

Date: August 23, 2013

DSS Policy No.: 2013-2

To: All Staff

Subject: Americans with Disabilities Act/Section 504: Access to DSS Programs & Services

1. **Purpose:** To establish clear requirements and guidelines regarding delivery of services at DSS to customers with disabilities.

2. **References:**

- Americans with Disabilities Act (ADA)
- Rehabilitation Act, Section 504
- New York State Executive Law, Article 15 (the Human Rights Law)
- 06-ADM-05: Providing Access to Temporary Assistance Programs for Persons with Disabilities and/or Limited English Proficiency (LEP)
- 11-ADM-06: New York State Employment Assessment

3. **Definitions:**

- The term "discrimination" shall include segregation and separation.
- The term "disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.
- "Predisposing genetic characteristic" shall mean any inherited gene or chromosome, or alteration thereof, and determined by a genetic test or inferred from information derived from an individual or family member that is scientifically or medically believed to predispose an individual or the offspring of that individual to a disease or disability, or to be associated with a statistically significant increased risk of development of a physical or mental disease or disability.
- The term "reasonable accommodation" means actions taken which permit an employee, prospective employee or member with a disability to perform in a reasonable manner the activities involved in the job or occupation sought or held and include, but are not limited to, provision of an accessible worksite, acquisition or modification of equipment, support services for persons with impaired hearing or

vision, job restructuring and modified work schedules; provided, however, that such actions do not impose an undue hardship on the business, program or enterprise of the entity from which action is requested.

- The term "guide dog" means any dog that is trained to aid a person who is blind by a recognized guide dog training center or professional guide dog trainer, and is actually used for such purpose.
- The term "hearing dog" means any dog that is trained to aid a person with a hearing impairment by a recognized hearing dog training center or professional hearing dog trainer, and is actually used for such purpose.
- The term "service dog" means any dog that is trained to work or perform specific tasks for the benefit of a person with a disability by a recognized service dog training center or professional service dog trainer, and is actually used for such purpose.

4. Policy: Effective immediately, all DSS staff will adhere to the attached policy in all aspects of service delivery.

Gregg A. Heffner, LCSW-R
Commissioner

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In April 2006, the New York State Office of Temporary and Disability Assistance issued 06-ADM-05, entitled Providing Access to Temporary Assistance Programs for Persons with Disabilities and/or Limited English Proficiency (LEP). This policy is being issued regarding the application of 06-ADM-05 and the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act in connection with Oswego County DSS (hereinafter, the “Department) programs and services.

I. General requirements of the ADA/504

- DSS must provide an equal and meaningful opportunity to all people with disabilities to participate in, and benefit from, DSS programs.
- DSS will not use methods of program administration with a discriminatory effect on people with disabilities.
- DSS will make reasonable accommodations, where necessary, to avoid discrimination.

DSS must at the same time apply state and federal criteria for program eligibility and provide services and programs using finite staffing and fiscal resources. For some programs and services, demand may exceed, or fiscal resources may limit, the department’s ability to provide or continue same, regardless of disability.

II. Who must comply with this policy

The ADA and § 504 of the Rehabilitation Act and this policy apply to all Oswego County DSS programs, including, but not limited to, Family assistance, Safety Net Assistance, Medicaid, Food Stamps, Emergency Assistance Child Care, and Adult, Children and Family Services programs. The policy also applies to Employment & Training programs, Medicaid managed care providers and all other DSS programs provided by contractors. All DSS contracts shall contain a requirement that its contractors and subcontractors shall comply with the provisions of the ADA and § 504 of the Rehabilitation Act. This policy shall be provided to all DSS contractors and subcontractors who are required to be in compliance with the ADA and § 504. Complaints of ADA/504 violations by DSS contractors should be referred to **Marti Babcock, Director of Administrative Services/ADA Coordinator** at 963-5437 or by mailing same to Ms. Babcock at PO Box 1320, 100 Spring Street, Mexico, New York 13114.

III. Who is protected by the ADA and Section 504 of the Rehabilitation Act

The ADA and Section 504 of the Rehabilitation Act apply to all individuals who have a physical or mental impairment which substantially limits a major life activity. This is a very broad definition that covers many individuals, including many people who do not otherwise receive and/or do not qualify for disability benefits (such as SSI or SSD).

