

 <p><b>STANISLAUS COUNTY COMMUNITY SERVICES AGENCY</b></p>	Developed by/Date: Bernie Licata/4.5.2019	Page: 1 of 32	Number: 7.25
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Title: Americans with Disabilities Act Accessibility, Reasonable Accommodation, and Anti-Discrimination Guidelines		Approved: 4/8/2019	

**Policy** 
     
 **Procedure** 
     
 **Guideline**

**POLICY**

It is the policy of Stanislaus County that all facilities, programs and services be accessible to and usable by disabled individuals, unless providing access results in an undue hardship to the County or causes a fundamental alteration of the programs or services. It is also the County's policy that members of the public not experience discrimination or harassment based upon disability.

**PURPOSE**

The purpose of the Community Services Agency ADA Guidelines is to provide staff with guidance and resources to form a fundamental understanding of the American with Disabilities Act to avert discrimination and effectively assist customers with qualifying disabilities an equal and meaningful opportunity to access, participate in, and benefit from agency programs and services with or without reasonable accommodation.

(Americans with Disabilities Act of 1990, Section 504 and 508 of the Rehabilitation Act of 1973, California Government Code Sections 11135 through 11139.8, Division 21 of the California Department of Social Services Manual of Policies and Procedures, the U.S. Department of Agriculture Food & Nutrition Service Instruction 113-1, and Title 42 U.S.C. Section 12131).

**GUIDELINES**

**A. General requirements of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and California Government Code Section 11135 – three similar laws**

**1. What is the Americans with Disabilities Act Title II?**

Title II of the Americans with Disabilities Act prohibits discrimination against qualified individuals with disabilities by public entities in the operation of all services and programs offered by the entity.

**2. What is a qualified individual?**

The term “qualified individual with a disability” means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the

removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity (42 U.S.C. Section 12131).

**The Americans with Disabilities Act (“ADA”) and Section 504 of the Rehabilitation Act (“Section 504”) are similar federal laws that give basic civil rights to persons with disabilities, citizens and non-citizens alike, including the following fundamental protections:**

- a. The Department must provide an equal and meaningful opportunity to people with disabilities to access, participate in, and benefit from Department programs, to ensure non-discrimination.
- b. The Department cannot use criteria or methods of program administration that have a discriminatory effect on people with disabilities, even if the Department and its staff do not intend to discriminate.
- c. The Department must make reasonable accommodations for persons with disabilities when necessary to ensure meaningful access to benefits, programs, and services and avoid discrimination against them.
- d. The Department cannot exclude individuals from programs or deny persons the benefits of those programs because of a disability or unusual/inappropriate behavior that may be the result of a disability.

### **3. *What are the legal statutes?***

California Government Code Sections 11135 through 11139.8 provide protections against discrimination by any program or activity that is conducted, funded directly by, or receives any financial assistance from the State. These sections clarify that protections for persons with disabilities under Title II of the ADA and Sections 504 and 508 of the Rehabilitation Act also apply in California. In some instances, California law may provide broader protections than the ADA. The specific actions that must be taken by Department staff to meet the requirements of these laws are discussed in these guidelines. Since the ADA, Section 504 and Section 11135 provide similar protections to persons with disabilities, these guidelines will refer throughout to the ADA, unless otherwise noted.

### **B. *Who must comply with these guidelines?***

These guidelines apply to all Department public benefit programs and all staff administering programs, including but not limited to: CalWORKs, CalFresh, General Assistance/Relief, CAPI, Medi-Cal, and County Indigent Health Care.

1. These guidelines also apply to Department programs provided by contractors, including but not limited to: CalWORKs, CalFresh, General Assistance/Relief, CAPI, Medi-Cal, and County Indigent Health Care.

- a. All county contractors must be in compliance with the ADA. The Department has an obligation to monitor and enforce compliance with ADA by

contractors administering programs to clients. County contracts shall contain a requirement that contractors must comply with the provisions of the ADA and Section 504. These guidelines shall be provided to ALL Department contractors.

### C. **Who is protected by the ADA?**

The ADA definition of disability is a broad standard, which covers many individuals. It is much broader than the definition of disability under various disability benefits programs, including Social Security Administration programs such as Supplemental Security Income (SSI). It covers many people who do not receive and do not qualify for disability benefits. The following descriptions help to define a qualifying disability.

#### 1. ***How common are disabling conditions?***

Disabling conditions are increasingly common among low-income persons. In 2013, the poverty rate of working-age people with disabilities in California has been reported to be 26.9%. Persons with cognitive disabilities account for 31.9% of this population. A survey of General Assistance recipients in a California county found that nearly 45% of individuals reported health issues as barriers to employment, with 36% citing mental health issues in particular. Disabilities also become more common as people get older.

#### 2. ***What is the definition of “disability”?***

Congress enacted the ADA to help these individuals. The federal law applies to all persons who have a “disability.” The basic definition of disability has three parts: (1) a physical or mental impairment that (2) substantially limits (3) one or more major life activities.

- a. “Disability” includes having a record or history of such an impairment, or being regarded as having such an impairment. This is discussed more fully below, in this Section.
- b. “Impairments,” “substantially limits,” and “major life activities” are also described below, and examples are given.

#### 3. ***What kinds of “impairments” are covered under the ADA?\****

Physiological disorders/conditions, cosmetic disfigurement, or anatomical loss affecting various body systems, such as:

- a. Neurological, musculoskeletal, respiratory, cardiovascular, reproductive, digestive, sense organs, circulatory, skin, or sense organs; and
- b. Contagious and noncontagious diseases and conditions

**Examples** are: Blindness, low vision, deafness, hearing impairment, cerebral palsy, orthopedic conditions, epilepsy, tuberculosis, diabetes, cancer, multiple sclerosis, heart disease, and HIV disease.

- c. Mental/psychological disorders

**Examples** are: intellectual disabilities, organic brain syndrome, emotional or mental illness, major depressive disorder, bipolar disorder (manic depression), post-traumatic stress disorder (PTSD), anxiety disorder, attention deficit disorder, or learning disabilities such as dyslexia.

**\*These are not complete lists impairments that will provide a person with protection under the ADA.**

4. ***What kinds of “major life activities” are covered under the ADA?***

There are two types of major life activities: (1) Everyday tasks and functions, and (2) operations of major bodily functions.\*\*

- a. **Everyday tasks and functions**, such as: walking, standing, lifting, bending, performing manual tasks, speaking, hearing, seeing, breathing, communicating, eating, sleeping, taking care of oneself, learning, reading, following instructions, concentrating, thinking, remembering, interacting with others, and working.
- b. **Operations of major bodily functions**, such as: bladder, bowel, genitourinary, digestive, immune system, respiratory, cell growth, brain, neurological, circulatory, cardiovascular, special sense organs and skin, hemic, lymphatic, musculoskeletal, endocrine, and reproductive functions.

