



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY DIRECTIVE #03-13- ELI

(This Policy Directive replaces PD #99-09)

THE AMERICANS WITH DISABILITIES ACT (ADA)

Date: March 7, 2003	Subtopic(s): Individuals with Physical and/or Mental Disabilities
AUDIENCE	The instructions in this policy directive are for staff in Job and Non-Public Assistance (NPA) Food Stamp Centers.
POLICY	<p>No qualified individual with a physical or mental disability can be excluded from participation in, denied the services, programs or activities of a public entity, or be subject to discrimination by any public entity. Individuals with physical or mental disabilities are protected by the Americans With Disabilities Act (ADA), the Rehabilitation Act of 1973 and social services regulations.</p> <p>The ADA requires that individuals with disabilities have equal access to public assistance, Food Stamps and Medicaid. Reasonable accommodations must be made at all Job and Non-Public Assistance (NPA) Food Stamp Centers to service those individuals with physical or mental disabilities, unless the accommodation would impose an undue hardship on the operation of the program. Reasonable accommodations include modifications to the program's rules, policies or practices; removal of architectural, communication or transportation barriers; or the provision of auxiliary aids and services.</p>
REQUIRED ACTION	Whenever possible, staff must schedule appointments for applicants/participants requiring special accommodation due to a physical or mental disability, at a time of day which would best prevent undue waiting time and travel during rush hours. In order to avoid conflict in scheduled appointments, staff should ask the applicant/participant if s/he has any scheduled health related appointment prior to scheduling an appointment at the center.

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 212-331-4216 or
send an e-mail to *FIA Call Center*

Distribution: X

Individuals with disabilities may need to reschedule appointments for a number of disability-related reasons. Center staff must reschedule appointments related to such reasons whenever necessary.

Assistance with
Completing Forms

Assistance with filling out the application or other forms, gathering supporting documents and providing home visits are other accommodations that centers must provide to those with physical and/or mental disabilities who need assistance.

Case Record Entries

All requests for reasonable accommodations, and all responses to these requests, must be entered in the case record. Staff must ensure that documentation of the disability is obtained and filed in the case record.

Notices Regarding
ADA Policy

To ensure that applicants and participants with physical or mental disabilities are aware of the Agency's services, the following have been developed:

- A revised brochure (Form **W-681A**) that explains the ways in which the Agency accommodates applicants/participants with mental or physical disabilities. The brochure must be included in all application and recertification kits.
- A revised poster (Form **FIA-6**) advising applicants/participants with physical or mental disabilities to inform their Worker or the Center's Receptionist if, by reason of their disability, the applicant/participant is unable to complete the application or other forms, and/or unable to wait to be interviewed. These posters must be prominently displayed in all waiting areas.
- A revised poster (Form **FIA-5**) for Food Stamp Centers, advising applicants of the nearest Food Stamp Center that provides accessibility for those with mobility impairments, and those who use wheelchairs.

The above revised brochures and posters also provide information about the Human Resources Administration Grievance Procedure for anyone who believes that s/he has been discriminated against based on disability. The brochures and posters will be sent under separate cover.

To comply with all the required actions, Workers at the Job and NPA Food Stamp Centers must proceed as follows:

Job Centers

Receptionist/Case Management Unit (CMU) Worker

- When an individual notifies the Receptionist/CMU Worker that s/he cannot complete the forms because of a disability, the Worker must alert the Director's Designee to assist the applicant/participant. The Worker must also inform the Group Supervisor.
- If an individual notifies the Receptionist/CMU Worker that s/he is unable to wait to be interviewed because of discomfort by reason of his/her disability, the Worker must arrange to accommodate the applicant/participant with an earlier appointment, or request that the Director's Designee arrange for a homebound visit. If, subsequently, the individual is determined to be homebound according to standard procedure, be sure to code him/her as "homebound" in WMS.

Director's Designee

- The Director's Designee at Job Centers is available to assist these applicants/participants in completing forms.
- The Director' Designee is to hand the "Are You Disabled?" (Form **W-681A**) brochure to all individuals who are scheduled for homebound recertification/application interviews, at the point of the interview.

NPA Food Stamp Centers:

Receptionist/Eligibility Specialist (ES)Worker

- When an individual notifies the Receptionist/ES Worker that s/he cannot complete the forms because of a disability, the Worker must alert the Mail Processing Unit (MPU) Worker to assist the applicant/participant.
- If an individual notifies the Receptionist/ES Worker that s/he is unable to wait to be interviewed because of discomfort by reason of his/her disability, the Worker can either arrange to accommodate the applicant/participant with an earlier appointment, or arrange for homebound processing of the application, as follows:
 - Contact an MPU Worker who will provide the individual with all necessary forms that s/he can fill out and mail back to

the NPA Food Stamp Center, along with all appropriate documentation.