Examples of physical impairments: Blindness, low vision, deafness, hearing limitations, arthritis, cerebral palsy, HIV, AIDS, traumatic brain injury, asthma, irritable bowel syndrome, quadriplegia, cancer, diabetes, multiple sclerosis, anatomical loss, alcoholism, past illegal use of drugs are all examples of impairments. This list is meant to be an illustrative list, not a complete list, of physical impairments subject to this policy.

Examples of mental impairments: Clinical depression, bi-polar disorder (manic depression), anxiety disorder, post traumatic stress disorder, learning disabilities (e.g., dyslexia), attention deficit

disorder, mental retardation. This list is meant to be an illustrative list, not a complete list, of mental impairments covered by this policy.

Examples of major life activities: Engaging in manual tasks, walking, standing, lifting, bending, performing manual tasks, speaking, hearing, seeing, breathing, eating, sleeping, taking care of oneself, learning, reading, concentrating, thinking, and working. Major life activities also include major bodily functions such as bladder, bowel, digestive, immune system, cell growth, brain, neurological, circulatory, endocrine, and reproductive functions.

The determination of whether someone has a disability under the ADA is not a searching inquiry: The overriding focus of DSS staff should be on ensuring that individuals have equal and meaningful access to our programs and services, not a detailed analysis as to whether a given individual meets the ADA/504 definition of disability.

DSS applicants, recipients, and members of the public: The ADA and Section 504 protect individuals receiving DSS benefits and services, those applying for benefits and services, and others. For example, an individual with a disability who wants information about DSS programs who has not yet applied for benefits has a right to access that information and a right to reasonable accommodations (see below) to do so. DSS cannot discriminate against family members and others who accompany someone applying for benefits either.

The individual must meet essential program eligibility requirements: If an individual does not meet essential program eligibility requirements (e.g., income, resource, and immigration requirements), it is not discriminatory to exclude the person from a DSS program.

Past history of a disability: The ADA and § 504 also protect individuals with a past history of a disability from discrimination based upon that history.

Regarded as having a disability: The ADA and § 504 protects individuals that DSS staff believe have a disability from discrimination. For example, DSS cannot discriminate against someone based upon a belief that a minor condition is much less limiting than it may actually be. Nor can DSS discriminate against someone because he takes medication, and DSS believes that means he has some type of disability.

IV. ADA/504 Coordinator

The Director of Administrative Services is the ADA Coordinator for Oswego County DSS. It is her responsibility to oversee and monitor ADA/504 compliance, advise staff in accommodating clients, and recommending policy and procedure changes to improve ADA compliance, and take the other actions specified in this policy. The ADA Coordinator has the authority to instruct staff to modify rules and procedures to accommodate individuals with disabilities. The Coordinator is also responsible for investigating and deciding ADA/504 grievances. However, it is each worker's responsibility to comply with the ADA and to provide reasonable accommodations to clients. Department staff does not need the Coordinator's permission to provide routine, obviously reasonable accommodations to clients.

V. ADA/504 grievance procedure

Anyone has a right to file a grievance with Oswego County DSS if the person believes he was denied an accommodation or was discriminated against in another way as a result of a disability. Oswego County DSS has a grievance form that individuals can use to file a grievance [Attachment A], but they are not required to use it. DSS staff must help individuals fill out a grievance form if they

need help as a reasonable accommodation. If a grievance is submitted to a DSS staff person, the staff person must forward it to the ADA/504 Coordinator upon receipt. DSS staff must tell anyone who requested accommodations who are dissatisfied, and anyone who believes he was treated unfairly because of a disability about the right to file a grievance and offer them a grievance form.

Grievances must be filed within 10 calendar days of alleged violation. All grievances received must be investigated and decided within 10 days of receipt. While a grievance is pending, DSS should not reduce the client's benefits, close the client's case, or take other adverse action against the client. If the individual has also requested a fair hearing, the ADA/504 Coordinator must still investigate and decide the grievance. If the grievance is denied, the ADA Coordinator must issue a written denial fully explaining the reason(s) for the denial and provide same via U.S. Mail, or in person, to the individual.

The ADA Coordinator shall submit copies of ADA/504 grievances and decisions on those grievances to OTDA's Bureau of Equal Opportunity Development.