**\*\*These are not complete lists of major life activities that will provide a person with protection under the ADA.**

5. ***What does it mean for an impairment to “substantially limit” a major life activity?***

- a. “Substantially limiting” is not a demanding standard and should not require specific medical or scientific proof. It refers to an assessment based on a person’s individual circumstances, not on stereotypes. To be “substantially limiting,” the impairment does not have to completely prevent or severely restrict a person from performing a major life activity. In short, the question is whether the person has greater difficulty performing the activity compared to most people in the general population.
- b. The determination of substantial limitation leading to a disability is made without counting the positive effects of corrective measures such as, for example, medication that the person is taking, medical supplies or equipment being used (except for ordinary eyeglasses or contact lenses), or physical or mental health therapy. The focus should be on the extent of the person’s limitations before using the corrective measure, or on what would happen if the person stopped using the measure.
- c. On the other hand, some measures, such as medication, may have negative side effects. The side effects can cause the person to have disability(ies).

Under the ADA, an impairment that occurs in episodes or is in remission will still be a disability, if it would substantially limit a major life activity when active. This means that the determination is based on the limitations imposed by the condition when its symptoms are present, even if the person is not experiencing the symptoms now.

6. ***The following are persons likely to be considered disabled under the ADA***

- a. An individual with asthma who is substantially limited in breathing, even if using an inhaler;
- b. An individual with bi-polar or post-traumatic stress disorder who is substantially limited in sleeping or social activities, even if using medication;
- c. An individual with a traumatic brain injury who is substantially limited in learning or regulating emotion;
- d. An individual with a mental impairment who uses anti-psychotic drugs which cause painful seizures;
- e. An individual with cancer, even if the condition is in remission.

7. ***Some impairments are almost always considered disabilities under the ADA***

Certain types of impairments will virtually always be found to be disabling. The process for considering these impairments should be streamlined and straightforward.

**For example:**

- a. Deafness substantially limits hearing.
- b. Blindness substantially limits seeing.
- c. Intellectual disabilities substantially limit learning, problem solving, and executive functioning.
- d. Mobility impairments requiring use of a wheelchair substantially limit musculoskeletal functioning.
- e. Autism substantially limits learning, social interaction, and communication.
- f. PTSD, bipolar disorder, traumatic brain injury, obsessive compulsive disorder, and schizophrenia substantially limit brain function.

**\*\*\*Important Note:** *California law is broader than federal law in some respects that for simplicity are not addressed in this policy, because they are not usually relevant to how the Department administers public benefits to persons with disabilities. However, it is important to note that California law provides a more expansive definition of disability, in that it requires 'limitation' but not 'substantial limitation.' This means that some impairments that are not covered by the federal ADA definition of disability may be protected in California. Cal. Govt. Code Sections 11135(c), 12926, 12926.1, including 12926.1(c).*

**Any question about whether an individual is disabled should be immediately referred to a supervisor who should consult with the ADA Coordinator as needed. A final**

**decision should be made within two (2) business days, subject to screening and verification of disability discussed in Section IV below.**

**8. *Are individuals using illegal drugs protected by the ADA?***

- a. Persons 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.
- b. Individuals currently engaged in the illegal use of drugs who have another condition that is a disability under the ADA (e.g., bipolar disorder) are still protected under the ADA, based on that disability. Therefore, it may be necessary for the Department to provide reasonable accommodations to these individuals.

**9. *Record of a disability***

The ADA also protects individuals who have a history of a disability, whether or not they are currently disabled. This includes persons who may have been misdiagnosed as having a disability.

**For example:** A CalWORKS applicant or recipient should not be denied access to a work activity that involves working with children, solely because he or she was hospitalized for mental health symptoms years earlier.

**10. *Regarded as having a disability***

The ADA also protects individuals who are perceived to have a disability, whether or not the person is actually disabled.

**For example:** A CalWORKS applicant or recipient should not be denied access to a work activity because of a severe facial disfigurement, based on an assumption that the presence of this individual would upset or be disruptive to others.

**11. *Persons protected by the ADA – Beyond the definition***

**a. *Applicants, recipients, and others are protected by the ADA***

The ADA protects both individuals with disabilities who are receiving Department benefits and services, and those individuals who are applying for benefits and services. This includes an individual with a disability who wants information about programs, benefits, or services. Even when a person has not yet applied for benefits or services, there is a right to meaningful access to information and reasonable accommodations needed to obtain it.

**For example:** A person with a visual impairment who is considering applying for CalFresh benefits may need an informational brochure and application converted into an alternate format (e.g., Braille, data format, audio CD, large print, etc.).

12. ***People “associated” with individuals with disabilities are protected by the ADA***

The ADA also protects relatives, companions, and other persons with disabilities who have a relationship with an applicant or recipient. In some cases, the Department may need to provide reasonable accommodations to these individuals (discussed below), to ensure the applicant/recipient’s access to benefits is protected.

**For example:** A parent uses a wheelchair and is applying for cash assistance for her child. The Department must provide the parent with access to physical facilities, to ensure that the child has an equal and meaningful opportunity to participate in the cash assistance program.

**For example:** A parent has a child with a severe disability. The Department cannot refuse to refer him to a job or training program due to concerns that the parent will frequently miss work or training to care for the child.

13. ***The individual must meet essential program eligibility requirements***

If an individual with a disability does not meet essential program eligibility requirements (e.g., income, resource, and immigration requirements), it is not discriminatory to exclude the person from a Department program, based on those requirements.

However, it may be necessary to provide accommodations and assistance to ensure that the individual with a disability can provide verification of eligibility. Persons with disabilities who are unable to comply with eligibility requirements because of their disabilities shall not be considered non-cooperative (see discussion of reasonable accommodations in Section VII-IX).

14. ***Determining whether a person has a disability under the ADA should not be a complex, burdensome process***

The ADA establishes a broad scope of protection for persons with disabilities. The focus of Department staff should be on ensuring that persons with disabilities have meaningful access to our programs and services. These persons should be given reasonable accommodations as needed, to allow access that is equal to the access given to persons without disabilities.

The focus should **not** be on requiring persons to undergo a difficult, burdensome process to show that they meet the ADA definition of disability. Determining whether an individual is disabled should not usually require a great deal of analysis.

D. **Notice of ADA/504 rights**

1. The Department must provide applicants, recipients/clients, and members of the public with information about the rights of individuals with disabilities under the ADA and in an effective manner that provides a meaningful and equal opportunity to participate in Department programs.

