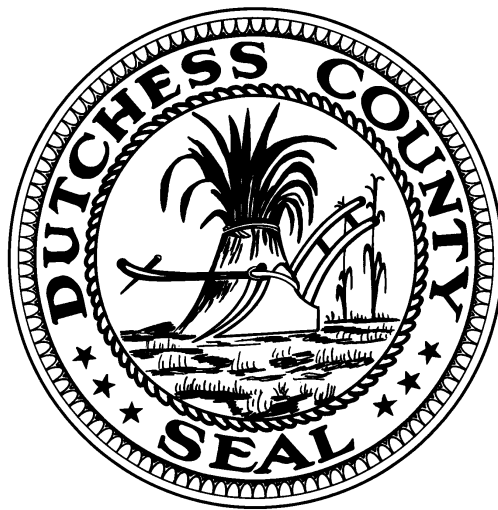


**Section 504 of the Rehabilitation Act  
and  
Americans with Disabilities Act (ADA)  
Policy**



**Dutchess County  
Department of Community and Family  
Services (DCFS)**

**Sabrina Jaar Marzouka JD MPH  
Commissioner**

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## **I. Purpose**

This policy has been developed to implement the requirements of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 and NYS OTDA ADM 06-ADM-05 which ensure that applicants and recipients of Childcare, Food Stamps, HEAP, Medicaid and Temporary Assistance programs have equal access to all benefits, programs and services for which they are eligible, including those offered by other agencies operating on behalf of the Department.

## **II. General Requirements of the ADA/Section 504**

DCFS must provide an equal and meaningful opportunity to all people so they may participate in and benefit from DCFS programs.

DCFS cannot use methods of program administration with a discriminatory effect on people with disabilities.

DCFS make reasonable accommodations when necessary to avoid discrimination and to provide equal opportunities for access to programs, services and benefits.

The specific actions that must be taken by staff to meet these requirements are discussed below.

This means the Department must make a wide range of accommodations for people with disabilities in DCFS program requirements, including accommodations in appointments, help with gathering documents, providing materials in alternative formats, allowing clients to do things in a different way, relocating appointments, home visits, helping people with disabilities to navigate the application and recertification process, etc.

## **III. Who Must Comply with This Policy**

This policy applies to **all** DCFS programs, including but not limited to Family Assistance, Safety Net Assistance, Medicaid, Food Stamps, Emergency Assistance, shelter, child care, and Children and Family Services programs. The policy also applies to DCFS programs provided by contractors, such as employment services and preventive services contractors.

## **IV. Who is protected by the ADA/Section 504**

The ADA and Section 504 apply to all individuals who have a physical or mental impairment that substantially limits a major life activity. This is a very broad definition that covers many individuals, including many people who do not receive and 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, high blood pressure, asthma, irritable bowel syndrome, quadriplegia, cancer, diabetes, multiple sclerosis, anatomical loss, and are examples of impairments. This is not a complete list of physical impairments.

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 is not a complete list of mental impairments.

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.

Illegal use of drugs and the ADA: Individuals currently engaged in the illegal use of drugs are not protected by the ADA when DCFS acts on the basis of that drug use. People who are participating in drug treatment and individuals who have successfully completed treatment are protected by the ADA if they are not currently engaged in illegal drug use. People wrongly believed to be engaging in illegal drug use are protected by the ADA.

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

DCFS applicants, recipients, and members of the public: The ADA and Section 504 protect individuals receiving DCFS benefits and services, those applying for benefits and services, and others. For example, an individual with a disability who wants information about DCFS 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. Family members and others who accompany someone applying for benefits cannot be discriminated against by DCFS.

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 DCFS program.

Past history of a disability: The ADA/504 also protects those with a past history of a disability from discrimination based on that history. A person may have had a "past" disability that no longer exists (e.g., a heart defect that was surgically corrected), so the

person is not disabled currently. Section 28 CFR Part 35.104 defines “Disability” to include a record of such an impairment; and that the phrase “has a record of such an impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.”

As an example, employment services contractors cannot refuse to place a cash assistance recipient in a job placement that involves working with children because the individual received treatment for a mental health problem in the past. Nor can an employment services contractor deny an individual a work placement because the individual has a past history of substance abuse.

Regarded as having a disability: The ADA/504 protects individuals who DCFS staff believe have a disability from discrimination. For example, DCFS cannot discriminate against someone based on a belief that a minor condition is much more limiting than it is. Nor can DCFS discriminate against someone because he or she takes medication, and DCFS believes that means he or she has some type of disability.

## **V. ADA/Section 504 Coordinator**

Mary O’Connell, EEO/Human Rights Officer, Dutchess County Department of Human Resources, Extension 2172 is the ADA Coordinator for Dutchess County. It is her responsibility to oversee and monitor ADA/504 compliance, advising 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 accommodations to clients. Staff do not need the Coordinator’s permission to provide routine, obviously reasonable accommodations to clients.

