



OFFICE OF POLICY, PROCEDURES, AND TRAINING


James K. Whelan, Executive Deputy Commissioner

Stephen Fisher, Assistant Deputy Commissioner
Office of Procedures

POLICY BULLETIN #16-91-OPE

(This policy bulletin replaces PB #16-42-OPE)

RAFFERTY V. DOAR REASONABLE ACCOMMODATIONS

<p>Date: November 16, 2016</p>	<p>Subtopic(s): Reasonable Accommodations</p>
<p> This procedure can now be accessed on the FIAweb.</p>	<p>The purpose of this policy bulletin is to provide an update of the <i>Rafferty v. Doar</i> class action lawsuit, and the reasonable accommodations to be provided to SNAP applicants/participants who are blind or low vision. This policy bulletin is for all Job Center and Non Cash Assistance Supplemental Nutrition Assistance Program (NCA SNAP) Center staff and is informational for all other staff.</p> <p><i>Rafferty v. Doar</i> is a federal class action lawsuit brought under the Americans with Disabilities Act. The lawsuit alleges that the Human Resources Administration (HRA), the New York State Office of Temporary and Disability Assistance (OTDA), and the New York State Department of Health (SDOH) failed to provide reasonable accommodations for persons who are blind or low vision who applied for, or receive SNAP and/or Medicaid benefits.</p> <p>As part of the Settlement, the Family Independence Administration (FIA) is required to provide various accommodations, including:</p> <ul style="list-style-type: none"> • Providing certain Publications and Instructions in the Primary Alternative Formats (PAF). • Providing certain Publications, Instructions and Client Notices in Braille. • Providing assistance both in-person at SNAP Centers and over the telephone to individuals who are blind or low vision in reading, understanding, and completing documents and notices. <p>Availability of Primary Alternative Formats (PAFs) and Braille</p> <p>HRA must ensure that certain SNAP documents are available in Primary Alternative Formats, such as:</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

Revised

- Large print (18-point font);
- Audio format (refers to audio files containing audio transcriptions of text documents for use with computers or digital audio players whether provided through electronic transmission over the internet or on physical media such as compact discs or other successor technology that may be adopted); and

Revised

- Data format (refers to electronic versions of text documents accessible through the use of assistive screen-reading software whether provided through electronic transmission over the internet or on physical media such as compact discs, or other successor technology).

New

- Braille format is also available to any applicant/participant, upon request, when the applicant/participant indicates that none of the Primary Alternative Formats are effective for them.

The following documents are currently available at SNAP Centers and on the Human Resources Administration (HRA) website in the Primary Alternative Formats:

- **BRC-100** (What You Need to Know About SNAP)
- **BRC-901D** (SNAP Telephone Recertification)
- **BRC-681A** (Are You a Person With a Disability?)
- **W-129G** (SNAP Documentation Guide)

Note: The **BRC-901C** (Recertify By Telephone: IVRS) is currently undergoing revision and will be made available in the Primary Alternative Formats. Staff will be notified when it is available.

Note: The **BRC-681A** is available in the Primary Alternative Formats at all Job Centers and SNAP Centers.

New

The above documents are also available in Braille format at SNAP Centers.

New

Availability of OTDA LDSS Applications, Publications and Instructions in the Primary Alternative Formats and Braille

As part of the stipulation, OTDA has agreed to make the following applications, publications and instructions available in Large Print, audio and data format. Large Print (LP) versions of applications are available in PDF format on OTDA's website at <http://otda.ny.gov/programs/applications/> and are available to print on demand. Audio and Data Formats are also available to be downloaded from OTDA's website and Audio and Data CD's will be

made available in centers.