2. In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Agency will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.
3. **Effective Communication:** The Agency will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in state and federally assisted programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.
4. **Modifications to Policies and Procedures:** The Agency will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Community Services Agency offices, even where pets are generally prohibited.
5. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity should contact the Civil Rights/ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.
6. Department staff must provide an ADA Notice of Rights "NEED EXTRA HELP?" and the ADA Reasonable Accommodation Request and Plan form to all applicants, recipients/clients at times of applications and re-certifications. These forms should also be provided to all applicants, recipients/clients and members of the public upon request or whenever a disability is obvious or suspected. These forms shall be in print equivalent to Microsoft Word font size 18, available in alternate formats (e.g., Braille, data format, audio CD, etc.), and in various languages consistent with language access rights. See 42 U.S.C. 2000(d); Cal. Gov. Code Section 7290 et seq.; and CDSS MPP Chapter 21.
7. Copies of the ADA Notice of Rights and ADA Reasonable Accommodation Request and Plan forms shall be available in waiting rooms and included in packets provided to applicants/recipients for all programs including CalWORKs, CalFresh, General Assistance/Relief, CAPI, Medi-Cal, and County Indigent Health Care.
8. In addition, an ADA poster shall be prominently displayed in Department waiting rooms, in print equivalent to Microsoft Word font size 24, or greater, and in various languages consistent with language access rights.
9. Department staff must be prepared to explain the Notice of Rights and the Department's process for determining need for reasonable accommodations at any time, including in person, and over the telephone. In addition, staff must be available to read the Notice of Rights to individuals upon request or as necessary

to ensure understanding and to complete the ADA Reasonable Accommodation Request and Plan form. This is discussed in more detail below. Also see Section on Staff Training.

## E. Disability screening of applicants and recipients

1. Mental disabilities, including depression and post-traumatic stress disorder, are considerably more pervasive in welfare populations than in the general population nationally, with estimates ranging from 20 to 40 percent of all adults receiving assistance.
2. Many people with disabilities may have “hidden” disabilities. Disability screening is important when it is unclear whether applicants and recipients have disabilities that need accommodations in order for them to have an equal opportunity to benefit from Department benefits, services, and programs.
3. Individuals with disabilities may be unaware that they need reasonable accommodations. Some may have disabilities that have not yet been diagnosed, and some may not view their condition as a disability. Some individuals may lack the ability to expressly recognize their disabling conditions or lack the capacity to report their needs for reasonable accommodations.
4. For these reasons, during the application and recertification process, **as needed**, workers must offer a disability screening to all applicants to identify possible disabling conditions for those individuals who agree to undergo screening.
5. Workers **must** offer a disability screening to recipients whenever they inform staff of their disability and when disability is unknown or unclear.
6. **Such screening should be conducted only by trained staff**, using screening tools that have been properly validated. See discussion of screening tools and staff training below.
7. **Right to Disclose Disability, but No Obligation**  
Applicants/recipients shall be informed that they have the right, but not an obligation to disclose a disability, including the right to decline screening. Participation in disability screening is voluntary and clients must be informed that it is voluntary, in a meaningful manner. Clients are much more likely to disclose that they have a disabling condition and need assistance, if they fully understand the advantage to disclosing. Clients should be informed that the existence of a disability will not disqualify them from benefits.
8. **Disclosure Information is Confidential**  
Workers must tell individuals that the information obtained from disclosure of a disability and screening is confidential and will be used to determine if they are entitled to some type of change in program rules or requirements, or another

form of reasonable accommodation or help to make it easier for them to meet the program requirements.

9. **Applicant Disclosure of Disability**

When an applicant or recipient discloses that he/she has a disability, or the Department has reason to know that the individual has a disability, and the individual needs assistance in accessing program services and benefits, the worker should help the individual fill out a Reasonable Accommodation Request form to document the request. [See Appendix B and further discussion in Section VII-IX]. There may be no need for an additional screening, except as discussed below, and the worker should work with the individual to determine the type of accommodation needed to ensure that the program is accessible to the individual. ***Screening is not a pre-requisite to providing reasonable accommodations.***

10. **Disabling condition Unknown or Unclear**

When an applicant or recipient's disabling condition is unknown or unclear, workers must explain that if clients do not disclose a disability or agree to be screened, the Department may be unable to provide them with rule changes, accommodations or extra help. Workers should explain that if the client does not disclose that he or she has a disability or get screened for a disability and later has difficulty complying with program requirements, he or she may be at risk of sanctions, terminations, overpayments, denials, and penalties. Workers must also explain that if an applicant or recipient opts out of the screening, but later realizes that he or she is having difficulty complying with program requirements, he or she can request the screening or disability accommodations at a later time.

11. **Screening Made Available at all Other Stages**

This screening should also be made available at all other stages of the recipients' case on an **as-needed** basis. If Department staff has reason to believe that an individual has difficulty accessing or following program requirements, staff should offer them the opportunity to request reasonable accommodations and/or be screened for them. ***The Department must consider whether an individual should be screened for disabilities before taking any negative action against the individual such as a program sanction or termination.***

12. **Screening Tools and Analysis**

The screening should incorporate an individualized analysis of each person's capacity to meet program requirements. The Department has some screening tools available for this purpose.

a. **Online CalWORKs Appraisal Tool (OCAT):**

Case workers use the attached screening tool, referred to as the **Online CalWORKs Appraisal Tool (OCAT)**, [Appendix E], to screen cash

assistance recipients who are required to participate in the state's work program as a condition of receiving aid. The tool includes a set of emotional and behavioral health questions, which are designed to determine whether the applicant may have a disability that affects the ability to engage in work or other social services activities, the type and amount of activities the individual can engage in and accommodations needed to engage in those activities.

- b. **Multicultural Quality of Life Index (MQLI):** "Your Life Index – How Are You?" assessment adopted from Mezzich, Cohen, Ruiperez, Liu & Yoon (1999), [Appendix F], is a 10-item quality of life assessment tool that has been validated for use with public assistance populations. The MQLI assessment measures five main components related to quality of life: 1) Subjective physical, mental and emotional wellbeing, 2) Independent, occupational, and interpersonal functioning, 3) Social-emotional, community and services support and access, 4) External living conditions, and 5) Personal fulfillment and subjective quality of life. The purpose of the MQLI is to gain a holistic sense of how clients assess their own quality of life and can be used as a benchmark to measure client progress over time.
- c. **CalMAP:** Identifying Family Needs and Assessing Progress STANWTW 2.0 D [Appendix G], subjectively measures the client's current situation in three major life areas: 1) Work and Education, 2) Work Supports, and 3) Personal and Family Needs. Each sub-category provides a progressive description of needs that most closely resembles the client's level of need in each sub-category from significant need to thriving.
- d. **Learning Needs Screening (WTW 18)** [Appendix H], is designed as a first step in the learning needs evaluation process. This tool is not intended to determine the existence of a learning disability.
- e. **Behavioral Health Services Screening Tool (STAN WTW BHS 1)** [Appendix I], is intended to assess needs related to behavioral and mental health, substance use disorder, domestic violence support, and parenting. **THE CLIENT IS NOT REQUIRED TO RECEIVE BHS SERVICES TO MEET WELFARE TO WORK REQUIREMENTS.**

13. **Screening Indicates Client may have a Disability**

If a disability screening indicates that the client may have a disability, including a disability that has not yet been diagnosed, staff should:

- a. Offer the client information to services such as **STAN 211**. Local clients may dial 2-1-1, 24 hours a day or visit [www.stan211.org](http://www.stan211.org) for information on a variety of community resources.

- b. If the client may have mental health disabilities, he or she should be offered referrals to mental health providers who can diagnose and offer potential treatment options for mental health disabilities and/or other appropriate health care providers. If an individual would like help in identifying an appropriate professional or making an appointment with the professional, an appropriate referral will be made by the worker and/or an internal consult/referral request may be made for further client assistance. However, it should be made clear that if the individual chooses not to seek mental health treatment, s/he will not be denied a reasonable accommodation as a result. Utilize the Behavioral Health Services Screening Tool (STAN WTW BHS 1) and refer to Stanislaus County Behavioral Health Services.