- Transfer the case to F-63, Homebound Center, according to standard procedure if the individual is determined to be homebound.
- If a participant calls the NPA Food Stamp Center because s/he is unable, by reason of disability, to keep an in-person recertification appointment, the Worker contacts MPU to arrange for a recertification by mail.

Disability Benefits

Workers must also remember that if an individual is physically or mentally disabled, s/he may be eligible for disability benefits. Investigate this possibility and all other possible resources available to the applicant/participant (e.g., Supplemental Security Income/Social Security Disability).

**Human Resource Administration
Internal Grievance Procedure**

Anyone who believes that he/she has been discriminated against, based on a mental or physical disability in any Human Resource Administration (HRA) program, may file a written complaint. The complaint shall contain information about the alleged discrimination including the name, address and telephone number of the complainant, and location, date and description of the problem. The complaint shall be submitted no later than 60 calendar days after the alleged violation to:

Director, Equal Employment Opportunity (EEO)/Disability Access
and Compliance
180 Water Street, 7th Floor
New York, NY 10038
or
Fax: (212) 331-4332

HRA shall provide assistance in filing the complaint to any person who needs a reasonable accommodation to enable him/her to file the complaint.

**LIMITED ENGLISH
SPEAKING
ABILITY (LESA)
IMPLICATIONS**

For Limited English Speaking Ability (LESA) applicants/participants, make sure to obtain appropriate interpreter services in accordance with Policy Directive 02-43-OPE.

FAIR HEARING IMPLICATIONS

Avoidance/ Resolution

If an applicant's/participant's case has been denied/closed and s/he disagrees with the action taken, the Worker should look at the denial/closing reason and evaluate whether the denial/closing was related to the individual's disability. For example, if the denial/closing reason was for failure to keep an appointment and the applicant/participant is coded as "homebound," the closing/denial may be settled. If review of the case record indicates that the individual is disabled and never coded as homebound, settle the case.

Conferences at the Job Center

If an applicant/participant comes to the Job Center and requests a conference, the Job Center's Receptionist must alert the Fair Hearing and Conference (FH&C) Unit that the applicant/participant is to be seen by a FH&C Supervisor I/Associate Job Opportunity Specialist (AJOS I). The FH&C Supervisor I/AJOS I will listen to and evaluate the individual's denial/closing complaint. After reviewing the case record and discussing the issue with the Job Opportunity Specialist (JOS) Worker, the FH&C Supervisor I/AJOS I will make a decision.

The FH&C Supervisor I/AJOS I is responsible for ensuring that further appeal by the applicant/participant through a Fair Hearing request is properly controlled and that appropriate follow-up is taken in all phases of the Fair Hearing process.

Conferences at the NPA FS Center

If an applicant/participant comes to the Food Stamp Center and requests a conference, the Receptionist must alert the Center Director's Designee that the applicant/participant is to be seen. If the applicant/participant contacts the Eligibility Specialist directly, advise the applicant/participant to call the Center Director's Designee.

The Center Director's Designee will listen to, and evaluate, the applicant's/participant's complaint regarding the action taken on the case. After reviewing the documentation and case record, and discussing the issue with the Group Supervisor/Eligibility Specialist, the Center Director's Designee will make a decision. S/he will decide to either resolve or defend the case, based on all factors and on whether or not the case action was correct.

The Center Director's Designee is responsible for ensuring that further appeal by the applicant/participant, through a Fair Hearing request, is properly controlled, and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

Evidence Packets All complete and relevant evidence packets must include a copy of the denial/closing notice, any relevant documents issued by the Worker (including attempts to make a homebound visit), and any documents presented by the applicant/participant verifying her/his disability.

REFERENCES

N.Y.S. Local Commissioners Memorandum (02 LCM 7)
18 NYCRR 303.1 (a) and (b)
18 NYCRR 303.5
HRA Office of Equal Employment Opportunity Policy

ATTACHMENTS

☞ Forms can now be accessed through Print on Demand at all Job Centers.

