

**Welfare to Work Commission  
Of the Suffolk County Legislature  
Minutes of the June 21st, 2013 Meeting**

**Present:** Richard Koubek, Chair; Kathy Liguori, Vice Chair; Leg. DuWayne Gregory, Debbie Joseph; James Andrews; Ray O'Rourke; Don Friedman; Ellen Krakow; Kathy Malloy; Michael Haynes; Audrey Gotlieb for Barbara Egloff; Marjorie Acevedo; Rob Greenberger; Peggy Boyd; Jeff Reynolds

**Excused:** Nina Leonhardt; John Nieves; Michael Stoltz; Charles Fox

**Absent:** Gwen O'Shea; Kimberly Gierasch; Gwen Branch

**Guest:** Angela Zimmerman, Molloy College

1. **Tribute to Bridget DePasquale:** The meeting opened with a moment of silence and a tribute from Chair Richard Koubek for Commission member Bridget DePasquale who passed away in May after a long struggle with cancer. A *Newsday* obituary was distributed and members made personal contributions totaling \$160, per the family's request, in Ms. DePasquale's memory, to the St. Anthony of Padua Parish Outreach Center in East Northport.
2. **Attendance Policy:** Mr. Koubek again clarified the Commission's attendance policy per consultations with Tim Laube, Clerk of the Legislature and George Nolan, Legislative Council. A resolution adopted by the Legislature in 2008 requires that any commission member who misses four consecutive meetings be removed and replaced by the agency he or she represents. Mr. Koubek reminded members that the Commission's practice is that if they cannot attend they can choose someone from their agency to represent them at a meeting. In addition, when they RSVP their regrets to the electronic meeting reminder they will be marked "excused." Members who do not RSVP are marked "absent." Four consecutive absences, per the Legislature's resolution, require that the member be removed and replaced.
3. **Minutes:** Minutes of the May meeting were adopted unanimously on a motion by Kathy Liguori, seconded by Kathy Malloy.
4. **Family Support Institute of Long Island:** Mr. Koubek welcomed Angela Zimmerman, the new director of this Institute, who gave a brief overview of its goals in providing supportive services to LI families. Mr. Koubek noted that the institute, part of a national movement, has developed seven principles for supporting families that should govern all public-policy decisions. He and Ms. Liguori have met with Ms. Zimmerman and will explore possible future collaborations between the Commission and the Institute.
5. **Employment Assessment Committee Presentation - Draft ADA Policy:** Mr. Koubek gave a brief summary of the work of the Employment Assessment Committee, dating back almost ten years, regarding the development of screening tools that could be used to identify disabilities – often hidden or difficult to identify – that could lead to fewer sanctions and expensive fair hearings. He recalled the work of this Committee in the mid-2000s with SCDOL to improve assessments for clients receiving work or educational assignments. He also reminded the Commission that the New York State Office of Temporary and Disability Assistance (OTDA) has been working on an improved mental-health screening tool for over a decade to replace the simple "self declaration" of mental illness now included in the OTDA

intake form used by all DSS districts. He noted that the draft Americans with Disabilities Act (ADA) policy which the committee has developed with DSS staff could at long last provide this tool. He then introduced Committee Chair Rob Greenberger.