**If an individual says he/she has a disability that limits his/her ability to engage in work activities, he or she cannot be assigned to a work activity until after the results of the evaluation are available. Information obtained from screening and medical evaluations, either from a client's treating professional or from the Department's medical provider, must be used in establishing the employment plan.**

- c. **Authorization to Release Medical Information**, is used to gain information about a client's physical or mental condition that may amount to a qualified disability from a licensed medical provider. Section 1 may be filled out by the client or the client's Authorized Representative (AR). Section 2 and 3 are to be completed by the licensed medical provider.

**If a cash assistance recipient has refused to be screened for disabilities and is unable to comply with work activities, the agency must offer the client an opportunity to be screened again prior to taking adverse action against the client.**

- d. ***How should an individual's disability be verified?***  
Assessing disability is an individualized process. This process should be predictable, consistent, and workable for all applicants and recipients. Medical verification of disability should not generally be required unless there are legitimate questions about whether the person is disabled. When medical verification is required, adequately supported medical verification supplied by an individual's treating providers is to be given controlling weight on the issues of the nature and extent of a person's disability and/or its impact on compliance with program requirements and activities, unless in extraordinary circumstances the Department obtains relevant, written documentation that reasonably contradicts the opinion of the treating provider.

In addition, individuals may need reasonable accommodations in the form of assistance with compiling and reporting information needed for verification of disability, including obtaining medical verification from the individual's treating provider. This is discussed more fully below.

**F. The Department must provide reasonable accommodations to individuals with disabilities**

1. **The ADA requires that reasonable accommodations be given**, to ensure that rules neutral on their face do not in practice discriminate against individuals with disabilities. Rights to reasonable accommodations require the Department to affirmatively reach out to persons with disabilities, to give them needed assistance. Reasonable accommodations have been described in the following way: *“It is not enough to open the door for the disabled . . . a ramp must be built so the door can be reached.”*
2. **Reasonable accommodations** are critical to the protections that persons with disabilities have under the ADA. They are fundamental, common-sense changes that are designed to assist persons with disabilities. Reasonable accommodations are a reasonable change:
  - a. In a program rule or policy that helps a person with a disability; or
  - b. In the way that the Department carries out a rule or a policy affecting a person with a disability; or
  - c. In the way the Department allows the person with a disability to do something.
3. **Reasonable accommodations allow a person with a disability to have meaningful access to that program**, the ability to comply with program requirements and to avoid potential sanctions for noncompliance, and the ability to participate fully in programs, services, and activities.
4. **There is no one-size-fits-all approach** to providing accommodations. Reasonable accommodations are fact-specific and tailored to the individual circumstances of the person with a disability. Specific examples of reasonable accommodations are given below in this Section. The process to be followed for requesting and granting accommodations is described in Section IX below.
5. **Common examples of reasonable accommodations that must be provided**  
Below are accommodations that workers will frequently offer and provide to accommodate persons with disabling conditions. This is not an exclusive list:
  - a. Help filling out and explaining applications and re-certification forms for benefits
  - b. Help gathering documents required by the program to support initial and ongoing eligibility for benefits
  - c. Flexible appointments, including:
    1. Scheduling appointments at a time of day that will prevent long waits by clients

2. Seeing clients promptly who are not able to wait on a priority or first-come, first-served basis
  3. Scheduling appointments so they do not conflict with clients' medical appointments, rehab, or therapy
  4. Combining appointments to reduce clients' travel
  5. Allowing clients to reschedule appointments, potentially multiple times, when a disability prevents attendance
  6. Home visits
  7. Conducting appointments by telephone
- d. Giving a client more time to submit documents or complete other tasks
  - e. Reading and explaining notices, rights and responsibilities forms, and other program materials to the client, repeatedly, if necessary, to help ensure understanding
  - f. Calling clients to read and explain Notices of Action and appointment letters
  - g. Providing reminders about upcoming program requirements and deadlines, including duplicate Notices of Action and reminder telephone calls
  - h. Allowing an individual to bring a friend, relative, neighbor, or advocate with them to Department appointments and during the application process if they prefer

**\*\*\*NOTE:** Bringing another person is not a substitute for other accommodations requested by the client. For example, the Department cannot refuse to explain Notices of Action to a client who has requested that accommodation, because they may have someone at home who can help them with it. Additionally, the Department cannot require the individual to have another advocate or representative if they do not want one.

- i. 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

**\*\*\*NOTE:** Sending information to another person is not a substitute for other accommodations requested by the client. For example, the Department cannot refuse to remind clients about appointments because they may have someone at home who can remind them.

- j. Providing notices, applications, re-certifications, and other program materials in alternate formats (e.g., Braille, data format, audio CD, large print, etc.), to clients with visual or hearing impairments

**\*\*\*NOTE:** Staff must ask clients which alternate formats are preferred. Communications with persons who are blind or deaf are discussed more fully below, in Section XVII.

- k. Modifying welfare work activities (discussed below in this Section)

- l. 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)
- m. Allowing clients to submit and complete documents by alternate methods, including but not limited to fax, mail, email, in-person, home visits, telephone communication

\*\*\*NOTE: Staff must ask clients which methods they prefer.

#### 6. ***Modifications in program rules***

Rules and policies must be modified for people with disabilities, when reasonable and necessary to provide an individual an equal and meaningful opportunity to participate in Department programs.

**For example:** Rules requiring staff to see clients in the order in which they arrive at the Department, requiring clients to come to the Department for appointments, or requiring clients applying for benefits to come to the Department 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 Department programs.

These are not the only examples of modifications to rules that must be made for people with disabilities. Modifications to rules are made on a case-by-case basis.

**Modifications in rules are reasonable as long as they do not fundamentally alter the nature of the program, or cause an undue burden to the Department. Modifications are unreasonable only when they fundamentally change the nature or purpose of the program or would be unreasonably expensive, taking into account the Department's entire budget.**

#### 7. ***Accommodations in work activities***

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

- a. Assignment to a particular program, work site, or job appropriate for the individual given his or her disabilities
- b. Assignment to part-time activities (less than 30/20 hours per week) if the client cannot participate full-time because of a disability or disability-related treatment
- c. Accommodations at a job site or education and training program (e.g., equipment, modification of rules or procedures, job coaches, tutors, modified training materials)
- d. Assignment to activities which are not countable towards federal work participation rates (e.g., rehab or therapy for more than 4 consecutive weeks a year)
- e. Exemptions from required work activities if the person cannot fully participate as a result of a disability, even with the accommodations listed

above (further addressed in Section IX, below), with an option to volunteer without penalty

- f. As mentioned above, flexibility around appointments including rescheduling repeatedly and making multiple reminder calls.

8. ***Accommodations needed on an ongoing basis***

Many accommodations are needed on an ongoing basis. Clients must not be required to continually request or demonstrate the need for reasonable accommodations related to the same disabling condition.