The ADA Coordinator should consider whether one or more grievances on a given issue indicates the need for changes or reviews in Departmental policies and/or practices, or reflect intervening changes in rules, regulations or law and if so, take necessary and appropriate steps to address same including implementing changes in policy or practices.

VI. Physical accessibility

The entrance and public areas of the Mexico DSS building meet requirements for physical accessibility. If a building or part of a building where DSS services are provided becomes physically inaccessible, DSS must ensure that the individual is provided meaningful access to services through other means, by either holding appointments with clients in another office in the building or at a different location, conducting appointments over the phone, allowing an authorized representative to attend the appointment for the individual, or by other means.

VII. No separate programs

People with disabilities cannot be put in separate programs (e.g., separate education and training programs) just because they have disabilities. If a person meets the essential eligibility requirements for a program, he has a right to participate in that program.

VIII. Services must be provided in the most integrated setting

DSS must provide services to people with disabilities in the most integrated setting appropriate to the needs of the person with a disability. For example, accommodations should be made to allow individuals with disabilities to fully participate in group activities with other participants, rather than carrying out those activities individually in another space.

IX. DSS must provide reasonable accommodations to individuals with disabilities

DSS must provide reasonable accommodations without cost or reduction in benefits to individuals with disabilities. A reasonable accommodation is any reasonable change in the way DSS does something for a person with a disability or which allows a person to do something. Clerical and line staff, not just supervisors and administrators, will be trained in the ADA and have authority to make reasonable accommodations as appropriate. Supervisory staff will ensure that all DSS employees understand their obligations to make reasonable accommodations for disabled individuals and to assist staff in resolving complicated situations. Whenever a clerical or line staff employee considers denying a requested accommodation, the decision shall be discussed with a supervisor before

a final determination is made.

Examples of accommodations that may be provided:

- Help with filling out an application for benefits and help with gathering documents showing eligibility for benefits or a disability
- Accommodations in appointments, including scheduling appointments at time of day that will prevent long waits; seeing clients who cannot wait on a priority basis; scheduling appointments so they do not conflict with doctor's appointments, rehabilitation, or therapy; combining appointments to reduce travel; home visits for individuals who have difficulty traveling to DSS or attending appointments at DSS for disability-related reasons; allowing clients to reschedule appointments when a disability prevents attendance.
- Giving a person more time to submit documents or complete other tasks
- Providing additional explanations of forms and program rules when necessary
- Allowing an individual to bring a friend, relative, neighbor, or advocate with them to DSS appointments and during the application process
- With the client's consent, sending copies of notices to a client's friend, relative or neighbor who can remind the client of appointments and/or help the client attend an appointment
- Reading notices and other program materials out loud to the client
- Providing notices, applications, and other program materials in alternative formats (e.g., large print, Braille, audiotape, etc.)
- Modifying welfare to work activities
- Modifying agency policies for people with disabilities when necessary to avoid discrimination (e.g., shelter policies, appointment policies, no-animal policies, policies about how a task must be done)
- Allowing clients with disabilities to communicate with a worker via e-mail or other methods, when needed, for a disability-related reason
- Allowing clients to submit documents by fax when needed for a disability-related reason
- This list is not meant to reflect the only accommodations which may be provided; additional accommodations may be implemented on a case-by-case basis.

Accommodations in program rules: DSS staff must modify rules for people with disabilities when and where reasonable. For example, rules requiring staff to see clients in the order in which they arrive at DSS, rules requiring clients to come to DSS for appointments, and rules requiring clients applying for benefits to come to DSS on particular days of the week or times of day, must all be modified for people with disabilities when necessary to provide an equal and meaningful opportunity to participate in DSS programs. Staff cannot modify rules to the extent that they are contrary to state or federal law or the regulatory requirements of the Department.

Accommodations for family members: In some situations, DSS must accommodate family members with a disability so an individual has meaningful access to the program. For example, if a parent receives SSI and is applying for cash assistance for her child, DSS must accommodate the parent so her child has an equal and meaningful opportunity to participate in the cash assistance program.