## **VI. Physical accessibility**

If a building or part of a building where DCFS services are provided is not physically accessible, DCFS must ensure that the individual is provided meaningful access to services as well as necessities such as restrooms, water fountains, etc. in other ways. Such access may be provided by holding appointments with clients in another office in the building or at a different location, holding an appointment at the client’s home, conducting appointments over the phone, allowing an authorized representative to attend the appointment for the individual, or by other means.

## **VII. No separate programs**

Programs and services should be provided to all applicants/recipients in the same manner or location, unless separate or different measures are necessary to ensure equal opportunities for individuals with disabilities. Programs that provide special benefits to

people with disabilities are permitted but people with disabilities cannot be compelled to participate in those programs.

### **VIII. Services must be provided in the most integrated setting**

When providing services to people with disabilities DCFS must give priority to providing them in the most integrated setting appropriate to the needs of the person with a disability. For example, if a reduction in Medicaid home care services to an individual would require the individual to move to a nursing home, the reduction violates the ADA/504.

### **IX. Reasonable accommodations to individuals with disabilities**

DCFS must provide reasonable accommodations to individuals with disabilities, however, providing reasonable accommodations cannot conflict with or does not alter the essential program eligibility requirements. A reasonable accommodation is any reasonable change in the way DCFS does something for a person with a disability or allows a person to do something. The offer of accommodation and/or any intervention attempt(s) must be documented before DCFS may take an adverse case action.

#### Examples of routine accommodations that must be provided:

- Help with a 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, rehab, or therapy; combining appointments to reduce travel; home visits for individuals who have difficulty traveling to DCFS or attending appointments at DCFS 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 notices, applications, and other program materials in alternative formats (e.g., large print, Braille, audiotape, etc.)
- Providing additional explanations of forms and program rules.
- Allowing an individual to bring a friend, relative, neighbor, or advocate with them to DCFS 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 to the client.
- Listening more carefully and taking more time that is necessary with individuals who have difficulty communicating because of a speech impairment so they can be understood
- Allowing clients to submit documents by fax when needed for a disability-related reason
- Allowing clients with disabilities to communicate with a worker by email or other methods when needed for a disability-related reason

Examples of other accommodations that must be provided:

- Modifying welfare work activities (discussed below)
- 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)

Accommodations in program rules: Rules must be modified for people with disabilities when reasonable. For example, rules requiring staff to see clients in the order in which they arrive at DCFS, rules requiring clients to come to DCFS for appointments, and rules requiring clients applying for benefits to come to DCFS 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 DCFS programs.

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

Accommodations in work activities: Determining an individual to be exempt from participation in work activities is not, in and of itself, a reasonable accommodation. The determination must be made consistent with the requirements in SSL 332-b and 18 NYCRR 385.2. If an individual indicates he/she is unable to participate due to a disability, the individual must provide documentation to support the claim and DCFS must determine the individual's ability to participate based on the medical evidence. DCFS may not assume that an individual with a disability is unable to participate fully in work activities solely by the fact that the individual has a disability. The medical documentation must describe the individual's abilities and limitation and DCFS must then determine whether the individual is unable to

participate in any capacity (exempt), able to participate in a limited way if provided with reasonable accommodations (work limited), or fully able to participate and may or may not require reasonable accommodations. 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 his/her disabilities
- Part-time activities (less than 30 hours per week) if the client cannot participate full-time because of a disability or disability-related treatment
- Accommodations at a job site or education and training program (e.g., equipment, modification or rules or procedures, job coaches, tutors, modified training materials)
- 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

The client's employability plan should contain information about the client's disability-related limitations, the accommodations needed, and whose responsibility it is to ensure that they are provided.

Accommodations needed on an ongoing basis: Many accommodations are needed on an ongoing basis. Once a staff person determines that an accommodation is necessary, he/she should indicate the need for this accommodation (though not the client's diagnosis) prominently in the case record so other staff who interact with the client are aware of it. In addition, the staff person must 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 is unable to travel to DCFS for appointments should not receive routine appointment notices requiring the client to go to appointments at DCFS.

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) 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 DCFS 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. DCFS cannot assume that all clients with a cognitive disability or mental health problem have someone to assist them.

Accommodating clients based on behavior: Some clients 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). When a client is acting this way, the agency should always consider the possibility that the client has a disability and offer accommodations to the client even if the client hasn't requested them.

Clients should not be referred to other agencies as an accommodation: Applicants and recipients with disabilities may need other services (e.g., mental health care) that DCFS does not provide. Referring clients to other agencies and services may be appropriate in such instances, but it is not a substitute for providing accommodations at DCFS so the applicant/recipient can obtain DCFS services.

## **X. Who is responsible for providing reasonable accommodations at DCFS**

Every worker has a responsibility to provide accommodations. If the worker is not sure if an accommodation is reasonable, the worker should consult with Theresa Giovanniello, the ADA Coordinator. However, many accommodations needed by clients are routine and should be provided as a matter of course.