- a. Once it is determined that an accommodation is necessary, the need for this accommodation (though not the client's diagnosis) must be prominently documented in the client's electronic case file and prominently flagged to ensure the accommodation is provided, especially before taking any adverse action, and to ensure continuity when more than one worker handles a case.
- b. In addition, every worker handling the case must take the steps needed to make sure that the accommodation is provided without the need for additional requests in the future, unless and until the client's condition changes or the accommodation is no longer needed.
- c. When a worker approves an accommodation for an individual/family, the worker should notify all other workers that handle the case that an accommodation was put in place for the individual/family.
- d. The Department must prominently record the following information in the client's case record (in case comments in the electronic and/or paper case records):
  - i. That the client has a disability
  - ii. The date and type of accommodation(s) requested or considered
  - iii. The date the request was granted or denied
  - iv. The reason an accommodation request was denied
- e. The list of approved accommodations documented in the client's ADA Reasonable Accommodation Request and Plan form  
Staff must check the client case file before every interaction with a client and/or taking any action on a case. When it appears that the client has a disability and needs an accommodation, the worker must check whether there is an accommodation plan and if not, take steps to complete a plan with the client, to ensure accommodations are provided before taking action.

**For example:** If a worker is going to terminate a case because an annual renewal was not completed, s/he must first check the client case file for record of disability and comply with the client's accommodation plan, if any. If the accommodation plan provides for home visits for renewals and no home visit was scheduled, the worker should not take any adverse action at that time. The worker should provide a good cause exemption, continue the

benefits into the next month and schedule the home visit to complete the renewal at a new scheduled time.

9. ***Accommodations for those with mental health problems and/or cognitive disabilities***

**Department staff should not assume that clients with mental health problems or cognitive impairments have case managers or someone to assist them, and therefore, do not need accommodations from the Department.**

- a. Accommodations commonly needed by people with mental health and/or cognitive disabilities include, but are not limited to,
  - i. help filling out forms,
  - ii. help reading notices and other materials,
  - iii. allowing an individual to be accompanied by a friend, relative, or other person during their Department appointment,
  - iv. rescheduling appointments multiple times,
  - v. help gathering required documents,
  - vi. flexibility about deadlines and reminders about deadlines, as described above.

10. ***Accommodating clients based on behavior***

Because some clients are not aware that they have disabilities (e.g., mental, cognitive, or emotional impairments), as discussed above, they are unlikely to be able 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.

- a. Some disabling conditions or side effects of medications may make people appear intoxicated when they are not. The Department should consider whether this is disability related behavior.
- b. The Department 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.
- c. The agency should not take negative action on a case as a result of such an incident when there may be a disability that caused the behavior.  
**This means that the agency must consider providing second chances to people whose inappropriate behavior may be caused by a disability.**

11. ***Referrals to other agencies are NOT accommodations***

Applicants and recipients with disabilities may need other services (e.g., mental health care). Referring clients to other agencies and services may be appropriate and is often critical, but it is not a substitute for providing accommodations so the applicant/recipient can obtain Department services.

## **12. *Accommodations by contractors***

The Department must proactively and effectively contact contractors about accommodations. The Department must call contractors involved with programs regarding the client, to discuss the accommodation needed by the client and come to an agreement on how this can be accomplished by the contract agency. This agreement must be documented in the client case file.

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

1. All workers must comply with all applicable confidentiality laws regarding client's disability-related information.
2. At the same time, any worker who becomes aware of a client's disability and need for accommodations must inform relevant staff at the agency about an individual's need for an accommodation so they can arrange for and/or provide accommodations.
3. It is not necessary to disclose the client's diagnosis, or details about the nature of his/her disability in order to provide instructions for the accommodation that must be provided.

**The Department must get client consent before sharing information about client's disability with outside agencies.**

### **H. Process for offering and providing reasonable accommodations**

1. Individuals with disabilities are entitled to reasonable accommodations at every point of contact in the eligibility process, including inquiries about applications. "Every point of contact" refers to any and all information available on websites, phone contacts, in-person contacts, and sending written materials to the client.
2. At application and re-certification, workers must make inquiries into the existence of clients' disabilities and whether they pose barriers to complying with Department requirements or otherwise getting the help they may need to access or retain benefits.
3. Every worker has a responsibility to offer accommodations to applicants and recipients, and to grant them, if they can be readily provided.
4. If the worker is not sure if a requested or proposed accommodation is reasonable, the worker should promptly consult with his or her supervisor and, if clarification is needed, with the ADA Coordinator.
5. ***How are requests for accommodations made?***

- a. Individuals may make requests for reasonable accommodations to any Department staff at any time.
- b. Department staff must offer to assist individuals with disabilities to document requests for reasonable accommodations.
- c. Staff must use the ADA Reasonable Accommodation Request and Plan form to document accommodation requests and accommodation plans.

**Individuals are not required to use the accommodation request form. They may request accommodations in any written form, or orally. Staff must convert an oral request onto the ADA Reasonable Accommodation Request and Plan form for processing. Oral requests should be documented in writing in the case file.**

**6. *Many accommodations should be readily offered and provided***

- a. As discussed above, many accommodations needed by clients are routine and commonsense, and should be provided without delay by completing the ADA Reasonable Accommodation Request and Plan form and documenting the plan in the client file.
- b. An effort should be made to minimize the burden on the client of making formal requests for reasonable accommodations.

**7. *Using information the agency already has to accommodate clients***

- a. The Department should use information it already has about a client, from past applications or receipt of benefits, vocational test scores, client statements, or similar records, to affirmatively offer accommodations, even if the individual hasn't requested an accommodation.
- b. The ADA requires the Department to accommodate clients known to have disabling conditions whether or not the person first asked to be accommodated.
- c. Department staff must be alert to changing conditions of clients, including newly acquired disabilities.

**8. *How are decisions made regarding requests for accommodations?***

- a. Department line staff, supervisors, and the ADA Coordinator, as appropriate, must decide requests for reasonable accommodations by reviewing the client's case file and the rules and policies of the applicable program of the Department.
- b. In considering a request for an accommodation, the following factors should be considered while staff review and complete the ADA Reasonable Accommodation Request and Plan form with the applicant or client:
  - i. Determine, together with the applicant or client how the disability limits his/her ability to comply with program rules;
  - ii. Identify accommodation options that overcome limitations and determine the effectiveness and feasibility of the proposed accommodation; and

- iii. Give primary consideration to the client's preferred, requested accommodation. The individual who has a disability may be in the best position to know what is needed. The Department should ask the individual what accommodations work best for them and provide an accommodation that meets the individual's as well as the Departments' needs.
- c. Many accommodations (such as help completing an application) shall 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.
- d. Benefits, including addressing a client's emergency needs and providing emergency benefits, must not be delayed to eligible clients with disabling conditions, as a result of the process for requesting and determining reasonable accommodations.
- e. Furthermore, clients with disabilities cannot be sanctioned until they have been advised of their right to reasonable accommodations, or while a reasonable accommodation request is pending.
- f. While workers are able to **grant** accommodations to clients, they do not have authorization to **deny or refuse accommodations**.
- g. If workers or line staff question whether an accommodation is needed, staff must consult with their supervisor within two (2) business days.
- h. If the supervisor plans to deny or refuse an accommodation, the supervisor must submit that decision for review by the ADA Coordinator within two (2) business days.
- i. The ADA Coordinator will issue a written decision to the individual who is requesting an accommodation regarding whether the accommodation is being granted or denied within five (5) business days.
- j. A denial of an accommodation must be issued in writing by the ADA Coordinator and includes, but is not limited to:
  - i. A refusal to provide an accommodation;
  - ii. A decision to partially grant an accommodation request;
  - iii. A decision to grant a version or type of the accommodation that differs from that requested by the client.