- **LDSS-2291** Request for Replacement of Food Purchased with Supplemental Nutrition Assistance Program (SNAP) Benefits
- **LDSS-2921** New York State Application for Certain Benefits and Services
- **LDSS-3174** New York State Recertification Form for Certain Benefits and Services
- **LDSS-4148A** What You Should Know About Your Rights and Responsibilities
- **LDSS-4148B** What You Should Know About Social Services Programs
- **LDSS-4148C** What You Should Know If You Have An Emergency
- **LDSS-4826** SNAP Recertification and Application
- **LDSS-4826A** Instructions for Completing the SNAP Recertification and Application
- **LDSS-4942** Supplemental Nutrition Assistance Program (SNAP) Authorized Representative Request Form
- **PUB-1301** Instructions for Completing the Application for Certain Benefits and Services
- **PUB-1313** Instructions for Completing the Recertification for Certain Benefits and Services

OTDA has agreed to produce any applications, publications and client notices in Braille for recipients or applicants who request it and assert that none of the Primary Alternative Formats (18 point font, audio CD, data CD) will be equally effective for them. A supply of Braille applications and publications will be made available at SNAP Centers.

New

Client Notices and Fair Hearing Decisions

Since late June 2016, all OTDA generated notices using the Client Notice System (CNS) include a banner advising notice recipients of the availability of alternative format notices and other written material, and to contact their local social services office for more information. Alternative formats for all communications are available for:

- All notices issued through CNS from a SNAP, MA, PA, or HEAP case types.
- Notices issued by the OTDA outside of CNS.

- Notices pertaining to fair hearings requests and the scheduling thereof issued through the Fair Hearings Information System (FHIS).
- Decisions after fair hearings.
- Notices concerning compliance with decisions after fair hearing issued by OTDA's Office of Administrative Hearings (OAH).
- Reconsiderations of decisions after fair hearing issued by OTDA's OAH.

New

Welfare Management System (WMS) Disability Accommodation Indicator (DAI) Codes

In WMS, two new fields for Disability Accommodation Indicators (DAI) have been created; one at the suffix level and one at the individual level. The individual level DAI field, TAD Item #367 is data enterable in eligibility or at undercare. The suffix level DAI code is not data enterable. There is no limit to the number of individuals that can have a DAI code on a case, i.e., every individual can have a different DAI code. If an individual with a DAI code is the payee or alternate payee, then that person's individual level DAI code will automatically be populated to the corresponding suffix level DAI field. Only when there is a suffix level DAI code present will an alternative format notice be generated.

This new individual level field will be allowed for data entry for all case types.

The field values include:

- V1-Large Print (18 pt.)
- V2-Audio CD
- V3-Data CD
- V4-Braille

The case and individual level DAI codes are viewable on several WMS Inquiry screens including the following:

New

A major initiative in the Rafferty compliance process is the production of certain client specific notices, in Braille, upon request by a client. Since September 2016, clients with a DAI value of "V4" have certain HRA generated forms produced for them in Braille, by Vanguard (our contracted vendor for Rafferty forms production);

- On a semi-monthly basis, HRA MIS will generate a refreshed master file containing the list of clients with a DAI “V4” indicator. MIS will provide this list to designated Operations staff, who will alert MIS if any Rafferty notice is generated for a Braille client.
- MIS will then send the file to Vanguard for notice production in Braille;
- Vanguard will mail the Braille notice to the client. Vanguard will also provide a printed English and Braille document to MIS. MIS will then upload the file on the HRA OneViewer. The notice will be identifiable by the addition of the letters “BR” at the end of the document number. Example: FIA-123(BR).
- The following Rafferty notices will be produced in Braille for clients with a DAI “V4”:
 - W-138Q (Supplemental Nutrition Assistance Program (SNAP) Income Guidelines)
 - FIA-1146-E (Action is required! You must submit documents for your SNAP case)
 - W-119 (Request for Contact on a Supplemental Nutrition Assistance Program (SNAP) Application)
 - W-129RR (Notice of Supplemental Nutrition Assistance Program (SNAP) Recertification Appointment)
 - W-908F (Notice of Rescheduled Supplemental Nutrition Assistance Program (SNAP) Telephone Recertification Interview)
 - FIA-1138 (Do you have documents to submit to the Human Resources Administration (HRA))

The non-alternative format notice received by the applicant/recipient is considered the primary notice. All applications and notices requiring a response must be completed and returned by the applicant/recipient in written, non-alternative formats only.

Providing Assistance in Centers and over the Telephone

Staff must provide the above documents in Primary Alternative Formats, to any SNAP applicant/participant upon request. Staff must be available in Centers and via telephone to assist individuals who are blind or low vision in reading, understanding, and completing forms.

Related Items:

[16-ADM-08](#)

[CD #15-18](#)