Accommodations by contractors: DCFS must ensure that DCFS contractors provide accommodations to DCFS clients with disabilities. Staff should not assume that contractors have done so unless and until they follow up with the client and/or contractor.

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 but emergency/immediate needs be addressed as may be appropriate to the case. Also, the filing or application date is protected when an appointment is rescheduled for a person with a disability because reasonable accommodations cannot be made on the original date of contact

DCFS 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, DCFS staff can initiate an adverse

action against the client. Before doing so, however, staff should re-offer the accommodation and inform the client that an adverse action may be taken if the client is unable to comply with a requirement as a result of refusing the accommodation. In cases in which the refusal to accept reasonable accommodations may result from the person's inability to recognize or acknowledge the existence of his/her disability, the worker may need to seek involvement from a mental health professional or other qualified staff if the applicant/recipient does not appear to understand the consequences (such as denial of benefits or sanction) of his/her action when he/she refuses to make use of the reasonable accommodation.

The worker should consider referral to Adult Protective Services or other resources or services that may be of assistance to such persons. In such cases, the refusal of the reasonable accommodation and/or any intervention attempt(s) must be documented before the worker takes case action.

## **XI. Client disclosure of a disability and obligation to document a disability**

Disclosure of a disability is voluntary: Receptionists and workers must tell clients that they have a right to disclose a disability and they have a right not to disclose a disability. Further, Receptionists and workers must use behavioral observations or historical data known to the agency to help identify those clients who may not be able to self-disclose existing physical or mental disabilities. If those conditions constitute a disability, the worker must then offer reasonable accommodations/modifications in policies, practices, and procedures to make benefits, programs or services accessible for those persons.

When can DCFS require documentation of a disability? If a client has a disability and asks for accommodation, DCFS staff can, in some circumstances, require the client 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, mental retardation) DCFS staff cannot require documentation of the disability.
- If an individual needs an accommodation during the application process but does not have documentation of a disability, DCFS must accommodate the person and give the individual a reasonable amount of time to get documentation.
- 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., DCFS must accommodate the individual until he /she has the means to obtain documentation

Disability documentation from clients' own providers: Some clients 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.

## **XII. Obligation to record disability accommodation-related information in the case record**

Staff must use the Disability Accommodation Worksheet [Appendix A] to record the following information in the client's case record: the type of accommodation requested, whether the request was granted or denied, the accommodation offered by the Department and whether the client chose to accept or not accept the accommodation/s. If an accommodation is denied the reason must be stated on the Worksheet. A copy of this form must be given to the client and a copy must be retained in the case record.

## **XIII. Confidentiality of disability-related information**

DCFS Staff must comply with all applicable confidentiality laws regarding client's disability-related information. At the same time, staff must inform relevant staff at the agency about an individual's need for an accommodation so they can arrange for and/or provide accommodations. DCFS staff must get client consent before sharing information about client's disability with contractors or other agencies. Further, staff must share only the limitation (i.e. can't climb stairs) and the accommodation required, not the nature of a disability with individuals providing client services who do not need to know the nature of the disability.

## **XIV. Disability screening of cash assistance recipients**

At the time of an Employability Assessment DCFS Staff must complete the Welfare to Work Case Management System Assessment asking cash assistance recipients the questions in the Health Review and Education sections so they can determine whether the individual has a disability that affects the ability to engage in work activities, the type and amount of work activities the individual can engage in, and the accommodations needed to engage in those activities. Individuals must be informed that they have a right not to answer the disability-related questions, and Staff must also explain the reasons they may want to answer those questions. For example, if the individual is unable to engage in work activities, unable to engage full-time, or need accommodations in work activities, answering the questions will provide information needed by DCFS to decide what activity is appropriate and what accommodations are needed.

If the client discloses a physical, mental, or learning disability, the client must be given an opportunity to submit documentation of the disability to DCFS. DCFS staff must help the client to get these documents if help is needed because of a disability.

Information obtained from screening and a professional evaluation, and from the client's own treating professional, must be used and incorporated into the drafting the employment plan.

If an individual says he/she has a disability that limits his/her ability to engage in work activities, he/she 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.

Information about a client's disabilities obtained by an employment services contractor must be shared with the DCFS worker (with the client's consent) so that appropriate accommodations may be made by the employment services contractor, work placement, and DCFS.

If a cash assistance recipient has refused to be screened for disabilities and is unable to comply with work activities, DCFS staff should offer the client an opportunity to be screened again prior to taking adverse action against the client. Any reasonable accommodations that were offered and refused should be offered again as well.