**The ADA Coordinator's role is discussed below, in Section J.**

**9. *The Department cannot take adverse action without advising of right to reasonable accommodation***

- a. After discussing any alternatives offered by the Department, clients have a right to refuse accommodations offered. The client's decisions to disclose a disability and request or accept an accommodation are voluntary.

- b. While the decisions to disclose a disability and request or accept an accommodation are voluntary, staff must advise clients of the potential consequences of these decisions. This includes advising the client that disclosing a disabling condition and requesting an accommodation may enable the Department to help the individual receive benefits and services, participate in programs, and comply with program requirements.
- c. The client must be advised that if he or she refuses an offered accommodation and consequently cannot comply with a program requirement, the worker may be able to initiate an adverse action against the client.
- d. Before doing so, however, the worker must re-offer the accommodation and inform the client that an adverse action may be taken if the client is unable to comply with a program requirement as a result of refusing the accommodation. **This advice should be prominently documented in the case file.**

#### I. **Community Services Agency ADA Title II Liaisons**

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#### 1. **ADA Coordinator Responsibilities**

- a. It is the ADA Coordinator's responsibility to oversee and monitor the Department's compliance with the ADA.
- b. The ADA Coordinator is also responsible for promptly issuing written, appealable decisions about reasonable accommodations discussed above in Section I,
- c. Investigating and deciding ADA grievances, discussed below in Section K.
- d. The ADA Coordinator has the authority to instruct staff to modify rules and procedures to accommodate individuals with disabilities.
- e. Further duties of the ADA Coordinator include, but are not limited to:

- i. Monitoring delivery of staff training, discussed in Section XVIII below;
  - ii. Monitoring screening of individuals for disabilities;
  - iii. Advising staff about accommodating clients;
  - iv. Ensuring that accommodation requests are properly considered;
  - v. Issuing final decisions on reasonable accommodation requests that are not resolved by line staff or supervisors;
  - vi. Ensuring accommodations are properly implemented and recorded; and
  - vii. Maintaining data on a quarterly basis that reports types of disabilities disclosed by clients and verified by the Department (if necessary); disabilities detected through screening; and accommodations requested and corresponding denials or grants, in whole or in part, including types of accommodations granted or denied;
  - viii. Facilitating updates to this ADA policy as needed.
- g. The ADA Coordinator should review the Department's records at least quarterly to determine whether there are patterns regarding policies and procedures that indicate needed improvements in ADA compliance, including additional training for staff. The recommendations and results of these record reviews will be reported in writing to the Director.
  - h. Staff are instructed to provide routine, obviously reasonable accommodations to clients, as discussed above, in a timely manner without seeking approval from their supervisors or the ADA Coordinator.
  - i. No loss of benefits to the client or any other adverse action may be taken prior to getting clarification through this process, including review by the ADA Coordinator.

## **J. ADA grievance procedure**

Applicants, recipients, and members of the public have a right to file a grievance with the Department if the person believes he/she was improperly denied an accommodation or was discriminated against in another way as a result of a disability.

### **1. Filing a complaint**

- a. Department staff must inform anyone who requested an accommodation and who is dissatisfied with the Department's decision on the request, and anyone who believes he/she was treated unfairly by the Department because of a disability about the right to file a complaint with the Department's ADA Coordinator.
- b. Staff must offer the individual the ADA Complaint form that individuals can use to file a complaint with the ADA Coordinator [Appendix D].
- c. Department staff must help individuals fill out the complaint form, if they need assistance as a reasonable accommodation.
- d. Individuals are not required to use the complaint form. They may file complaints in any written form, or orally.
- e. Staff should document oral complaints in writing.
- f. Individuals may submit an ADA complaint to any Department staff.

- g. If a discrimination complaint is submitted to a Department staff person, that person must forward it to the ADA Coordinator within one (1) business day.
- h. A copy of “Your Rights Under California Welfare Programs” issued by the State Department of Social Services will be provided with the decision. This notice informs of options to make complaints directly to the State Department of Social Services, or the federal government. This notice must be provided in a meaningful manner that ensures it is understood.

**2. *Review of complaint by ADA Coordinator***

- a. It is the responsibility of the ADA Coordinator to advise the worker, his or her supervisor, and the director of the program area within two (2) business days of receiving a complaint.
- b. While a complaint is pending, the Department must not reduce the benefits, close the case, or take other adverse action against a client filing a complaint.
- c. It is the responsibility of the worker and the supervisor to monitor the client case file, to ensure adverse actions are not initiated as a result of automated systems functions, including, e.g., case closure, deletion of individuals from the case, reduction of benefits, or imposition of sanctions.
- d. The ADA Coordinator must investigate and decide ADA complaints within ten (10) business days of receipt.
- e. The ADA Coordinator’s investigation must include, at a minimum, review of the client case record, contacting the workers and supervisors who have interacted with the client regarding the matters contained in the complaint, review of the policies or rules at issue in the complaint, and contact with the client, if he or she is willing to speak with the Coordinator.
- f. If the individual has also requested a fair hearing, the ADA Coordinator must still investigate and decide the complaint.

**3. *Decisions issued through the complaint process***

- a. All decisions on ADA complaints must be provided in writing by the ADA Coordinator and in alternate formats as needed (discussed below in Section L).
- b. If the relief requested in the complaint is denied, in whole or in part, the ADA Coordinator must issue a written denial explaining the reason for the denial, including the underlying facts on which the decision was based, and appeal rights.
- c. Likewise, decisions granting reasonable accommodations or otherwise resolving ADA complaints should specify the accommodations or other relief allowed, including who is responsible for administering them and how they are to be administered.

- d. Any complaint decision will be documented in client case file(s) and copies of all complaints and subsequent accommodation decisions will be kept on file by the ADA Coordinator.
- e. The ADA Coordinator should consider whether one or more complaints regarding a related issue, policy, or rule indicates the need for changes in policies or practices, and if so, promptly take steps to obtain these changes.

**K. No separate programs**

Apart from programs with eligibility requirements designed to provide benefits on the basis of disability, persons with disabilities cannot otherwise be placed or segregated in separate programs (e.g., separate education and training programs) just because they have disabilities. If a person with a disability meets the essential eligibility requirements for a program, he/she has a right to participate in that program.

