



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY DIRECTIVE #06-04-ELI

(This Policy Directive Replaces PD #03-13-ELI)

THE AMERICANS WITH DISABILITIES ACT (ADA)

Date: February 28, 2006	Subtopic(s): Individuals with Physical and/or Mental Disabilities
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AUDIENCE The instructions in this policy directive are for staff in Job Centers and Non-Public Assistance (NPA) Food Stamp (FS) Offices.

REVISIONS TO PRIOR PROCEDURE

This policy directive has been revised to inform staff of the following changes pertaining to the Human Resources Administration (HRA) internal grievance procedure:

- The section on the internal grievance procedure has been revised.
- The address for submitting a written complaint has been changed.

Other revisions have also been made:

- The Are You Disabled? brochure (**W-681A**) has been revised.
- References to the Important Notice to Applicants Who Have Mobility Impairments or Use Wheel Chairs poster, (**FIA-5**) and (**FIA-5 [S]**), have been deleted because the poster has been obsolete.
- References to the Are You Disabled? poster, (**FIA-6**) and (**FIA-6 [S]**), have been deleted because the poster has been obsolete.

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

POLICY

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 and mental disabilities are protected by the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973 and social services regulations.

The ADA requires that individuals with disabilities have equal access to public assistance, food stamps and Medicaid. Reasonable accommodation must be made at all Job Centers and NPA FS Offices to service individuals with physical or mental disabilities unless the accommodation would impose an undue hardship on the operation of the program. Reasonable accommodation includes modification to the program’s policies or practices, removal of architectural, communication or transportation barriers, and the provision of auxiliary aids and services.

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 applicants/participants if they have any scheduled health-related appointments prior to scheduling an appointment at the Center/Office. Individuals with disabilities may need to reschedule appointments for a number of disability-related reasons. Center/Office staff must reschedule appointments because of 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/Offices must provide to those with physical and/or mental disabilities who need assistance.

Case Record Entries

All requests for reasonable accommodation 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.

Filing a Grievance

The **W-681A**, which explains the ways in which the Agency accommodates applicants/participants with mental and physical disabilities, has been revised to reflect a change in the mailing address for filing a grievance procedure.

Any applicant or participant who believes that s/he has been discriminated against based on a mental or physical disability or denied a reasonable accommodation 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, the location, date, description of the problem and, if applicable, any current medical documentation necessary to support a request for a reasonable accommodation. HRA shall provide assistance to any person with a disability who needs a reasonable accommodation to enable him/her to file a complaint.

The complaint shall be submitted no later than 60 calendar days after the alleged violation to:

New Information

ADA Compliance Officer
 Office of Legal Affairs
 180 Water Street, 17th Floor
 New York, NY 10038
 or
 Fax: (212) 331-4465

The brochure must be included in all application and recertification kits.

Compliance with
 Required Actions

To comply with all the required actions, Workers at Job Centers and NPA FS Offices 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 due to 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 the individual is subsequently determined to be homebound according to standard procedure, be sure to code him/her as homebound in the Welfare Management System (WMS).

Director's Designee

- The Director's Designee at Job Centers is available to assist these applicants/participants in completing forms.
- The Director's Designee is to hand the **W-681A** to all individuals who are scheduled for homebound recertification/application interviews at the time of the interview.

NPA Food Stamp Offices

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 due to 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, which the applicant/participant can fill out and mail back to the NPA FS Office along with all appropriate documentation.
 - Transfer the case to the Homebound Center (F-63) according to standard procedure if the individual is determined to be homebound.
- If a participant calls the NPA FS Office because s/he is unable, due to disability, to keep an in-person recertification appointment, the Worker must contact MPU to arrange for recertification by mail.

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 for the applicant/participant (e.g., Supplemental Security Income/Social Security Disability).

Obsolete Posters

Information contained on the **FIA-6** poster is contained in the **W-681A**, therefore the **FIA-6** and **FIA-6 (S)** have been obsoleted. All Job Centers and NPA FS Offices are now wheelchair accessible; therefore the **FIA-5** and **FIA-5 (S)** have been obsoleted. Center Directors/Site Managers must recycle all copies of the **FIA-5, FIA-5 (S), FIA-6** and **FIA-6 (S)**.