Accommodations in work activities: Clients may be entitled to a number of different types of accommodations in cash assistance work requirements, including:

- Assignment to a particular program, work site, or job appropriate for the individual given her disabilities, as documented.
- Part-time activities (less than 30 hours per week) if the client cannot participate full-time because of a disability or disability-related treatment, as documented.
- Accommodations at a job site or education and training program (e.g., equipment, modification or rules or procedures, job coaches, tutors, modified training materials), with documentation of need.
- Assignment to activities that are not countable towards federal work participation rates (e.g., rehab or therapy for more than 4 consecutive weeks a year)
- Exemptions from work activities if the person cannot participate as a result of a disability, even with the accommodations listed above, as documented.

The client's employability plan should contain information about the client's limitations related to a disability, the accommodations needed for a given task or job title, and whose responsibility it will be to ensure that they are provided.

Accommodations needed on an ongoing basis: Many accommodations are needed on an ongoing basis. Once a departmental staff person determines that an accommodation is necessary, he should indicate the need for this accommodation (though not the client's diagnosis) prominently in the case records so other staff who interact with the client are aware of it. In addition, the staff person should take the steps needed to make sure that the accommodation is provided without request in the future (until the client's condition changes or the accommodation is no longer needed), so the client does not have to ask for it each time. For example, a client who needs an interpreter in order to communicate with staff should not have to request the interpreter each time the client has contact with staff. The staff person who first identifies the need for an accommodation should provide information regarding the necessary accommodation to the front desk to be recorded in People Track. Front desk staff will provide that information to any other staff working with the individual in the building.

Using information the agency already has to accommodate clients: The agency should use information it already has about a client (e.g., from past applications or receipt of benefits, and to the extent provided for by law) to offer accommodations to clients even if the client hasn't requested an accommodation.

Accommodations for those with mental health problems and/or cognitive disabilities: Many DSS clients have mental disabilities and need accommodations as a result (such as help filling out an application and getting documents supporting eligibility, help reading documents and notices, additional explanations of program rules, reminder calls about appointments, etc.). Some clients have a relative, friend, advocate, or service provider who can assist them, but many do not. DSS cannot assume that all clients with a cognitive disability or mental health problem have someone to assist them with these tasks.

Accommodating clients based on behavior: Some individuals are not aware that they have disabilities (e.g., mental disabilities) and are therefore unlikely to request reasonable accommodations, even though they need and are entitled to them. Some clients behave in a hostile or disruptive manner because of a disability (e.g., a mental disability). Special attention should be made in offering accommodations while balancing same with staff safety and workplace violence concerns. If there are

any doubts as to how to accomplish this, a supervisor should be consulted.

Outside referrals are not a substitute for DSS providing accommodations on site when possible: Customers with disabilities may need other services (e.g., mental health care) that DSS does not provide. Referring customers to other agencies and services may be appropriate in such instances, but it is not a substitute for providing accommodations at DSS so the customer can obtain DSS services when requested.

Who is responsible for providing reasonable accommodations at DSS? Every worker has a responsibility to provide accommodations. If the worker is not sure if an accommodation is reasonable, the worker should consult with a supervisor or program administrator. However, many accommodations needed by customers are routine and should be provided as a matter of course.

Time frame for providing accommodations: Many accommodations (such as help with completing an application) must be provided on the same day they are requested. Other accommodations should be provided in time to prevent a denial of equal and meaningful access to programs and services. Most accommodations should be provided within 5 days.

DSS cannot require clients to accept an accommodation: Individuals have a right to refuse accommodations. If an individual refuses an offered accommodation and as a result, cannot comply with a program requirement, DSS staff can initiate an adverse action against the individual. Before doing so, however, staff should re-offer the accommodation and inform the individual that an adverse action may be taken if the client is unable to comply with a requirement as a result of refusing the accommodation. DSS staff should document all accommodations offered and refusals of same.

X. Client disclosure of a disability and obligation to document a disability

Disclosure of a disability is voluntary: Workers must tell customers that they have a right to disclose a disability. Workers should also tell customers that they have a right not to disclose a disability, but if they want a reasonable accommodation, they must disclose a disability.

When can DSS require documentation of a disability? If a customer has a disability and asks for accommodation, DSS staff can, in some circumstances, require the customer to submit documents from a doctor or other professional showing the existence of a disability and need for an accommodation.