## **XV. Service Animals**

DCFS cannot exclude service animals from its programs, or impose limits on access to programs and services. A service animal is any dog trained to perform a task for an individual with a disability, including individuals with vision impairments, hearing impairments, manual impairments, seizure disorders, balance problems, mental health problems, and other impairments. As an alternative to dogs, subject to certain limitations trained miniature horses may also be used. The service animal need not have a harness or be trained by a professional trainer, and individuals with disabilities cannot be required to provide certification proving the animal is a service animal. More specific procedures that DCFS Staff must follow when an individual has a service animal are outlined in Appendix C.

## **XVI. Effective communication with people with disabilities**

DCFS staff must ensure that communication with people with disabilities, including those with hearing, vision and cognitive impairments, is effective. DCFS must provide all individuals with a Request for Communication Assistance Form [Appendix B], which can be used to record information on what auxiliary aids and services may be needed. This also includes an obligation to provide effective communication to companions who are individuals with disabilities. The term "companion" means a family member, friend, or associate with whom the public entity or private business would typically communicate.

Effective in-person communication with people with speech and hearing impairments: If an applicant or recipient has a hearing impairment and uses American Sign Language, DCFS must provide a qualified interpreter free of charge for in-person substantive appointments and other significant interactions with the agency (e.g. eligibility

interviews, disability evaluations, employability plan development, conciliation). DCFS staff cannot require, pressure, or encourage individuals to use an applicant/recipient's friends or family members to interpret, though individuals have a right to have a friend or relative interpret if they prefer that option. Minor children shall not be used to interpret.

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

Dutchess County DCFS has a contract with Taconic Resources for Independence, Inc. for American Sign Language/English Interpreting services. To arrange for an interpreter through this contract DCFS staff should **call the Department's Principal Program Assistant, currently Annmarie Thomas, at 486-3030** as soon as staff is aware that an individual is in need of this service because it may take a few hours to arrange. For scheduled appointments, staff must call to arrange an interpreter 10 days in advance. For walk-ins and emergencies, staff must call the Principal Program Assistant and explain that Emergency Services are needed. Staff should make an interpreter available within two (2) hours or less. To the maximum extent possible, delays in providing interpreters cannot count against the client. For example, if Taconic Resources, Inc, cannot come on the day an individual comes to DCFS to apply for benefits, the application filing date should be the day the person first came to DCFS to apply.

Effective telephone communication with people with disabilities: Some individuals with disabilities use a TTY (teletext typewriter) to call DCFS. The TTY telephone number is 845-486-3019. The DCFS TTY is located on the 4th floor of 60 Market Street in Room 4426. The instructions for operating are posted by the TTY. The Principal Program Assistant, currently Annmarie Thomas, who sits in the office where the TTY is located is responsible for answering this device when it rings and checking for TTY messages every morning and afternoon. Messages for workers left on the TTY must be returned within one business day.

All staff with client contact must know how to use the TTY to make outgoing calls to clients who have TTYs.

Many deaf and hard of hearing individuals, as well as those with disabilities that affect their speech use **relay services** to make and receive calls. Video relay involves use of a computer or TV monitor so a deaf caller and interpreter at a remote location can communicate; call is placed by the interpreter, who use speech to communicate with DCFS. Speech to speech relay uses an operator who knows speech patterns and can interpret speech of a person with a disability who may be difficult to understand. There are other types of relay services. DCFS staff must accept calls from relay operators and communicate with operators and communicate with applicants, recipients, and members of the public through relay operators. Staff cannot require release forms prior to communicating with clients through relay operators.

Effective communication for individuals with vision impairments: When DCFS provides information in a written paper form, it must provide it in an alternative format (e.g., large print, Braille, CD) to individuals with hearing impairments who request materials in alternative formats. There is no single format that is effective for everyone with disabilities, or everyone with vision impairments. The alternative format used must be one that is effective for the individual, though it need not be the person's first choice. To arrange to have materials put into alternative formats, contact Lizabeth Piraino at 486-3020.

Other equipment or devices: There are many auxiliary aids and services available that are used by people with disabilities, including qualified readers, taped texts, etc.

## **XVII. Notice of ADA/504 Rights**

DCFS staff must provide all applicants, recipients, and members of the public with information about the ADA and Section 504. DCFS staff must provide an ADA/504 Notice of Rights pamphlet [Attachment D], to all applicants, at recertification, and copies must be available in waiting rooms and included in application/recertification packets. Staff must also verbally explain the information in the pamphlet to all applicants and recipients. In addition, a poster [Attachment E] must be posted in DCFS waiting rooms, and in waiting rooms of DCFS employment services contractors and other contractors serving DCFS clients.

## **XVIII. ADA/Section 504 Grievance Procedure**

Anyone has a right to file a grievance with Dutchess County DCFS if the person believes he/she was denied an accommodation or was discriminated against in another way as a result of a disability. Dutchess County DCFS has a Grievance Procedure [Attachment F] and a form [Attachment G] that individuals can use to file a grievance, but they are not required to use it. DCFS staff must help individuals fill out a grievance form if they need help as a reasonable accommodation. If a grievance is submitted to a DCFS staff person, the staff person must forward it the same day it is received to the ADA/504 Coordinator. DCFS staff must tell anyone who requested accommodations who are dissatisfied, and anyone who believes he or she was treated unfairly because of a disability about the right to file a grievance and offer them a grievance form.

