585 x 133
fax - 315-435-2113

You can contact Beata Karpinska-Prehn at ARISE at 635 James St., Syracuse NY 13203-2661, 315- 671-2929, TTY 479-6363 or Sally Johnston at Disabled in Action, 315-410-3317, for help with your grievance.

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
- Learning disabilities

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

- Help you to 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
- Modify program requirements

The Americans with Disabilities Act says that Onondaga DSS must help people with disabilities so they can get benefits for which they qualify. This type of help is called a reasonable accommodation. If you need a reasonable accommodation, tell us.

If you ask for a reasonable accommodation and you don't get it, you can file an ADA grievance right now. (You can ask for a supervisor's help in filling out an ADA grievance form.)

**YOU CAN FILE A GRIEVANCE WITH: ADA COORDINATOR ENGEL
421 Montgomery Street, 12th Floor, Syracuse, NY 13202
315-435-2585 ext. 133 – Fax: 315-435-2113**

Original Date: 11/19/2011
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 OR HUMAN RESOURCES FOR FURTHER RESPONSE.

ADA GRIEVANCE FORM

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

Name <i>(Last, First, M.I.):</i> _____	<input type="checkbox"/> M <input type="checkbox"/> F	DOB: _____
Your DSS status: <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) _____		
Benefit/Service Area That is the Specific Concern:	<input type="checkbox"/> Cash Assistance (TA) <input type="checkbox"/> Food Stamps <input type="checkbox"/> Child Protective <input type="checkbox"/> Day Care <input type="checkbox"/> HEAP <input type="checkbox"/> Medicaid <input type="checkbox"/> Adult Protective <input type="checkbox"/> Legal/Resource <input type="checkbox"/> Fraud <input type="checkbox"/> SST <input type="checkbox"/> Commissioner's Office <input type="checkbox"/> Child Support <input type="checkbox"/> Cashier's	Date that your needs were not met: _____ DSS Employee Name (if known): _____

DISABILITY HISTORY

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

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 section for DSS use only)
Condition	How DSS can help	

ADA Screening Tool

1. Do you have a health, mental health, or learning problem or a disability that makes it difficult for you to work or do DSS work activities?
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?
3. Have you applied for or received SSI or SSD benefits?
4. Do you need help with a substance abuse issue (drugs or alcohol)?
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?

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?

DSS ADA COORDINATOR ("DAC")

Paula Mallory Engel, Esq.
Chief Welfare Attorney

(315) 435-2585 ext. 133

paula.engel@dfa.state.ny.us

PROGRAM ADA COORDINATORS ("PACs")

ADA COMPLIANCE CONTACTS BY DIVISION AREA:

TA INTAKE	FRAN KRIBS	#2700 EXT. 155
TA UNDERCARE	CECELIA CIOCCA	#2700 EXT. 305
FS INTAKE	FRAN KRIBS	#2700 EXT. 155
FS UNDERCARE	CECELIA CIOCCA	#2700 EXT. 305
DAY CARE	ANN RICCIARDIELLO	#5683 EXT. 142
HEAP	MARIE GRACE	#8201
MA COMMUNITY	SHEILA O'CONNOR	#2928 EXT. 125
MA CHRONIC CARE	SHEILA O'CONNOR	#2928 EXT. 125
JOBSPlus!	JANICE MAYNE	#442-3242 EXT. 305
CHILD SUPPORT ENFORCEMENT	DOREEN DUFRESNE	#3792
CHILDREN'S DIVISION – CPS	LESLEE DOUGLAS	#3437
CHILDREN'S DIVISION – NON-CPS	LESLEE DOUGLAS	#3437
ADMINISTRATION/CASHIER'S	ANTHONY MORRIS	#2954
ADULT PROTECTIVE SERVICES	LINDA SHAFFER	#2815 EXT. 203

Original Date:
11/16/2011

Dates Revised:

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

ADA ISSUE FORM

Name (Last, First, M.I.): _____		<input type="checkbox"/> M <input type="checkbox"/> F	DOB: _____
Person's DSS status: <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) _____			
Benefit/Service Area That is the Specific Concern:	<input type="checkbox"/> Cash Assistance (TA) <input type="checkbox"/> Food Stamps <input type="checkbox"/> Child Protective <input type="checkbox"/> Day Care <input type="checkbox"/> HEAP <input type="checkbox"/> Medicaid <input type="checkbox"/> Adult Protective <input type="checkbox"/> Legal/Resource <input type="checkbox"/> Fraud <input type="checkbox"/> SST <input type="checkbox"/> Commissioner's Office <input type="checkbox"/> Child Support <input type="checkbox"/> Cashier's <input type="checkbox"/> Other: _____	Date needs were identified: _____ DSS Employee Name: _____ Person filling out this form	

DISABILITY HISTORY

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

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 section for DSS use only)

Condition	How DSS can help	

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

Type Help	Reason it wasn't helpful	