



FAMILY INDEPENDENCE ADMINISTRATION

Seth W. Diamond, Executive Deputy Commissioner



James K. Whelan, Deputy Commissioner
Policy, Procedures and Training

Lisa C. Fitzpatrick, Assistant Deputy Commissioner
Office of Procedures

POLICY BULLETIN #04-154-OPE

DISABILITY RIGHTS NOTICE (FORM EXP-78F)

Date: August 25, 2004	Subtopic(s): Forms
<p> This procedure can now be accessed on the FIAweb.</p> <p> Please use Print on Demand to obtain copies of forms.</p>	<p>This policy bulletin is to inform staff that a new document received from the NYS Department of Labor, the Disability Rights Notice (Form EXP-78F), must now be included in all Public Assistance application and recertification kits.</p> <p>Workers must ask all applicants and participants if they have received a copy of the Disability Rights Notice when discussing the public assistance work requirements during application and recertification interviews. If an applicant/participant has not seen the Disability Rights Notice, Workers should provide a copy to him/her during the interview and inquire as to any questions he/she might have about its contents.</p> <p><i>Effective Immediately</i></p> <p>Attachments:</p> <p>EXP-78F What You Should Know About Your Rights If You Have a Disability (8/25/04)</p> <p>EXP-78F(S) What You Should Know About Your Rights If You Have a Disability (Spanish) (8/25/04)</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 2 at the prompt followed by 765 or
send an e-mail to *FIA Call Center*



What You Should Know About Your Rights If You Have a Disability

If you have a physical or mental health impairment that substantially limits one or more major life activities, have a record of impairment or are regarded as having an impairment, you may have rights under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. These are laws that protect qualified individuals with disabilities. Physical or mental health impairments include, for example, learning disabilities, mental retardation, depression, mobility impairments, and hearing or vision impairments. A qualified individual is a person with a disability who meets the eligibility requirements for receipt of services or participation in programs or activities. If you are a qualified person with a disability:

- Having a disability will not disqualify you from receiving Temporary Assistance;
- You are not required to tell the social services official about your disability and you cannot be required to participate in an evaluation of your disability if you can successfully participate in work activities. However, if it becomes apparent that your disability is a barrier to successful participation, you can be required to cooperate with an evaluation of your disability;
- Any health information you provide to the social services worker will be kept confidential and will be used to determine if you need services and reasonable accommodations to help you participate in work activities.
- You are entitled to individualized treatment and effective and meaningful opportunities to participate in employment programs; and
- You may be required to apply for Supplemental Security Income (SSI).

The social services district will ask you if there is anything, including a physical or mental health impairment that might affect your ability to participate in work activities. If you think you may have a disability and need reasonable accommodations or services to help you participate in work activities, you may let your worker know. Reasonable accommodations may include, for example, reduced or changed work hours, accessible work sites, auxiliary aids, and specialized programs, including rehabilitation.

If you have a disability and you believe that the social services district did not adequately accommodate your disability when it assigned you to a work activity, you may request a conciliation conference with the social services district. You also have the right to request a fair hearing before an administrative law judge if you are not satisfied with the conciliation decision.



Información que Debe Saber Respecto a Los Derechos de Personas Incapacitadas

Si usted padece de un impedimento de salud física o mental que incapacita una o más de sus actividades del diario vivir, si tiene un historial de algún impedimento o si se le considera una persona con impedimentos, puede que tenga derechos bajo la Sección 504 de la Ley de Rehabilitación del 1973 y el Título II de la Ley del 1990 respecto a Norteamericanos Incapacitados. Estas leyes resguardan los derechos de personas incapacitadas que sean elegibles. Dichos impedimentos de salud física o mental pueden abarcar, por ejemplo, incapacidad de aprendizaje, retardo mental, depresión, impedimentos de movilización, e impedimentos visuales o auditivos. Una persona se considera elegible si la misma tiene una incapacidad que la cualifica según los requisitos de elegibilidad para recibir servicios o participar en programas o actividades. Si usted es elegible como persona incapacitada:

- Usted tendrá derecho a recibir Asistencia Temporal a pesar de su incapacidad;
- No tiene que informarle al representante de servicios sociales sobre su incapacidad como tampoco se le puede requerir que participe en una evaluación respecto a dicha incapacidad, si puede ejercer actividades de trabajo adecuadamente. Sin embargo, si se hace obvio que su incapacidad le impide participar plenamente, puede que se le requiera cooperar con una evaluación respecto a la incapacidad;
- Cualquier información que usted proporcione al trabajador de servicios sociales se mantendrá confidencial y la misma se utilizará para determinar si necesita servicios y adaptaciones adecuadas para facilitar su participación en actividades de trabajo;
- Usted tiene derecho a recibir tratamiento personalizado y a que se le otorguen oportunidades aceptables que le permitan participar en programas de empleo; y
- Es posible que se requiera que usted solicite Ingresos de Seguridad Suplemental (Supplemental Security Income – SSI)

El distrito de servicios sociales le preguntará si usted padece de algún impedimento de salud física o mental que pueda afectar su capacidad de participación en actividades de trabajo. Si considera que tiene una incapacidad y necesita que las debidas adaptaciones se implementen o necesita servicios que faciliten su participación en actividades de trabajo, puede dejarle saber a su trabajador. Las debidas adaptaciones pueden abarcar, por ejemplo, cambio o reducción del horario de trabajo, locales de empleo con acceso disponible, asistentes y programas especializados que incluyan rehabilitación.

Si usted padece de una incapacidad y considera que el distrito de servicios sociales no le asignó una actividad de trabajo adecuada conforme a su incapacidad, puede solicitar una conferencia de conciliación con el distrito de servicios sociales. Además, tiene derecho a solicitar una audiencia imparcial ante un juez de ley administrativa si no está de acuerdo con la decisión que se tomó en la conciliación.

(include in PA app/recert kits)