Grievances must be investigated and decided within 7 calendar days. While a grievance is pending, DCFS 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 explaining the reason for the denial.

The ADA Coordinator should consider whether one or more grievances on an issue indicates the need for changes in policies or practices, and if so, take steps to obtain these changes.

## **XIX. Staff Training**

All staff that interacts with clients, including receptionists and security guards employed by DCFS and DCFS contractors, must be trained on the ADA and on this policy. This training will be held at least annually. It is the responsibility of the ADA Coordinator to ensure that DCFS staff and contractor staff receive this training.

## Appendix A

# Disability Accommodation Worksheet

- KNOWN DISABILITY: Disability apparent to worker through disclosure or observation:**  
Applicant/Recipient suffers from a potential disability which they disclosed to the worker or is apparent upon observation or historical data in the case record.
- For instance, an Applicant/Recipient appears to be have a conversation with someone other than the worker but fails to disclose a mental illness
  - For instance, an Applicant/Recipient has no apparent disability but alerts the worker to the fact that they have lupus, which causes them chronic pain and fatigue.
- UNKNOWN DISABILITY: Disability Discovered after negative action taken:**  
Applicant/Recipient suffers from a potential disability that is not apparent and which the AIR did not disclose to the Agency. Worker learns of disability only after negative action has been taken on the case.

**Documentation**

*Documentation **cannot** be required when the disability is apparent through observation, historical data, or other means .Documentation can be required by the Department when the disability is not apparent, but is disclosed by the Applicant/Recipient or a third party.*

Does the Applicant/Recipient need an accommodation?  Yes  No

Accommodation(s) Requested by Applicant/Recipient (if available, attach copy of Request for Communication Assistance: \_\_\_\_\_  
\_\_\_\_\_

Date of Request: \_\_\_\_\_

Approved  Denied Date of Approval/ Denial: \_\_\_\_\_

Reason for Denial: \_\_\_\_\_  
\_\_\_\_\_

Accommodation(s) Offered by Department: \_\_\_\_\_  
\_\_\_\_\_

Date of Offer: \_\_\_\_\_

**I have been offered appropriate Auxiliary aids at no charge and**

I have chosen not to accept these aids.

I have chosen to accept these aides

Reason for Rejection: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Worker Signature

\_\_\_\_\_  
Supervisor's Signature (if negative action)



## Appendix B

### REQUEST FOR COMMUNICATION ASSISTANCE

Do you require special assistance to complete your interview, the application process or in meetings with Department staff?  YES, please describe what you need below  NO

I am requesting the following service (Please check the type of service/s requested):

- Speech and hearing auxiliary aids/services. What is your preferred method of communication?
- |   |  |
|---|--|
| <input type="checkbox"/> Qualified sign language or interpreter | <input type="checkbox"/> Telephones compatible with hearing aids |
| <input type="checkbox"/> Note taker                             | <input type="checkbox"/> Closed caption decoders                 |
| <input type="checkbox"/> Computer- aided transcription services | <input type="checkbox"/> Open and closed captioning              |
| <input type="checkbox"/> Written materials                      | <input type="checkbox"/> TTY/TDD                                 |
| <input type="checkbox"/> Telephone handset amplifiers           | <input type="checkbox"/> Videotext displays                      |
| <input type="checkbox"/> Assertive listening systems            | <input type="checkbox"/> Video interpreting services             |
| <input type="checkbox"/> Speech synthesizer                     | <input type="checkbox"/> Other methods                           |

Comments: \_\_\_\_\_

- Visual auxiliary aids/services.
- |  |   |
|--|---|
| <input type="checkbox"/> Oral directions/read written instructions | <input type="checkbox"/> Audio recordings             |
| <input type="checkbox"/> Qualified Reader                          | <input type="checkbox"/> Large print materials        |
| <input type="checkbox"/> Taped texts                               | <input type="checkbox"/> Brailled materials           |
|  | <input type="checkbox"/> Assistance in locating items |

- The services of a foreign language Interpreter. Language requested: \_\_\_\_\_
- Other: \_\_\_\_\_

I understand that the assistance requested will be provided free of charge.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

PROGRAM AREA:  Temporary Assistance  Food Stamps  Medicaid  HEAP  Other

*If you feel that your rights under the Americans With Disabilities Act have not been adequately addressed, please contact our ADA Coordinator, Ms. Mary O'Connell, Department of Human Resources, 22 Market Street, Poughkeepsie, NY 12601 Phone: 845-486-2174.*

Client Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **Appendix C**

# **Service Animals for People with Disabilities Procedures**

## **I. Introduction**

Dutchess County Department of Community and Family Services is committed to making reasonable modifications to its policies, practices, and procedures to permit the use of service animals by its clients with disabilities. Service animals play an important role in ensuring the independence of people with disabilities, and it is therefore our policy to welcome into our Department any animal that is individually trained to assist a person with a disability.