W-681A Are You Disabled? (Brochure, rev. 3/7/03)
W-681A (S)

FIA-5 Important Notice to Applicants who have Mobility Impairment or Use Wheelchairs (Poster, rev. 3/7/03)

FIA-5 (S)

FIA-6 Are You Disabled? (Poster, rev. 3/7/03)

FIA-6 (S)

You may still be eligible for certain benefits even if:

- You applied for cash assistance and were found not eligible.
- Your cash assistance was closed.
- You left a Job Center and did not apply for cash assistance.

You may still be eligible for food stamps and/or Medicaid based upon your income and other eligibility factors. Before you leave the Center, be sure to complete your application form and inform the Worker which benefits you are applying for. If you have no food you may be eligible for expedited food stamps. Always be sure to ask for all the benefits you may be eligible for.

HRA Grievance Procedure:

Anyone who believes that he/she has been discriminated against, based on a mental or physical disability in any HRA program, may file a written complaint. The complaint shall contain information about the alleged discrimination including the name, address and telephone number of the complainant, and location, date and description of the problem. The complaint shall be submitted no later than 60 calendar days after the alleged violation to Director, Equal Employment Opportunity (EEO)/ Disability Access and Compliance at 180 Water Street, 7th floor, New York, NY 10038, or fax it to (212) 331-4332.

HRA shall provide assistance in filing the complaint for any reasonable accommodation to enable him/her to file the complaint.



The City of New York
Human Resources Administration

Are You Disabled?

Do you require assistance
with your application?



If you are physically or mentally disabled and as a result you need help in completing your forms or have difficulty waiting to be interviewed, please notify the Receptionist or your Worker.



Service Assistance

The Americans with Disability Act states that no "qualified individual" with a disability can be excluded, by reason of such disability, from programs or activities of public entity.

You are a "qualified individual" with a disability if you meet the essential eligibility requirements of our program with or without reasonable modifications to our rules, policies or practices.

Human Resources Administration (HRA) recognizes its responsibility under the law to make reasonable accommodation to the physical or mental limitation of applicants for social services, including but not limited to cash assistance, medical assistance and/or food stamps.

The Director's Designee in Job Centers and the Mail Processing Unit in the Non-Public Assistance Food Stamp centers (NPA FS), assists applicants and participants when special help is needed in completing forms. See the Receptionist or Worker for more information.

If you feel that your request for assistance based upon your disability has not been addressed, you may contact the Fair Hearing Conference Unit (FH&C) in the Job Center and in the Non-Public Assistance Food Stamp (NPA FS) Centers, you can see the Receptionist and request to speak to the Center Director or his/her designee.



Did You Know?

As a person with a disability, your rights with HRA are protected by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disability Act. These laws define a person with a disability as anyone with a physical or mental disability that substantially impairs or restricts one of the major life activities, such as walking, seeing, hearing, speaking, working, or learning.

A record of such an impairment, or being regarded as a person with such an impairment, is also recognized as a disability under these regulations.

Here is a partial list of disabling conditions:

- Cancer
- Hearing Impairment
- Epilepsy
- AIDS/HIV-related conditions
- High Blood Pressure
- Mental Illness
- Heart Disease
- Cerebral Palsy
- Orthopedic-related conditions
- Speech Impairment
- Visual Impairment

Puede aún tener derecho a algunos beneficios si:

- Ha solicitado ayuda en efectivo y se haya determinado que no es elegible.
- Se discontinuó su ayuda en efectivo.
- Abandonó algún Centro de Empleo y no solicitó ayuda en efectivo.

Puede tener derecho a cupones para alimentos y/o Medicaid basado en sus ingresos y otros factores de elegibilidad. Asegúrese de llenar el formulario de solicitud antes de marcharse del Centro y de informarle al trabajador de cuales son los beneficios que está solicitando. Si no tiene de comer puede tener derecho al trámite agilizado de cupones para alimentos. Asegúrese en todo momento de pedir todos los beneficios a que pueda tener derecho.

Procedimiento de Agravios de la HRA:

Toda persona que se considere haber sido víctima de discriminación a causa de incapacidad física o mental en cualquier programa de la HRA, puede entablar una queja por escrito. Dicha queja debe presentar información sobre la discriminación alegada, e incluir nombre, dirección y número de teléfono del demandante, así como lugar, fecha y reseña del problema. La queja debe ser sometida al Director de Igualdad de Oportunidad de Empleo (Equal Employment Opportunity-EEO)/Cumplimiento y Acceso para Incapacitados (Disability Access and Compliance) al 180 Water Street, 7th floor, NY 10038, o por fax al (212) 331-4332.