- If a disability is obvious (e.g., blindness, quadriplegia) DSS staff cannot require documentation of the disability.
- Staff must comply with all applicable state and federal confidentiality laws regarding client's disability-related information. HIPAA rules must be strictly adhered to whenever protected health information (PHI) is collected, maintained or transmitted by the department.
- If an individual needs an accommodation during the application process but does not have documentation of a disability, DSS must accommodate the person and give the individual a reasonable amount of time to get documentation. If an individual needs help in identifying an appropriate professional or making an appointment with the professional, DSS staff must provide this help.
- If an individual needs an accommodation, has no documentation and does not yet have Medicaid coverage or other means to pay for doctor's visits, lab tests, etc., DSS must accommodate the individual until he has the means to obtain documentation.

Disability documentation: Some people have previously diagnosed disabilities and have or can obtain documentation of disabilities from their own treating professionals. Staff must consider and give appropriate weight to these documents.

If a customer discloses a disability that affects his ability to meet program requirements, DSS must give the customer an opportunity to get an evaluation from an appropriate professional. Information obtained from medical evaluations must be used in establishing the employment plan.

If an individual says he has a disability that limits her ability to engage in work activities, he cannot be assigned to a work activity until after the results of the evaluation are available, unless it is an activity that is consistent with the individual's claimed limitations or unless it is an activity in which the individual agrees to participate. Information about an individual's disabilities must be made part of the case file (with the individual's consent) so that appropriate accommodations may be made in all work activities.

If a cash assistance recipient has not disclosed any disability, yet is unable to comply with work activities, DSS staff may offer another opportunity to disclose a need for accommodation prior to taking adverse action against the client. Any reasonable accommodations that were already offered and refused should be offered again as well.

XI. DSS's obligation to record disability-related information in the case record

When an individual has disclosed a disability and requests an accommodation, the employee providing service should, with the individual's consent, document the disability and need for the accommodation prominently in the case record. In addition, the employee should provide information about the individual's on-going need for accommodation to staff at the Front Desk. Front desk staff will record information about the needed accommodation in the People Track system so that staff from any unit meeting on-site with the customer may be notified or reminded of the need at the time of appointment.

If an individual's request for accommodation is denied, the staff person making that decision must e-mail the ADA Coordinator, who will maintain an electronic log of those denials. The e-mail must contain a description of the individual's disability, the type of accommodation requested, and the reason the request was denied.

XII. Confidentiality of disability-related information

Staff must comply with all applicable state and federal confidentiality laws regarding client's disability-related information. HIPAA rules must be strictly adhered to whenever protected health information (PHI) is collected, maintained or transmitted by the department.

At the same time, staff must inform other relevant staff at the agency about an individual's need for an accommodation so they can arrange for and/or provide accommodations. DSS staff must obtain written consent before sharing information about an individual's disability with contractors or other agencies.

XIII. Service animals

DSS cannot exclude individuals requiring guide dogs, hearing dogs or service dogs from its programs, or impose limits on access to programs and services. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. The service

animal must be harnessed, leashed or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must control of the animal at all times through voice, signal, or other effective controls. Individuals with disabilities cannot be required to provide certification proving the animal is a service animal.

If it is obvious that a person has a disability and a service animal has been trained to perform a task for the individual, DSS staff cannot ask about the person's disability or whether the dog is a service animal. If it is not obvious, staff can only ask (1) whether the animal is needed for a disability, and (2) what task or work the animal is trained to perform.

A person with a disability cannot be asked to remove his service animal from the premises unless (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. Allergies and/or fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When there is a legitimate reason to ask that a service animal be removed, staff must offer the opportunity to obtain services without the animal's presence.

XIV. Effective in-person communication with people with hearing impairments

DSS staff will ensure communication with individuals with disabilities is as effective as communications with others. This includes communications with applicants, recipients, members of the public, and companions with disabilities. A "companion" is a family member, friend, or associate of an individual seeking or receiving services or information, if the companion is someone it is appropriate for DSS to communicate with. Aurora of Central New York (422-2429) is a contracted local provider of sign language interpretation services. DSS is required to provide, at no cost, a qualified sign language interpreter for deaf or hard of hearing individuals who need them to communicate effectively about their social services benefits. This would include, at minimum, discussions about eligibility for benefits, program rules, client rights and responsibilities, development of employability plans, clients' disabilities and their effect on the ability to comply with work requirements or other program requirements, and/or conciliation meetings.