## **II. Service Animal Definition**

Service animals are individually trained to work or perform tasks for individuals with disabilities. Service animals are defined as dogs, or trained miniature horses as alternatives to dogs, subject to certain limitations. Service animals come in all breeds and sizes, may be trained either by an organization or by an individual with a disability, and need not be certified or licensed. Service animals do not always have a harness, a sign, or a symbol indicating that they are service animals. A service animal is not a pet. Service animals assist people with disabilities in many different ways, such as:

- Guiding people who are blind or have low vision and retrieving dropped objects for them;
- Alerting people who are deaf or hard of hearing to sounds and the presence of others;
- Carrying and picking up items, opening doors, or flipping switches for people with disabilities who have limited use of hands or arms, limited use of their legs, or limited ability to bend or stoop;
- Pulling wheelchairs;
- Alerting people with disabilities to the onset of medical conditions such as seizures, protecting them and cushioning them if they fall and reviving them.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication or waking him up, helping people with traumatic brain injury to locate misplaced items, or follow daily routines.
- Providing physical support and assisting people with physical disabilities with stability and balance

## **III. Procedures**

### **Reception Responsibilities**

Reception staff are responsible for determining if an animal is a service animal. Most of the time, people with disabilities who use service animals may be easily identified without any need for questioning. If you can tell by looking, you should not make the individual feel unwelcome by asking questions. If you are unsure whether an animal meets the definition of a service animal, one receptionist and, where necessary, the Reception Supervisor may ask two questions:

***Is this a service animal required because of a disability?***

***What work or task the animal has been trained to perform?***

If the individual says yes or otherwise explains that the animal is required because of a disability, you should welcome the person and service animal into the building. Do not ask any further questions about the individual or his or her service animal. You may not ask the individual questions about his or her disability. You may not ask the individual to show a license, certification, or a special ID card as proof of their animal's training. You must permit service animals to accompany individuals with disabilities to all areas of the Department normally used by other clients.

**All Employees' Responsibilities Regarding Service Animals**

Once an individual with a service animal has passed Reception and entered the rest of the building, no employee may ask the individual any further questions about his or her service animal. You must permit service animals to accompany individuals with disabilities to all areas of the building normally used by clients. Treat individuals with service animals with the same courtesy and respect that the Department affords to all of our clients.

Service animals are not pets. Do not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal. If you have a concern about an animal in the building, contact your Program Director/Manager. Only a Program Director can make the decision to exclude a service animal, except in the unusual circumstance where a service animal's behavior requires immediate action to prevent imminent injury to others and there is not enough time to contact a Program Director.

**Director Responsibilities**

In the event that a particular service animal's vicious behavior poses a direct threat to the health or safety of others, the service animal is acting out of control and the owner does not take action to correct its behavior, or in the unlikely event that the Department can demonstrate that a particular service animal's conduct fundamentally alters the nature of the department's business, the Department has the right to exclude the animal from the building at that time. Barking alone is not a direct threat. In addition, a direct threat does not exist if the service animal's owner takes prompt, effective action to control the animal. Moreover, the Department will not exclude a particular service animal based on past experience with other animals or based on fear that is not related to a service animal's actual behavior. Each situation will be considered individually. In the event the Department excludes a service animal, it may not refuse service to the individual with a disability when he or she is not accompanied by that particular service animal.

**Questions/Inquiries/Complaints**

Individuals can make complaints about the improper treatment of individuals with service animals by calling 845-486-2174. People with disabilities have the right to be accompanied by service animals in the Department under the Americans with Disabilities Act, and the Department considers interference with or denial of this right to be a serious violation of County policy. The Department will promptly investigate all complaints raising this issue and will take appropriate disciplinary action when employees fail to comply with this policy.

## Appendix D

# Complaints and Grievances

Complaints that a program, service, or activity of the Dutchess County Community and Family Services is not accessible to and usable by persons with disabilities *should be sent in writing to:*

**Mary O'Connell**

**EEO/Human Rights Officer  
ADA/Section 504 Coordinator**

**Dutchess County  
Department of Human Resources**

**22 Market Street  
Poughkeepsie, NY 12601**



# Additional Resources

The Dutchess County Department of Community and Family Services provides a full Notification and Grievance Policy for consumers who are applying for or receiving services from this agency. For a complete list of available policies and procedures, please ask your worker. This information is also available on the County website under the Department of Community and Family Services section:  
[www.dutchessny.gov](http://www.dutchessny.gov)

Additional information regarding the Americans with Disabilities Act can be found on the internet:

# Office Locations

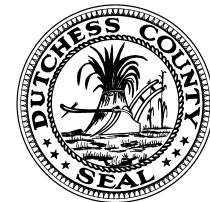
## Community and Family Services Main Office

60 Market Street  
Poughkeepsie, NY 12601  
845-486-3000

## Eastern Dutchess Government Center

131 County House Road  
Millbrook, NY 12545  
845-677-5532

# Dutchess County Department of Community and Family Services



**Marcus J. Molinaro  
County Executive**

**Sabrina Jaar Marzouka  
JD MPH  
DCFS Commissioner**

**AMERICANS WITH  
DISABILITIES ACT**

**CONSUMER  
INFORMATION**

## Americans with Disabilities Act

The ADA requires that state and local governments be accessible to and usable by people with disabilities. Accessibility is not just physical access. It requires that the Department of Community and Family Services look at how programs, services, and activities are delivered.

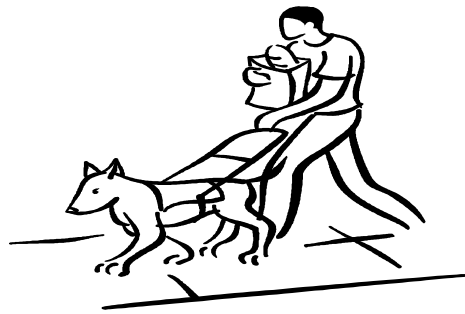
Consumers who are applying for, or are in need of services offered through this Department are protected by the Americans with Disabilities Act. If you believe you are a person who is entitled to reasonable accommodations under the ADA, please ask for this assistance when applying or receiving services from the Department of Community and Family Services. You can ask the receptionist, any worker or supervisor you have contact with or Theresa Giovanniello, the Department's ADA Coordinator.



## Who is Covered?

The ADA defines disability as a mental or physical impairment that substantially limits one or more major life activities.

If you or a person you represent has a disability, please request reasonable accommodations from the Department of Community and Family Services. Some examples of these accommodations can be found listed to the right.



## Reasonable Accommodations

Reasonable accommodations may include: ***Effective Communication which means providing appropriate aids and services for persons with disabilities so they can participate equally in the Department's programs, services, and activities:***

Some examples,

- Qualified sign language interpreters,
- Providing notices, applications, and other program materials in alternative formats (e.g., large print, Braille, audiotape, etc.),
- Allowing clients with disabilities to communicate with a worker by email, fax or other methods when needed for a disability-related reason.

***Modifications to Policies and Procedures to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities***

Some examples,

- Help with a filling out an application for benefits and help with gathering documents showing eligibility for benefits or a disability.
- Consumers who cannot travel to an office to complete an application may receive a home visit if they qualify for reasonable accommodations due to a disability.
- Individuals with service animals are welcomed in offices, even where pets are generally prohibited.

## Appendix E



### Dutchess County Department of Community and Family Services

#### Notice of Special Rights of Applicants or Recipients

#### Who are Disabled or Who Have Limited Proficiency in the English Language

##### FEDERAL LAW PROTECTS PEOPLE WITH DISABILITIES

*The Americans with Disabilities Act (ADA) says that Dutchess County must help people with disabilities so they can get benefits. This type of help is called reasonable accommodation.*

**If you have a disability that makes it harder to do the things we ask you to do or you have limited English language proficiency, please tell us.**

A disability is any physical or mental condition that makes it difficult to do daily activities or health problem including:

- Diseases (for example, diabetes, epilepsy, heart disease)
- Limited ability to walk, stand bend or lift
- Vision , hearing or speech problems
- Breathing problems,
- Depression or other mental health problems
- Developmental disabilities
- Learning disabilities

You do not have to tell us about any disability you have if you do not want to.

If you tell us you have a disability or you have limited English proficiency we can help you in a number of ways. For example:

- You can get assistance in filling out forms.
- If you can't read the forms, they will be read to you.
- If you can't write, someone will write down your answers.
- If you don't understand a form or a letter we send you, ask about it and it will be explained to you.
- We can call or visit you if you cannot come to our office.
- We can help you get documents you need to qualify for benefits.
- We can change program requirements.
- We can refer you to other services you need.
- You can have an individual assessment of your disability or special needs.
- If you can't speak or read English, you are entitled to help in your own language.

#### **RIGHT TO FILE GRIEVANCE:**

If you ask for a reasonable accommodation or help because you have limited proficiency in the English Language and you don't get it, you can file a grievance with the Dutchess County Department of Human Resources EEO/Human Rights Officer, Mary O'Connell, at 845-486-2174. Ask the ADA Coordinator, the Receptionist or your worker for an ADA/LEP Grievance form.

## Appendix F

# Americans with Disabilities Act/Section 504 ADA Grievance/Discrimination Complaint Procedures

### I. Purpose

This complaint procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Dutchess County Department of Community and Family Services (DCFS). Dutchess County's Personnel Policy governs employment-related complaints of disability discrimination.