La HRA brinda ayuda a las personas incapacitadas haciendo arreglos razonables para que puedan entablar su queja.



Form W-681A (S)
Rev. 3/7/03



The City of New York
Human Resources Administration

¿Está Usted Incapacitado? ¿Necesita ayuda con su solicitud?



Si usted es una persona física o mentalmente incapacitada, y por consiguiente necesita ayuda para llenar los formularios, o si tiene dificultades en conseguir una entrevista, favor de avisar a la Recepcionista o a su Trabajador(a).

Servicios de Ayuda

La Ley de los Norteamericanos Incapacitados estipula que ninguna "persona calificada" debe ser excluida, debido a su incapacidad, de programas y actividades de entidades públicas.

Son personas incapacitadas pero calificadas aquellas que reúnan los requisitos primordiales de nuestro programa, con o sin modificaciones razonables de nuestras reglas, políticas y prácticas.

La Administración de Recursos Humanos (Human Resources Administration - HRA) reconoce su responsabilidad conforme a la ley de hacer los arreglos que puedan facilitarle al solicitante incapacitado física o mentalmente su solicitud de servicios sociales, incluidos la ayuda en efectivo, ayuda médica y/o cupones para alimentos.

La persona designada por el Director en los Centros de Trabajo y la Unidad de Correos en los Centros de Cupones para Alimentos de No Asistencia Pública (Non-Public Assistance Food Stamps - NPA FS) le presta ayuda especial al solicitante y participante quien la necesite para llenar los formularios de solicitud. Para más información comuníquese con la Recepcionista o el Trabajador(a).

Si usted estima que su solicitud de asistencia no ha sido atendida debido a su incapacidad, puede comunicarse con la Unidad de Conferencias y Audiencias Imparciales (Fair Hearing Conference Unit - FH&C) en el Centro de Trabajo y en los Centros de Cupones para Alimentos de No Asistencia Pública. Puede hablar con la Recepcionista y pedir que le atienda el Director del Centro o la persona designada.



¿Sabía Usted?

Como persona incapacitada, sus derechos en la HRA están protegidos bajo la Ley de Rehabilitación de 1973 Sección 504 y la Ley de los Norteamericanos Incapacitados. Dichas leyes definen a la persona incapacitada como toda aquélla con impedimentos físicos o mentales que restrinjan considerablemente cualquiera de las actividades diarias principales como: caminar, ver, oír, hablar, trabajar, o aprender.

Bajo dichas reglas se reconoce también como persona incapacitada a toda aquélla que posea documentación con respecto a su afección, o a la que se le considere incapacitada.

Lo siguiente es un listado parcial de impedimentos:

- Cáncer
- Sordera
- Epilepsia
- VIH/SIDA o afecciones afines
- Presión Sanguínea Alta
- Problemas Mentales
- Problemas Cardíacos
- Parálisis Cerebral
- Afecciones relacionadas con la Ortopedia
- Impedimentos del Habla
- Impedimentos de la Vista



Important Notice to Applicants Who Have Mobility Impairments or Use Wheel Chairs

This Food Stamp Center is not currently accessible to people who use wheelchairs or who have other mobility impairments.

The nearest location accessible to people who have mobility impairments where you can apply for food stamps is:

As an alternative, you may file an application by mail with the Food Stamp Homebound Center (F-63). Call the HRA Infoline at (877) 472-8411, TTY (718) 262-3566 and ask them to mail you an application kit for the homebound.

Human Resources Administration (HRA) Grievance Procedure

Anyone who believes that he/she has been discriminated against, based on a mental or physical disability in any HRA program, may file a written complaint. The complaint shall contain information about the alleged discrimination including the name, address and telephone number of the complainant, and location, date and description of the problem. The complaint shall be submitted no later than 60 calendar days after the alleged violation to Director, Equal Employment Opportunity (EEO)/Disability Access and Compliance at 180 Water Street, 7th floor, New York, NY 10038, or fax it to (212) 331-4332.

HRA shall provide assistance in filing the complaint for any person who needs a reasonable accommodation to enable him/her to file the complaint.





Aviso Importante para los Solicitantes Cuya Movilidad Esté Impedida o Que Usen Sillas de Ruedas

Este Centro de Cupones para Alimentos no es accesible actualmente para personas en sillas de ruedas, o para aquellas cuya movilidad esté impedida.

