



GREGORY E. FEICHT  
COMMISSIONER

## SULLIVAN COUNTY DEPARTMENT OF FAMILY SERVICES

HUMAN SERVICES COMPLEX  
P.O. BOX 231, 16 COMMUNITY LANE  
LIBERTY, NY 12754-0231  
TEL. 845-292-0100 FAX 845-292-1320

ROBERT C. KUHN, MPA  
DEPUTY COMMISSIONER

### SULLIVAN DFS POLICY

TO: All DFS Staff  
FROM: Greg Feicht, Commissioner  
RE: Americans With Disabilities Act  
DATE: April 8, 2005

#### AMERICANS with DISABILITIES ACT (ADA)---- DFS Policy

1. The ADA is Public Law 336 of the 101st Congress, enacted July 26, 1990. ADA prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities and transportation. Federal regulation Title II of the ADA covers public entities which include local government and its departments. The Department of Family Services is a covered entity and must comply with all ADA requirements. An overview of these requirements and definitions are listed in the Title II Highlights, a separate document available from your supervisor.

2. More specific requirements for social service agencies are prescribed in the Codes Rules and Regulations of New York State, 18 NYCRR, Part 303. Excerpts from this regulation are as follows:

- (a) No social services district or official shall establish or apply any policy or practice which would have the effect of discriminating against an individual because of race, color, national origin, age, sex, religion or handicap. This prohibition shall apply to all aid, care, services, benefits or privileges provided directly, or indirectly by other agencies, organizations or institutions participating under contractual or other arrangements.
- (b) In the provision of public assistance, child welfare services, other care and services, no social services district or any member of its staff shall, on the basis of race, color, national origin, age, sex, religion or handicap:
  - (1) **deny** an individual any aid, care, services, other benefits or privileges provided by the district;
  - (2) provide any aid, care, services, other benefits or privileges to an individual which are **different**, or are provided in a different manner, from that provided to others;

- (3) subject an individual to **segregation** or separate treatment in any matter related to his receipt of any aid, care, services, other benefits or privileges;
- (4) **restrict** an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any aid, care, services, other benefits or privileges;
- (5) **treat an individual differently** from others in determining whether he satisfies any eligibility or other requirement or condition which individuals must meet in order to receive any aid, care, services, other benefits or privileges;
- (6) **deny** any individual an **opportunity to participate** in a program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee where the primary objective of the program is to provide employment, including a program under which the employment is provided to reduce unemployment);
- (7) **make distinction** in relation to use of physical facilities, intake and application procedures, caseload assignments, determination of the amount and type of aid, care, services and other benefits under the program and use thereof.

(c) No social services district or official shall establish any employment policy or practice which would have the effect of discriminating against an individual because of race, color, national origin, age, sex, religion or handicap.

For purposes of this Part, the term handicap includes being diagnosed as having AIDS, testing positive for HIV infection, or being perceived as susceptible to AIDS or HIV infection. Such persons must be protected from discrimination in accordance with all applicable provisions of this Part. End of Excerpts

3. The DFS ADA contact person who is responsible for social services program access and for the taking and resolution of complaints from applicants/recipients (A/Rs) is Deborah Lyden, Director of Temporary Assistance (TA). If any staff member observes a potential violation of ADA requirements or receives a complaint from an A/R concerning real or perceived denial of access to any of our programs based on discrimination, he (she) will report this event to their Supervisor who, in turn, will notify the TA Director. The Director will determine if all corrective action and/or accommodations have been made to satisfy the complainant. If staff member, complainant, A/R or any individual wishes to continue with an official report/complaint, such report will be submitted on prescribed form, Title II of the ADA/Sec 504 of the Rehab Act of 1973 Discrimination Complaint Form, on file in the Commissioner's office.

4. Reasonable accommodation or alternative method means an adaptation or alteration to our Department's normal process that gives an A/R with disabilities meaningful access to our social service programs. Whether it is an accessibility issue in our buildings or if A/Rs have communications difficulties such as hearing, vision, or speech impairments, all staff must ensure a reasonable accommodation or alternate method is undertaken so as not to exclude individuals with disabilities from services and programs. Under few circumstances, persons with some disabilities gain access to specific services or programs not as a matter of discrimination, but rather as a prescription of appropriateness. Some examples of reasonable accommodations are:

- Relocating a service to an accessible part of the building, e.g., moving a recert interview from the basement to the first floor.
- Providing an aide or personal assistant to enable the A/R to fill out the eligibility application.
- Providing benefits or services at an individual's home, or at an alternative accessible site. Adult Services staff is set up to help perform this function.
- Providing auxiliary aids such as qualified interpreters, readers, videotext displays, taped texts, large print materials or language translation services. (See Supervisor for interpreter or language line translation services.)