ADA regulations prohibit public entities from relying on an accompanying adult to interpret or facilitate communication, except:

- in an emergency involving an imminent threat the safety or welfare of the individual or the public where there is no interpreter available, or
- where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance under the circumstances is appropriate.

A family member or friend is not always an appropriate person to interpret because he lacks sufficient fluency in ASL and/or English, or because the subject matter of the communication makes it inappropriate for the family member or friend to interpret. Minor children should be used to interpret only in emergency circumstances, where there is no interpreter available and immediate communication is needed to prevent physical harm to the disabled individual and/or public.

For re-certifications or other on-going appointments, the staff member conducting the appointment must make appropriate sign language arrangements through Aurora or one of the other sign language interpretation services prior to the appointment.

If the deaf or hearing impaired individual can read and write English sufficiently well, DSS staff are permitted to write notes to communicate with the person, but only for brief, simple interactions (such as making an appointment with the agency or submitting a document).

To arrange for an interpreter, employees should contact Aurora or one of the other sign language interpretation services at the phone numbers listed above. To the extent possible, delays in providing interpreters cannot count against the client. When an appointment is rescheduled for a person with a disability because reasonable accommodations cannot be made on the date the application is filed or the date an attempt is made to file an application, the delay does not affect the application filing date or any other dates relevant to processing of applications. DSS must also address emergency/immediate needs such as impending homelessness, emergency food needs or utility shut-offs of such applicants.

XV. Effective phone communication with people with hearing impairments

Some individuals with speech and hearing impairments use the following technology/procedures to make and receive phone calls.

- TTY (teletext typewriter) : If one party to the call doesn't have a TTY (e.g., DSS), the two parties communicate through a relay operator, who has a TTY and can read the TTY text to the party without the TTY and type responses.
 - To make a call to a TTY user. Dial 711 and give the relay operator the phone number you want to call. The relay operator will type your message into the TTY and transmit it to the TTY user. The TTY user can then reply to the operator, who will read the response to you.
 - To receive a call from a TTY user. Just answer the call and communicate through the relay operator.
- Video relay: The caller uses a video phone (a computer or TV monitor) and uses sign language to communicate. If one party to the call doesn't have video relay equipment, the two parties communicate through a video relay operator who uses American Sign Language to facilitate communication between the deaf and hearing person.
 - To make a call to a video relay user: Dial the number given by the client.
 - To receive a call from a video relay user: Pay attention to the number of the message. The number may be the client's direct number or it may be the number of a relay operator. If the client uses voice or video relay, you may need to call a relay operator and give the operator the number.
- Speech to speech relay: Specially trained relay operators serve as the voice of the person with a speech disability that may be difficult to understand.

XVI. Effective communication for individuals with vision impairments

In appropriate cases, oral communication may be used to assist visually impaired individuals. However, simply reading documents to an individual, without more, may not always provide an effective opportunity to participate. Commonly used important documents (e.g., know-your-rights materials, materials describing DSS programs, appointment notices, adverse action notices, fair hearing notices, etc.) should be converted into alternate forms of communication when necessary.

When providing information and materials in written form, the district must provide them in alternative formats that are accessible to individuals who are blind and those with vision impairments.

Materials must be provided in alternative formats for applicants, recipients, members of the public and companions. Examples of alternative formats include Braille, large print, computer disc in a format that can be accessed by an individual with a computer using assistive technology (such as a screen reader), audiotape, or other formats. Staff should contact the **Director of Administrative Services/ADA Coordinator** for assistance with assessing how best to meet individual needs for materials in alternative format.

The employee working with the customer must document in the case record any accommodation provided so that it may be available for future appointments and necessary auxiliary aides and services can be scheduled in advance of the appointment.

XVII. Other impairments

Because disabilities come in a variety of forms and are unique to the individual, it is not possible to describe the specific accommodations that will apply to all individuals seeking assistance. All interventions should begin with the simple question to the individual of what accommodation or assistance they require to fully participate in the DSS program at issue. DSS must provide reasonable accommodation wherever needed for an individual to have meaningful access our programs and services. As needed, employees should seek guidance from supervisors regarding accommodation.