- a. Mr. Greenberger thanked the Employment Assessment Committee members and DSS/DOL staff for their cooperation and collaboration in the development of the draft policy. He reminded the Commission that this process was undertaken in 2008 after it was agreed upon by the Commission and Suffolk County officials that the lack of such a policy placed the County at risk of lawsuits. It was also believed that a policy and guidelines would result in improved services for people with disabilities who were applying for benefits. He commended former Commissioner Greg Blass and DSS staff Cate Clifford and Roland Hampson for working closely with the Committee to develop the draft policy. Mr. Koubek added that Cate Clifford, who is the SCDSS ADA Compliance Officer, was invited to attend today's meeting but was unable to do so.
- b. Mr. Greenberger and Mr. Koubek each reminded the Commission that the policy that was being presented to them was a draft, that a rough draft had already been sent to the County Attorney's office where John Nieves reported that it is being reviewed and finally that today's presentation was informational for the purpose of receiving Commission feedback. There would be no vote on adoption at this meeting.
- c. Mr. Greenberger introduced Don Friedman and Ellen Krakow who provided a detailed summary of the components of the draft policy. Their summary is appended below. Ms. Krakow pointed out that the SCDSS ADA draft is based on existing policies developed by two New York State DSS districts, Onondaga and Chatagua Counties.
- d. James Andrews pointed out that much of the content of the ADA policy is already SCDSS and SCDOL policy and practice. He noted that Suffolk has the largest number of clients coded with disabilities (other than Nassau County) in all of New York State. Mr. Koubek stated that the draft policy is not a criticism of either department but rather an attempt to formalize and clarify policy. Ms. Krakow agreed that the draft is not a critique of either department but an attempt to improve service delivery, noting that professional reviews of existing County policies and practices by legal counsels, including welfare rights attorney Cary LaCheen of the National Center for Law and Economic Justice, as well as the Suffolk County attorney's office, Frank Krotschinsky, SC Director of Handicapped Services and former DSS Commissioner Blass, had all supported this project to create an updated and more specific SCDSS-ADA policy.

There was extended discussion of the Mental Health Screening Tool (Attachment B) of the draft ADA policy. Legislator Gregory felt that it might be helpful to ask clients about a family history of mental illness. Jeff Reynolds stated that the questions on alcohol and substance abuse might put clients on the defensive. He offered to send suggested language revisions to the Committee. Don Friedman stated that OTDA has tested and validated a mental-health screening tool known as the Modified Mini Screen or MMS and is engaged in what appears to be a protracted process of writing an ADM for its implementation that may, in the end, be optional for districts to adopt.

- e. Concern about staff development for the ADA policy was raised. Ms. Krakow and Mr. Friedman noted that the policy's adoption must precede staff training but that training will be critical to the success of the policy. Kathy Malloy pointed out the importance of on-site training; the policy cannot simply be distributed for staff to read on their own. Ms. Malloy noted that even security guards should be trained, noting that currently these critical staff have been outsourced to a private contractor from the Bronx whose employees are not familiar with SCDSS practices. She also asked for and received permission to bring the draft to the AME union leadership since their members will be most affected by the new policy.
  - f. Kathy Malloy provided a step-by-step summary of the DSS intake practice, as she experienced it when employed as a case worker at DSS. She spoke of the dedication of DSS workers toward helping clients as they pass through each stage: (1) Pre-Screening to complete the application; (2) Eligibility Appointment to determine if the client meets the income requirements for Public Assistance; (3) Employability Assessment (the meeting most critical in identifying medical, psychological, substance-abuse and other disabilities as well as work, educational and medical referrals and possible placements.)
  - g. Mr. Greenberger announced that a conference call of Committee members who have worked most closely on developing the policy will be set up in July to work out the final language in the draft policy.
6. **Sunday Bus Service:** Mr. Koubek reported that the County is awaiting a decision on its request for federal JARC funding to provide Sunday service. The decision will be made in early July.
  7. **Child Care Committee:** Chair Kathy Liguori reported that SCDSS has received a \$1 million increase in New York State Child Care Block Grant (CCBG) funding compared with a \$140,000 reduction last year. Unfortunately, the State still has not revised the formula used to award CCBG funds to the counties, thereby leaving Suffolk at a disadvantage going forward. She expressed hope that the increased CCBG funds for 2013-2014 would lead to raising the eligibility for subsidized child care in Suffolk from 125% of the Federal Poverty Level (FPL) to 150%. She also noted a Senate bill calling for a study by the New York State Office of Children's and Family Services as to whether the child care needs of working families are being served. Mr. Koubek stated that the time may have come for the Commission to hold public hearings on child care. This issue will be discussed at the next Commission meeting.
  8. **Homeless Shelters:** Peggy Boyd reported that SCDSS appears to be moving away from small homeless shelters to larger congregate shelters. Currently, in addition to Help Suffolk, the County is now housing over 100 families in two larger shelters, each of which appears to have supportive services provided. Mr. Koubek pointed out that the County has long sought to create more congregate shelters but was blocked from doing so by local, neighborhood opposition. There was discussion of the cost and service benefits of larger shelters as well as the benefits of housing families in smaller shelters. There was consensus that the County should not return to a policy of housing homeless families in motels with only a minimum of services. Mr. Koubek stated that he would reach out to Rosemary Dehlow of Community Housing Innovations (a small-shelter provider) for her feedback and that this issue may be taken up again in the future.
  9. **Next Meeting: Friday, June 12<sup>st</sup>, 9:30 AM** at the SCDOL One Stop Center.