**L. Services must be provided in the most integrated setting**

The Department must provide services to people with disabilities in the most integrated setting appropriate to the needs of the person with a disability. If the Department maintains separate programs for persons with disabilities, those individuals have the right to participate in integrated programs that are not designed just for persons with disabilities, if they meet the essential eligibility requirements for the program, or with reasonable accommodation(s), could meet the essential eligibility requirements.

**M. Physical accessibility**

When public areas (e.g., reception areas, waiting rooms, interview booths, public restrooms, and public drinking fountains) are provided, they shall be accessible to individuals with disabilities and identified by the international symbol of accessibility in compliance with Title 24 of the California Code of Regulations. In the event that structural modifications are required to provide program accessibility, the agency will conform to accessibility standards approved by the Office of the State Architect, pursuant to Title 24 of the California Administrative Code.

1. In alterations, it is advisable that platform lifts be used only in instances where a ramp or elevator is technically infeasible or in the locations permitted in new construction.
2. All exits and stairwells are marked with Braille signs and elevators have Braille on the buttons.
3. The Department has an obligation to evaluate the physical accessibility of county buildings, including restrooms, water fountains, and parking. Buildings must be accessible in the following ways:
  - a. Installing ramps and handrails;
  - b. Making curb cuts in sidewalks and entrances;
  - c. Widening doors and/or installing accessible door hardware;
  - d. Creating accessible parking spaces;
  - e. Installing visual and auditory emergency alarms;

- f. Installing exterior signs at all inaccessible facility entrances directing individuals with disabilities to an accessible entrance or to a location where information about accessible facilities can be obtained;
  - g. Affixing signs of appropriate size and contrast to assist individuals with a visual impairment in locating offices.
4. The Department may provide alternative methods that would be equally effective in making programs and activities accessible to individuals with disabilities, only with prior written approval from CDSS. When alternative methods are proposed, the Department director or his/her designee shall submit a written statement supporting their reasons for reaching that conclusion. This statement must be submitted to CDSS for review and approval prior to the implementation.
  5. As discussed above, the Department must ensure that individuals are provided meaningful access to services other ways, i.e.: for those clients unable to come to the Department building due to a disability, Department staff should offer and provide for appointments to be conducted over the phone, by home visit, or an authorized representative to attend the appointment in place of the individual. No client should be forced to have an authorized representative.

#### **N. Service dogs**

1. A service animal is any dog trained to perform a specific task directly related to the disability for an individual, including, but not limited to: vision, hearing, or manual impairments; seizure disorders; balance problems; and mental health issues.
2. The Department cannot exclude service dogs from its programs, or impose limits on access to programs/services. No size, weight, or breed restrictions are allowed.
3. If it is not obvious whether an animal is a service dog, Department staff can ask only (1) if the dog is required because of a disability and (2) what task(s) the dog has been trained to perform.
4. The Department cannot require an individual to prove that the dog was trained or to provide a license or certification that the animal is a service animal.
5. Generally, Department staff may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).
6. If the service dog poses a direct threat to the health or safety of others, such as displaying vicious behavior, it can be excluded, but staff cannot make assumptions about how a particular animal is likely to behave based on past experience with other animals (i.e., fear of a certain breed of dog).

7. Each situation must be considered individually. Even when the service dog can be excluded on this basis, however, the client has the right to enter Department facilities without the service animal.

**O. Mobility devices**

The Department shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as canes, crutches, walkers, or similar devices designed for use by persons with mobility disabilities, in any areas open to pedestrian or public use. The Department shall make reasonable modifications in its policies, practices, or procedures to permit use of other power-driven mobility devices by individuals with mobility disabilities, unless the Department can demonstrate that the type of power-driven mobility device poses an actual safety risk.

**P. Effective communication with people with disabilities using auxiliary aids**

The ADA requires the Department to ensure that persons with a vision, hearing, or speech disability can communicate with, receive information from, and convey information to the Department.

1. Department staff must ensure that communication with people with disabilities is as effective as communications with others.
2. The Department must ensure effective communication with applicants and recipients of programs and services, and must provide effective communication with their companions if the person is someone with whom the agency should communicate.
3. People who have vision, hearing, or speech disabilities use different ways to communicate. Department staff will consult with the individual to determine his or her preferred communication method. The ADA requires the Department to give primary consideration to the person's preferred communication method.
4. The Department must provide auxiliary aids and services when needed to communicate effectively with people who have communication disabilities. The Department and its contractors will provide, at no cost to the individual, appropriate auxiliary aids to persons with disabilities where necessary, to afford such persons an equal opportunity to participate in or benefit from Department benefits, programs, and services.
5. Staff shall complete the ADA Reasonable Accommodation Request and Plan form to document for the client's file the type of auxiliary aid or service needed to ensure effective communication.
6. ***The provision of auxiliary aids includes a range of services***
  - a. **For people who are blind**, have vision loss, or are deaf-blind, the provision of auxiliary aids includes providing a qualified reader;

information in large print, Braille, electronically for use with a computer screen-reading program; or an audio recording of printed information.

1. **A “qualified” reader** means someone who is able to read effectively, accurately, and impartially, using any necessary specialized vocabulary and appropriate language.
- b. **For people who are deaf**, have hearing loss, or are deaf-blind, the provision of auxiliary aids includes providing a qualified notetaker; a qualified sign language interpreter, oral interpreter, cued-speech interpreter, or tactile interpreter; real-time captioning; or written materials.
1. **A “qualified” interpreter** means someone who is able to interpret effectively, accurately, and impartially, both receptively (i.e., understanding what the person with the disability is saying) and expressively (i.e., having the skill needed to convey information back to that person) using any necessary specialized vocabulary.
- c. **For people who have speech disabilities**, this may include providing a qualified speech-to-speech transliterator (a person trained to recognize unclear speech and repeat it clearly), especially if the person will be speaking at length, or just taking more time to communicate with someone who uses a communication board.
1. In some situations, keeping paper and pencil on hand so the person can write out words that staff cannot understand or simply allowing more time to communicate with someone who uses a communication board or device may provide effective communication. Staff should always listen attentively and not be afraid or embarrassed to ask the person to repeat a word or phrase they do not understand.
- d. In addition, the Department must accommodate a wide variety of aids and services including technologies such as:
- i. Assistive listening systems and devices;
  - ii. open captioning, closed captioning, real-time captioning, and closed caption decoders and devices;
  - iii. telephone handset amplifiers, hearing-aid compatible telephones, text telephones (TTYs), videophones, captioned telephones, and other voice, text, and video-based telecommunications products;
  - iv. videotext displays;
  - v. screen reader software, magnification software, and optical readers;

- vi. video description and secondary auditory programming (SAP) devices that pick up video-described audio feeds for television programs;
- vii. accessibility features in electronic documents and other electronic and information technology that is accessible (either independently or through assistive technology such as screen readers).