XVIII. Notice of ADA/504 rights

DSS staff must provide applicants, recipients, and members of the public with information about the ADA and Section 504. DSS staff must prominently display a large scale version of the ADA/504 Notice of Rights in waiting rooms at DSS and other areas, such as reception areas, frequented by applicants and recipients of Social Services (see attachment B -Notice of Rights). DSS contractors shall be provided copies of notices for their offices and waiting areas. Individual copies of a Notice of Rights flyer must be available at these same locations and copies shall be accessible in baskets, shelves and other locations where client information is displayed.

XIX. Disability disclosure by cash assistance applicants and recipients over age 18

Applicants and recipients over age 18 shall be informed that they have the right but not the obligation to disclose a disability. Staff will use the NYS Employment Assessment (LDSS 4980) to screen for disabilities. Unless an obvious disability is noted, any client that refuses screening or declines to disclose a disability will be assigned to participate in work activities without accommodation. If the client says he has a disability that limits his ability to engage in work activities, he cannot be assigned to a work activity until after the results of the evaluation are available unless it is an activity that is consistent with the individual's claimed limitations.

If a cash assistance recipient has refused to be screened for disabilities and is unable to comply with work activities, the employment unit will offer the client an opportunity to be screened again through the conciliation process prior to taking adverse action against the client.

XX. Staff training

All staff that interacts with the public, including clerical staff employed by DSS must be trained on the ADA and on this policy. This training will be done either electronically or in live training sessions. It is the responsibility of the ADA Coordinator to ensure that DSS staff receives this training. The training shall include, at minimum, the following topics:

1. General information about Title II of the ADA
2. Detailed information about the Oswego County DSS ADA policy
3. Information about waiting room and reception area procedures

GRIEVANCE FORM
Americans with Disabilities Act (ADA)

All individuals who have a physical or mental impairment that substantially limits a major life activity are covered by the ADA and Section 504 of the Rehabilitation Act. Please be as specific as you can so we can address your grievance.

Name: _____

Address: _____

Phone: _____

E-mail Address: _____

Date of incident: _____

Staff member(if known): _____

What did you request that would help you access our services?

How did DSS staff fail to help you meet your needs so that you could access services?

(cont. on back)

Signature

Date

Please return this form/information to:

MARTI BABCOCK
ADA COMPLIANCE OFFICER
OSWEGO COUNTY DSS
100 SPRING STREET, PO BOX 1320
MEXICO, NY 13114
(315) 963-5437
Fax: (315) 963-5477
E-mail: martib@oswegocounty.com

(Internal Use Only)

Steps taken to investigate this grievance:

- Intereview relevant DSS staff: _____ Date: _____ Time: _____
- Interview grievant: Date: _____ Time: _____
- Review client case record/people track – notes: _____
- _____
- Other – explain: _____

Decision on grievance: _____

Grievant notified (denials must be in writing): Date: _____ Time: _____

Phone Fax In person Letter E-mail

Accommodation given/other action taken: _____

Date: _____

People with disabilities have rights!

Did you know?

If you have a disability or limitation that makes it hard for you to do the things we ask you to do, please tell us. Examples of disabilities or limitations are:

- Depression or other mental health problems
- Problems with learning or memory
- Problems walking, sitting, standing
- Vision, hearing, and speech problems

You have a right to a reasonable accommodation. Some examples may include:

- Help from DSS with filling out an application and getting documents
- Change an appointment
- A meeting space at DSS that fits a wheelchair or other equipment
- Information in alternative formats, e.g. large print
- A sign language interpreter

The Americans with Disabilities Act says that Oswego DSS must help people with disabilities so they can get benefits. This type of help is called a reasonable accommodation. If you need a reasonable accommodation, tell us.

If you ask for a reasonable accommodation and you don't get it, you can file an ADA grievance with:

Marti Babcock
 ADA Compliance Officer
 Oswego County DSS
 100 Spring Street, PO Box 1320
 Mexico, NY 13114
 Voice: (315) 963-5437
 TTY: (315) 953-5055

OR Office for Civil Rights
 US Department of Health & Human Services
 Jacob Javits Federal Building
 26 Federal Plaza, Suite 3312
 New York, NY 10278
 Voice: (212) 264-3313
 TDD: (212) 264-2355