LIMITED ENGLISH SPEAKING ABILITY (LESA) AND HEARING IMPAIRED IMPLICATIONS

For Limited English Speaking Ability (LESA) and hearing impaired applicants/participants, make sure to obtain appropriate interpreter services in accordance with PD #05-37-OPE and PD #05-40-OPE.

PROGRAM IMPLICATIONS

Model Center Implications

The instructions in this policy directive must also be followed by staff in the Customer Service Information Center (CSIC).

Paperless Office System (POS) Implications

There are no POS implications.

FAIR HEARING IMPLICATIONS

Avoidance/Resolution

If an applicant/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 was 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 Receptionist must alert the Fair Hearing and Conference (FH&C) Unit that the applicant/participant is waiting to be seen. The FH&C AJOS/Supervisor I will listen to and evaluate the applicant/participant's complaint.

The FH&C AJOS/Supervisor I will discuss the issue with the Case Management Unit Team Supervisor. The FH&C AJOS/Supervisor I will notify the appropriate Supervisor of his/her decision regarding the applicant/participant's complaint, in accordance with current procedure.

The FH&C AJOS/Supervisor 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 Office

If an applicant/participant comes to the NPA FS Office and requests a conference, the Receptionist must alert the Site Manager.

The Site Manager will listen to and evaluate the applicant/participant's complaint and then make a decision regarding the complaint.

The Site Manager 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.

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

- 18 NYCRR 303.1 (a) and (b)
- 18 NYCRR 303.5
- N.Y.S. Local Commissioners Memorandum (02 LCM 7)

ATTACHMENTS

☞ Please use Print on Demand to obtain copies of forms.

W-681A Are You Disabled? (Rev. 2/28/06)
W-681A (S) Are You Disabled? (Rev. 2/28/06)

Obsolete Posters

FIA-5 Important Notice to Applicants Who Have Mobility Impairments or Use Wheel Chairs
FIA-5 (S) Important Notice to Applicants Who Have Mobility Impairments or Use Wheel Chairs (Spanish)

FIA-6 Are You Disabled?
FIA-6 (S) Are You Disabled? (Spanish)

HRA Grievance Procedure

Any applicant or participant who believes s/he has been discriminated against based on a mental or physical disability or denied a reasonable accommodation in any Human Resources 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, the location, date, description of the problem, and, if applicable, any current medical documentation necessary to support a request for reasonable accommodation. HRA shall provide assistance to any person with a disability who needs a reasonable accommodation to enable him/her to file a complaint. The complaint shall be submitted no later than 60 calendar days after the alleged violation to:

ADA Compliance Officer
Office of Legal Affairs
180 Water Street, 17th Floor
New York, NY 10038
or
Fax: (212) 331-4465



The City of New York
Human Resources Administration

Are You Disabled?

Do you require assistance
with your application or
recertification?



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

Service Assistance

The Americans with Disabilities Act states that no “qualified individual with a disability” can be excluded by reason of such disability from programs or activities of a 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 policies or practices.

The Human Resources Administration (HRA) recognizes its responsibility under the law to make reasonable accommodations to the physical or mental limitations of individuals applying for or in receipt of 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 Non-Public Assistance Food Stamp (NPA FS) Offices will assist applicants and participants when special help is needed.

Home visits may be arranged for homebound individuals who are applying for or in receipt of public assistance. Telephone interviews and, if necessary, mail certifications can be arranged for homebound individuals in receipt of or applying for food stamps. Contact the Receptionist or your Worker for more information.