**These requirements apply to communicating with the person who is applying for or receiving Department benefits or services, as well as with that person's parent, spouse, or companion in appropriate circumstances.**

**The key to communicating effectively is to consider the nature, length, complexity, and context of the communication and the person's normal method(s) of communication. This may also involve verifying that the communication is understood, through the use of multiple methods of explanation to the individual.**

**7. *Effective in-person communication with people with speech and hearing impairments***

- a. If the individual who is deaf or hearing impaired can read and write English sufficiently well, Department 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.
- b. The Department can use an adult accompanying the applicant or recipient to interpret **ONLY IF**:
  - i. The applicant/recipient requests it;
  - ii. The individual wants to interpret;
  - iii. The individual is an appropriate person to interpret; and
  - iv. Only if the Department has informed the individual of the right to an interpreter contracted by the Department, and potential problems with the interpretation such as conflicts of interest, lack of understanding, etc.

**For example** – It would be inappropriate to rely on a companion to interpret who feels conflicted about communicating bad news to the client, or who has a personal stake in the outcome of a situation.

- c. **Minor children must not be used to interpret, unless** it is an emergency involving an imminent threat to the individual's safety and welfare, and a qualified interpreter is unavailable, and for very limited purposes of helping the individual avoid harm or for the limited purpose of scheduling a follow-up appointment at which an interpreter will be available.
- d. If an applicant or recipient has a hearing impairment and uses manual-visual language, the Department must provide a qualified interpreter free

of charge for in-person substantive appointments and other significant interactions with the agency.

- e. American Sign Language is the most commonly used manual-visual language in the U.S., but there are others, such as Signed Exact English (SEE), contact sign and cued speech.
- f. It is important to find out what type of interpretation the client needs as these are not all interchangeable.
- g. A request for an interpreter can be made by any worker involved with the client. A supervisor must review and approve the request in accordance with current processes posted in Ollie.

8. ***How do staff arrange for interpreter services?***

The Department has contracts for sign language interpreting and other translation needs listed in Ollie. The Department also has a database of qualified ASL and other interpreters with developed expertise in the public benefits setting and keep it current. This will help ensure the proper use of terminology that is crucial to benefits eligibility. The following procedure will be used to arrange interpreter services:

- a. The worker requesting an interpreter shall notify his/her supervisor or manager as soon as practical about the need;
- b. The supervisor or manager will review the request to verify the need and the urgency of the need
- c. The supervisor or manager will access Ollie under the Civil Rights/ADA link for current instructions about how to arrange for an interpreter
- d. All invoices for services rendered by an interpreter will be directed to Finance and Operations

9. ***Effective telephone communication with people with disabilities:***

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

**For example:**

- a. **TTY** (teletext typewriter). If one party to the call does not have a TTY, 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 a response.
- b. **Video Relay**. The caller uses a video phone (a computer or TV monitor) and uses sign language to communicate.
- c. **Speech to speech relay**. Specially trained operators serve as the voice of the person with a speech disability who may be difficult to understand.

**Unless it is the individual's expressed preference to use these alternative procedures, in-person interpreters should be utilized, whenever possible. On-site interpreter services are more likely than third-party relay services to result in effective communication. On-site interpreters have more physical flexibility, greater access to visual and auditory cues to and from the client and information present in the**

**environment of a setting like the Department, and can respond immediately to communication events that may occur.**

**10. *Effective communication for individuals with vision impairments***

Many persons who are legally blind do not use Braille as a reading medium.

It is important that staff determine the best method of communication for persons who have low vision or are blind.

- a. When the Department provides information in a written paper form, it must provide it in an alternate format (e.g., large print, Braille, audiotape, audio CD, documents electronically accessible, such as with a screen reader, etc.) to individuals with vision impairments who request materials in alternate formats.
- b. This includes generally available forms and publications, as well as individualized notices issued to applicants and recipients.
- c. Some individuals may require documents to be converted to large print. Standard 12-point font size is too small for many individuals with vision impairments. When creating large print documents, people with low vision generally require 18-24 point fonts. Sans-serif fonts such as Arial and Helvetica are generally recommended for readability. Staff should ask each individual for his or her personal preference.
- d. Additionally, the Department will provide qualified readers to read documents and other information to individuals with visual impairments upon request of the individual. It is expected that staff will make these accommodations without assistance or approval of the Supervisor or the ADA Coordinator.
- e. In appropriate cases, oral communication may be used to assist persons with visual impairments who interact with the Department. However, simply reading documents to people who interact with the Department, without more, is unlikely to provide an effective opportunity to participate, because no permanent record is available to the client. This hampers the ability of the individual to comprehend the instructions contained in the document or comply with the requirements described within, since the person is effectively unable to retain the necessary information needed to complete or respond after a one-time reading.
- f. Commonly used important documents can be converted into alternate forms of communication when necessary and should be made available in a timely manner prior to any adverse action about benefits. If conversion of documents into alternate formats cannot be accomplished in a timely manner that will allow the person to comply with program requirements, adverse actions will be postponed and eligibility deadlines will not commence until the conversion occurs and the notice, communication, or other document is provided to the individual.
- g. If/when materials are converted, copies will be maintained for later use with other visually impaired people who interact with the Department and

will be located in the office of the ADA Coordinator. To arrange to have materials put into alternate formats, contact the ADA Coordinator.

- h. The Program Integrity section of the Agency is responsible to assess and recommend the best course to convert items to audiotape, audio CD, data format, Braille, and other accessible formats and communications as needed.

### **11. Website accessibility**

The Department website must have accessible features for persons with disabilities, including both informational features available to the public, and through the availability of interactive, online applications and re-certifications for benefits and services. All forms the public must use to interact with the Department must be available in accessible, fillable format on the website. The Department website will conform to the Web Content Accessibility Guidelines (“WCAG 2.0”), developed by the Web Accessibility Initiative, which is a subgroup of the World Wide Web Consortium. These guidelines help designers make web pages as accessible as possible to the widest range of users, including users with disabilities.

### **Q. Staff training**

All Department staff and contracted staff must be trained on the ADA, these guidelines, and must comply with it. This training will be included in the orientation of new Department staff, and will be held bi-annually for all staff. The ADA Coordinator is responsible for ensuring that Department and contractor staff receive this training. The training should include, but not be limited to, the following:

1. The definition and nature of disabilities and reasonable accommodations under the ADA
2. Extensive examples of reasonable accommodations specific to each benefit program
3. The process for requesting, assessing and making decisions on reasonable accommodations
4. How to appropriately document the need for a reasonable accommodation and how it can be provided on an ongoing basis
5. How to contact supervisory staff with questions about the need for reasonable accommodations
6. How notice is provided when the Department refuses to offer or provide reasonable accommodations
7. Role plays and scenario based training to help staff develop skills in responding to specific situations. This includes:
  - a. how to respond to client questions about reasonable accommodations
  - b. how to respond to client disclosures related to their disability(ies)
  - c. de-escalation strategies for seemingly hostile or agitated behavior
  - d. handling seemingly non-compliant behavior with appointments, deadlines, etc.
  - e. process to undergo before taking negative actions

8. Examples of how disabilities affect daily tasks and the ability to comply with program requirements
9. How to discuss disabilities and reasonable accommodations with clients
10. How to recognize potentially disabling conditions and use screening tools

**Department and contractor staff will be trained in the requirements of the ADA by persons with demonstrated competent knowledge and understanding of disability civil rights and benefit program rules.**