Departmental staff should generally consult with their Supervisor about providing reasonable accommodation unless the chosen alternative method is easily accomplished and acceptable. In some cases, A/Rs will request specific accommodation and all staff should do their best to satisfy the client's wishes. It is always this Department's goal to achieve a mutually acceptable accommodation for our clients. If an A/R, who is offered reasonable accommodation, refuses such accommodation, he (she) will be advised that the refusal will jeopardize their receipt of services and could even result in denial. In these circumstances, staff will make every effort to obtain client's signature to a statement acknowledging refusal or make an entry on the application/comment sheet to the same.

The Department and /or any official staff member is not required to take action or to provide auxiliary aids that would result in a fundamental alteration in the nature of our service, program or activity or results in undue financial and administrative burden to the Department. Staff should consult with their Supervisor and/or the chain of command in assisting them to determine appropriate accommodation in difficult situations.

5. Rules of the ADA provide comprehensive civil rights protection for "qualified individuals with disabilities". An individual with a disability is a person who:

- has a physical or mental impairment that substantially limits a "major life activity" such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; **or**
- has a record of such an impairment; **or**
- is regarded as having such an impairment.

Examples of physical or mental impairments include, but are not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. Homosexuality and bisexuality are not physical or mental impairments under the ADA.

6. When any situation concerning ADA occurs that is not covered in this policy, staff should bring their issue to the Supervisor and/or the DFS ADA contact person. As an employee of the DFS and the County of Sullivan, staff can refer to their Employee Handbook concerning personal ADA issues. Staff can also be advised by the County's Assistant Personnel Officer and EEO about any fair/unfair employment practices.

**AMERICANS WITH DISABILITIES ACT (ADA)/LIMITED ENGLISH PROFICIENCY (LEP)**  
**Self-Evaluation Form**

District Sullivan Form completed by: Robert C. Kuhn Phone #: 845 292-0100 et2204  
Date last completed: April 2005

**Access – ADA**

1. Do you have an ADA contact person within DSS who is responsible for social services program access and for the taking and resolution of complaints from applicants/recipients (A/Rs)?  
 X  Yes        No
  
2. If yes to #1, who is your ADA contact? Deborah Lyden , Director of TA  
Please provide the ADA contact's telephone # (845)292-0100 ext 2231.
  
3. a. Has your district done a self-evaluation of program access by A/Rs with disabilities?  
Yes   (Please attach a copy of the report) No  X  not recently
  
- b. Were deficiencies found in the self-evaluation?  
Yes   (go to c.) No   (Go to #4) **Unknown**
  
- c. Were corrective actions taken?  
Yes   (Please attach copy of the corrective action plan) No
  
4. Do you have a written procedure for handling complaints from applicants/recipients who claim to have been denied access to social services programs due to a disability?  
Yes  X  (Please attach copy) No
  
5. Do you provide applicants/recipients (A/Rs) for social services programs with information about the ADA's prohibitions against discrimination?  
Yes  X  (Please attach copy) No   (18 NYCRR, part 303 posted in lobby)
  
6. Reasonable accommodation means an adaptation or alteration that gives an A/R with disabilities meaningful access to social services programs. Do you have written reasonable accommodation procedures?  
Yes  X  (Please attach copy) No   (Upon request, reasonable accommodations made) ?
  
7. Do you have a procedure to insure that the A/R who is offered reasonable accommodation, but refuses, understands the consequences of that refusal?  
Yes  X  (Please attach copy) No   (staff gets A/R's decline in writing)

**Access – General Disabilities**

1. a. Are your facilities accessible to, and usable by, individuals with disabilities?  
Yes  X       No
  
- b. Are your parking areas and sidewalks accessible to, and usable by, individuals with disabilities?  
Yes  X       No

c. Is the entrance wheelchair accessible? Yes  No  (Does not include automatic door opener)

d. Are bathrooms and drinking fountains wheelchair accessible?

Yes  No  (1st Floor only)

e. If the client area is above or below the 1<sup>st</sup> floor, are there elevators?

Yes  No  1<sup>st</sup> floor only  (Elevator old and not hdcp accessible)

f. If No to e., are services available at alternate accessible sites? Yes  No

2. In social services districts with more than one district office, are all district offices accessible according to #1. a – e above.