If you feel that your request for assistance based on your disability has not been addressed, you may contact the Fair Hearing and Conference Unit (FH&C) in a Job Center. In Non-Public Assistance Food Stamp (NPA FS) Offices, you can contact the Receptionist and request to speak to the Office Site Manager 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 Disabilities 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 conditions that may be disabling:

- Cancer
- Hearing impairment
- Epilepsy
- AIDS/HIV-related conditions
- High blood pressure
- Mental illness
- Heart disease
- Cerebral palsy
- Orthopedic-related conditions
- Speech impairment
- Visual impairment

Procedimiento de Agravios de la HRA

Todo solicitante o participante que se considere haber sido víctima de discriminación a causa de una incapacidad física o mental en cualquier programa de la Administración de Recursos Humanos (HRA), puede presentar 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 descripción del problema. Si corresponde, también debe incluir cualquier documentación médica necesaria para justificar la petición de adaptaciones razonables. La HRA le proporcionará asistencia a toda persona con una incapacidad quien necesite adaptaciones razonables para presentar una queja. La queja debe presentarse dentro de 60 días de la discriminación alegada a:

ADA Compliance Officer
Office of Legal Affairs
180 Water Street, 7th Floor
New York, NY 10038

o
Por fax: (212) 331-4465



The City of New York
Human Resources Administration

¿Está Usted Incapacitado?

¿Necesita ayuda

con su solicitud o recertificación?



Si usted es una persona física o mentalmente incapacitada y por consiguiente necesita ayuda para llenar los formularios o si le resulta difícil esperar para su entrevista, favor de avisar en la Recepción o a su Trabajador.

Servicios de Ayuda

La Ley de los Norteamericanos Incapacitados (Americans with Disabilities Act) estipula que ninguna “persona calificada” debe ser excluida, debido a su incapacidad, de programas y actividades de entidades públicas.

Se considera una “persona calificada” toda aquella persona incapacitada que cumple los requisitos de elegibilidad básicos de nuestro programa o las modificaciones razonables de nuestras políticas o 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 las Oficinas de Cupones para Alimentos de No Asistencia Pública (Non-Public Assistance Food Stamps – NPA FS) le prestará ayuda especial al solicitante y participante que la necesite.

Las personas confinadas al hogar que soliciten o reciban asistencia pública pueden ser visitadas al domicilio. A las personas confinadas al hogar que soliciten o reciban cupones para alimentos se les pueden programar entrevistas por teléfono, y si es necesario, enviarles certificaciones por correo. Para más información comuníquese con la Recepción o su Trabajador.

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 and Conference Unit – FH&C) en un Centro de Trabajo. En las Oficinas de Cupones para Alimentos de No Asistencia Pública, puede dirigirse a la Recepción y pedir que le atienda el Gerente de la Oficina o la persona designada.



¿Sabía Usted?

La HRA protege los derechos de las personas incapacitadas conforme a la Ley de Rehabilitación de 1973 Sección 504 y la Ley de los Norteamericanos Incapacitados. Estas 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 aquella que posea documentación con respecto a su padecimiento, o que se le considere incapacitada por dichas reglas.

A continuación aparece una lista parcial de condiciones médicas que pueden causar incapacidad:

- Cáncer
- Sordera
- Epilepsia
- VIH/SIDA o enfermedades relacionadas
- Presión sanguínea alta
- Problemas mentales
- Problemas cardíacos
- Parálisis cerebral
- Enfermedades 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.

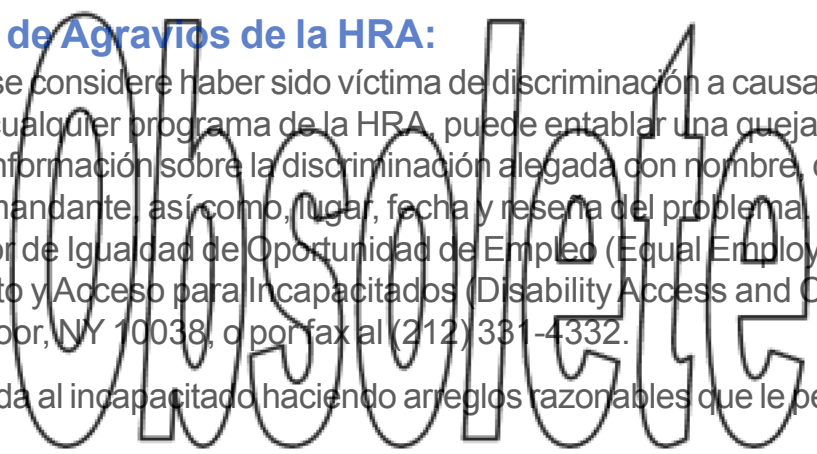
El Centro accesible más cercano, en el cual las personas con impedimentos de movilidad pueden presentar su solicitud, es:

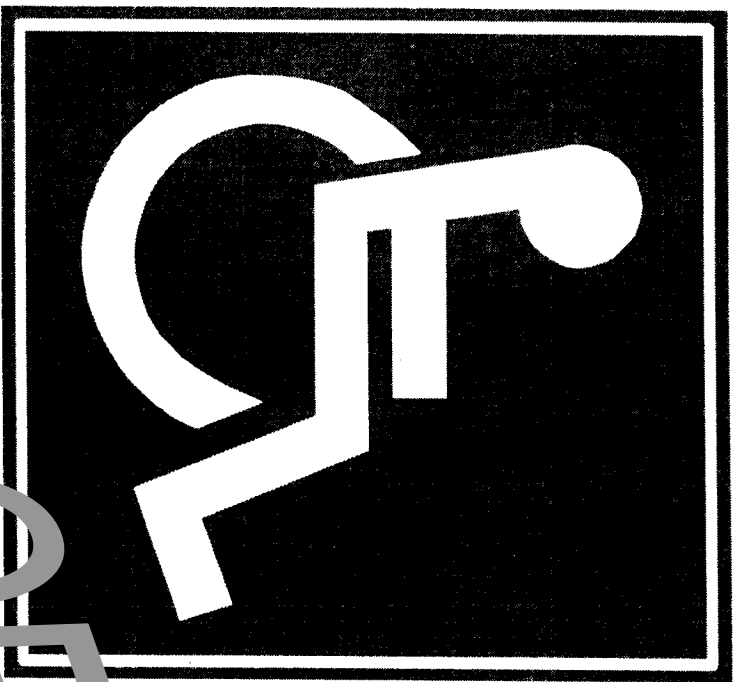
Como alternativa, usted puede enviar una solicitud por correo al Centro de Cupones de Alimentos de Confinados al Hogar (F-63). Llame a la línea informativa de la HRA al (877) 472-8411, o TTY (718) 262-3566 y pida un paquete de solicitud por correo para los confinados al hogar.

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?

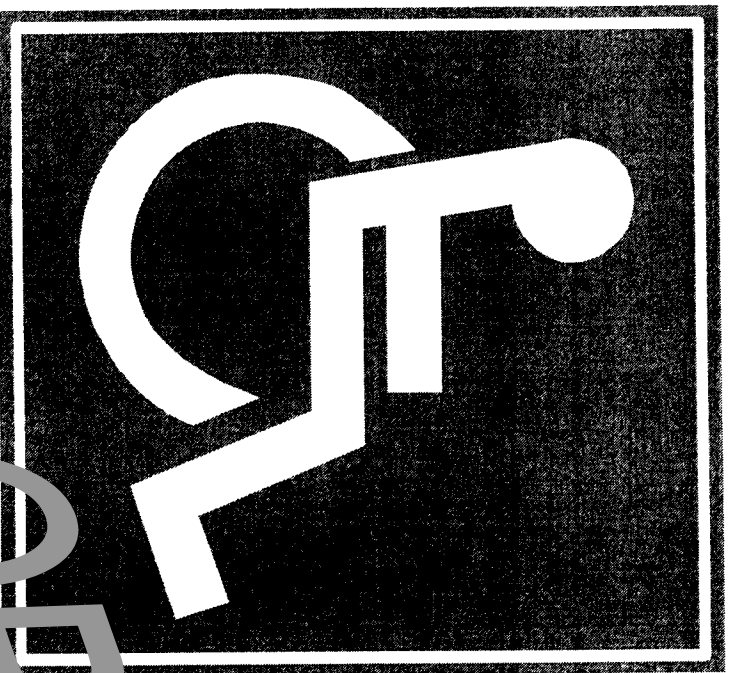
- Do you require assistance with your application?

- 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 supervisor.

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.