### II. Procedure

Anyone has a right to file a grievance with Dutchess County DCFS if the person believes he or she was denied an accommodation or was discriminated against in another way as a result of a disability. DCFS staff must help individuals fill out a grievance form if they need help as a reasonable accommodation. If a grievance is submitted to a DCFS staff person, the staff person must forward it the same day it is received to the ADA/504 Coordinator. DCFS staff must tell anyone who requested accommodations who are dissatisfied, and anyone who believes he or she was treated unfairly because of a disability about the right to file a grievance and offer them a grievance form.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. DCFS provides a form which can be used for this purpose. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Mary O'Connell, EEO/Human Rights Officer/ADA Coordinator**  
**Dutchess County Department of Human Resources**  
**22 Market Street**  
**Poughkeepsie, NY 12601**

Within 3 calendar days after receipt of the complaint, the ADA/504 Coordinator or designee will meet with the complainant to discuss the complaint and the possible resolutions. The ADA/504 Coordinator or designee will explain the complaint procedures and timetable and give the complainant the Grievance Form to complete if it has not been previously submitted. The Coordinator will Inform the complainant of other alternative complaint procedures that may be applicable and he/she may choose to pursue alternatively or concurrently with the internal complaint procedure:

- NYS Division of Human Rights - Written complaint must be filed within 365 days of alleged discriminatory act or omission
- US Equal Employment Opportunity Commission - Written complaint must be filed within 300 days of alleged discriminatory act or omission

- U.S. Department of Health and Human Services, Office of Civil Rights - Written complaint must be filed within 180 days of alleged discriminatory act or omission

Dutchess County's internal complaint process continues if the complainant files with any external agency with concurrent jurisdiction over the subject matter of the complaint. The Coordinator will investigate the complaint, reviewing relevant records and documentation. If requested by complainant, the Coordinator will assist in efforts for conciliation or informal settlement of the complaint. When indicated, the Coordinator will confer with the County Attorney's Office concerning the feasibility and legality of any remedies that may be contemplated for recommendation to the Commissioner for the resolution of cases where the complainant's allegations have been substantiated by the investigation.

Within 4 calendar days of the meeting, the ADA/504 Coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Dutchess County Department of Community and Family Services and offer options for substantive resolution of the complaint.

If the response by the ADA/504 Coordinator or designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Dutchess County Department of Human Resources Commissioner or his designee.

Within 3 calendar days after receipt of the appeal, the Dutchess County Department of Human Resources Commissioner or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 4 calendar days after the meeting, the Dutchess County Department of Human Resources Commissioner or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

While a grievance is pending, DCFS 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 explaining the reason for the denial.

All written complaints received by the ADA/504 Coordinator or designee, appeals to the Dutchess County Department of Human Resources Commissioner or his designee, and responses from these two offices will be retained by the Dutchess County Department of Human Resources for at least three years.

The ADA Coordinator should consider whether one or more grievances on an issue indicates the need for changes in policies or practices, and if so, take steps to obtain these changes.



**Appendix G**

**AMERICANS WITH DISABILITIES ACT  
GRIEVANCE/COMPLAINT FORM**

Name of Grievant/Complainant: \_\_\_\_\_

Person Preparing Complainant (if different from Complainant):  
\_\_\_\_\_

Relationship to Complainant (if different from Complainant):  
\_\_\_\_\_

Address of Grievant/Complainant: \_\_\_\_\_

Telephone Number of Grievant: \_\_\_\_\_

Division alleged to have denied access:  Temporary Assistance  Medicaid  
 Supplemental Nutrition Assistance Program (SNAP)  HEAP  Other

Please specify any location(s) related to the complaint or grievance (if applicable):  
\_\_\_\_\_

I was denied access on: \_\_\_\_\_  
(date)

**Complaint or Grievance Statement**

*Please describe the particular way in which you believe you have been denied the benefits of any services, program, or activity or have otherwise been subjected to discrimination. Please specify dates, times, and places of incidents, and names and/or positions of agency employees involved, if any, as well as names, addresses and telephone numbers of any eyewitnesses to any such incident. Attach additional pages if necessary. Include a description of the way in which you feel access may be had to the benefits described above, or the way in which accommodation could be provided to allow access. Please attach additional pages as needed.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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## Proposed Remedy

*Please state what you think should be done to resolve the complaint or grievance:*

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Instructions: Please fill out this form completely. Sign and return to:*

**Mary O'Connell, EEO/Human Rights Officer/ADA Coordinator  
Dutchess County Department of Human Resources  
22 Market Street  
Poughkeepsie, NY 12601**

Upon request, reasonable accommodation will be provided in completing this form, or copies of the form will be provided in alternative formats. Contact the ADA Coordinator at the address listed above.