El Centro accesible más cercano, en el cual las personas con impedimentos de movilidad pueden presentar su solicitud, es:

Como alternativa, usted puede enviar una solicitud por correo al Centro de Cupones de Alimentos de Confinados al Hogar (F-63). Llame a la línea informativa de la HRA al (877) 472-8411, o TTY (718) 262-3566 y pida un paquete de solicitud por correo para los confinados al hogar.

Procedimiento de Agravios de la HRA:

Toda persona que se considere haber sido víctima de discriminación a causa de su incapacidad mental o física en cualquier programa de la HRA, puede entablar una queja por escrito. Dicha queja debe incluir información sobre la discriminación alegada con nombre, dirección y número de teléfono del demandante, así como, lugar, fecha y reseña del problema. La queja debe ser sometida al Director de Igualdad de Oportunidad de Empleo (Equal Employment Opportunity-EEO)/Cumplimiento y Acceso para Incapacitados (Disability Access and Compliance) al 180 Water Street, 7th floor, NY 10038, o por fax al (212) 331-4332.

La HRA brinda ayuda al incapacitado haciendo arreglos razonables que le permitan entablar su queja.



Are You Disabled?



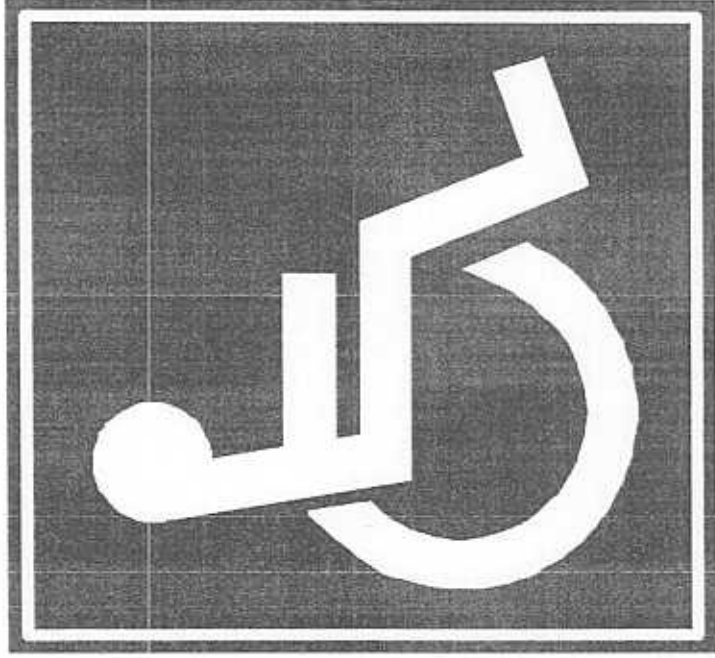
- Do you require assistance with your application?
- If you are physically or mentally disabled and as a result you need help in completing your forms or have difficulty waiting to be interviewed, please notify the Receptionist or your Worker.

Human Resources Administration (HRA) Grievance Procedure

Anyone who believes that he/she has been discriminated against, based on a mental or physical disability in any HRA program, may file a written complaint. The complaint shall contain information about the alleged discrimination including the name, address and telephone number of the complainant, and location, date and description of the problem. The complaint shall be submitted no later than 60 calendar days after the alleged violation to Director, Equal Employment Opportunity (EEO)/Disability Access and Compliance at 180 Water Street, 7th floor, New York, NY 10038, or fax it to (212) 331-4332.

HRA shall provide assistance in filing the complaint to any person who needs a reasonable accommodation to enable him/her to file the complaint.

¿Está Usted Incapacitado?



- ¿Necesita ayuda con respecto a su solicitud?
- Si tiene alguna incapacidad física o mental, y por tanto necesita ayuda para llenar sus solicitudes, o si tiene alguna dificultad en esperar a ser entrevistado, por favor informe a la Recepcionista o a su Trabajador(a).

Procedimiento de Agravios de la Administración de Recursos Humanos (HRA):

Toda persona que se considere haber sido víctima de discriminación a causa de su incapacidad mental o física en cualquier programa de la HRA, puede entablar una queja por escrito. Dicha queja debe incluir información sobre la discriminación alegada con nombre, dirección y número de teléfono del demandante, así como, lugar, fecha y descripción del problema. La queja debe ser sometida al Director de Igualdad de Oportunidad de Empleo (Equal Employment Opportunity-EEO)/Cumplimiento y Acceso para Incapacitados (Disability Access and Compliance) al 180 Water Street, 7th floor, NY 10038, o por fax al (212) 331-4332.

La HRA le brinda ayuda al incapacitado haciendo arreglos razonables que le permitan entablar su queja.