Yes  No (go to #3)

3. When one or more district office is not handicap accessible, is reasonable accommodation offered?

Yes (attach copy of reasonable accommodation plan, or specify ) \_\_\_\_\_  
 No

4. Do you have procedures for determining when home visits will be provided for A/Rs who are physically or mentally unable to travel to the office/center?

Yes (go to #6)  No (go to #5)

5. If No to #4, what alternate accommodations are provided? \_\_\_\_\_

6. Are the home visit or alternate accommodations procedures in writing?

Yes (please attach a copy – go to #7)  No (go to #7)

7. How is the district's policy regarding home visits or alternate accommodations conveyed to A/Rs?

Through telephonic exchange w/A/Rs or their representatives. (Go to #8)

8. How is the district's policy regarding home visits or alternate accommodations conveyed to the appropriate LDSS staff? **Through routine chain of command communications, staff trainings and meetings. Adult Services staff assists by conducting home visits.**

**Access – Visually/sight Impaired**

1. a. Are there signs in Braille for the visually/sight impaired?

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Men's and Women's rooms
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Room Numbers
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Exits
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Permanent Rooms and Spaces
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Elevators

b. If NO to any of the above, how does the visually impaired person find a necessary location?

Receptionist and/or security staff assists clients

2. Do you have procedures in place for A/Rs who, due to visual impairment, are unable to read the application, information booklets, notices, etc.?

Yes  (Please provide copy) No  (Staff assistance provided upon request of A/R).

**Access – Mental Impairment**

1. Do you have procedures in place to assist a mentally impaired A/R?

Yes  (Please provide copy) No  **Community Services Mental Health department immediately available next door to social services.**

**Access – Hearing Impaired**

1. Do you have procedures in place to assist hearing impaired A/Rs?

Yes  (Please provide copy) No  **(Written instructions offered).**

2. Is a sign-language interpreter provided? Yes  No

3. Does the office/agency have TTY/TTD equipment or New York Relay Services available?

Yes  (Type of Service: \_\_\_\_\_) No

**Access – Limited English Proficiency**

1. Do you have procedures to assist limited or non-English speaking A/Rs?

Yes  (Please provide copy) No  **Language line (telephone) translation services available. Spanish speaking staff available.**

2. Are the following available in other than English language?

Signs Yes  No

Posters Yes  No

Pamphlets Yes  No

Other client handouts: Yes  (Describe: \_\_\_\_\_) No

3. a. Is the "Language Poster" displayed in the waiting area? Yes  No

b. Are the Language palm cards used? Yes  No  **(Do have chart available, however)**



George E. Pataki  
Governor

NEW YORK STATE  
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE  
40 NORTH PEARL STREET  
ALBANY, NY 12243-0001

Robert Doar  
Commissioner

## Informational Letter

### Section 1

<b>Transmittal:</b>	05-INF-10
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Temporary Assistance
<b>Date:</b>	March 11, 2005
<b>Subject:</b>	Temporary Assistance Policy: Questions and Answers from the Spring 2004 Regional Meetings
<b>Suggested Distribution:</b>	Temporary Assistance Directors Medicaid Directors Food Stamp Directors TOP Coordinators Staff Development Coordinators
<b>Contact Person(s):</b>	Temporary Assistance Policy Questions: Bureau of Cash Assistance at 1 800 343-8859 extension 4-9344
<b>Attachments:</b>	Attachment A - Questions and Answers
<b>Attachment Available On – Line:</b>	<input checked="" type="checkbox"/>

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
03 ADM-10		352.29(h); 352.23	131- a(12)(c);131- n(1)(c)		TASB, Chapter 18, Sec. U

### Section 2

#### I. Purpose

This release contains the most recent set of questions and answers on Temporary Assistance (TA) issues that arose as a result of the Spring 2004 TA Regional Meetings.

#### II. Background

The Questions and Answers attached to this document relate only to TA and do not include Questions and Answers from Food Stamps (FS) or the Home Energy Assistance Program (HEAP), although the Division of

Temporary Assistance (DTA) continues to be responsible for all issues and questions relating to TA, FS, and HEAP.

If you have questions regarding this release, please contact the Bureau of Cash Assistance directly at the above-referenced number. Policy issues relating to FS and HEAP should continue to be directed to the appropriate policy team.

### **III. Program Implications**

Medicaid policy may differ from TA policy. Policy and procedures applying to cash programs may not apply to Medicaid. Any questions about Medicaid policy should be referred to the county's Department of Health (DOH) local liaison.

**Issued By:** \_\_\_\_\_  
**Name:** Russell Sykes  
**Title:** Deputy Commissioner  
**Division/Office:** Division of Temporary Assistance