**Summary of the Draft Suffolk County DSS Americans with Disabilities Act Policy**  
*Prepared for the Welfare to Work Commission by Ellen Krakow and Don Friedman*  
**June 21<sup>st</sup>, 2013**

*Note: A/R refers to Applicants and/or Recipients for benefits, programs and services.*

**Section I General Requirements of the ADA/Section 504**

- Equal and meaningful access to DSS programs and benefits.
- Can't administer programs in a way that has discriminatory effect.
- Must make reasonable accommodations when necessary.

**Section II Who Must Comply**

- All staff involved in DSS programs (e.g. FA, SN, FS, Medicaid, Children and Family Service programs).
- All DSS contractors providing DSS programs/services (e.g. SWEP).
- All complaints of policy or ADA violations are to be referred to ADA Compliance Officer.

**Section III Who is a Person with a Disability**

- Must have physical or mental impairment that "substantially limits a major life activity."
- DON'T NEED TO BE RECEIVING SSI OR SSD.
- Major life activities: working, walking, standing, manual tasks, bending, speaking, seeing, breathing, eating, sleeping, self-care, learning, reading, thinking, concentration.
- Some examples of physical impairments: blindness, traumatic brain injury, arthritis, cancer, diabetes, MS.
- Alcoholism is a physical impairment under the ADA.
- Past use of illicit drugs is a physical impairment.
- Some examples of mental impairments: depression, anxiety disorder, learning disabilities, ADD, intellectual disabilities, post-traumatic stress disorder.
- DSS determination of whether a client, for purposes granting accommodations, has a disability should not be a detailed analysis.
- Program ADA Coordinators (PACS) will be designated for each DSS program area. PACs will have extra training re: the ADA and this policy to assist in screening and in determinations as to whether to give an accommodation.

**Section IV Identifying People Who Might Need a Reasonable Accommodation**

- Staff to use reasonable efforts to identify a potential disability.
- References in case record/historical information to be used.
- Behavioral observations could be relevant.
- Disability Screening Tool: Used for all new applicants. 11 questions total re: special ed. services received as a child, substance abuse, mental health issues, physical impairments, difficulties completing forms or remembering appointments, loss of jobs due to impairments,

past attempts to receive SSI/SSD, assistance applicant receives at home, and whether applicant is a caretaker of someone with a disability. Tool is designed, in part, to elicit information re: possible mental illness or cognitive impairment that applicant might be reluctant to disclose.

- Screening Tool is NOT a substitute for the Employability Assessment.
- Role of Supervisor and Program ADA Coordinators: To assist worker, if they need help determining whether an accommodation should be made and to consult if applicant refuses an accommodation worker thinks is needed.
- Offers of accommodations made but declined by applicant must be noted in case record. If there's a subsequent non-compliance by A/R, worker must re-offer accommodation and explain that adverse action will result if not accepted, before any adverse action is actually taken.
- Workers have authority to offer/grant accommodations. Approval first by a supervisor is not needed. (See Section V)

### **Section V ADA Compliance Officer**

- Monitors for ADA compliance.
- Advises staff where questions arise.
- Recommends policy and procedural changes.
- Investigates and decides all ADA grievances submitted by A/Rs.
- Has authority to instruct staff to grant accommodations.

### **Section VI ADA Grievances**

- Grievance Form to be used, but not required.
- Staff must help person fill out form, if help is required.
- Must be investigated and decided within 10 business days. No adverse action to be taken while grievance is pending.
- Grievances to be investigated even if fair hearing is pending.
- Denial must be in writing.
- Copies of all grievances and decision to be sent to OTDA.
- Log of all grievances and outcomes to be maintained by ADA Compliance Officer.

### **Section VII Physical Accessibility**

- If buildings or parts of them are not physically accessible, DSS must hold appointments in a different location, including possibly the A/R's home.
- Waiting rooms must be as comfortable to people with disabilities as practicable.

### **Section VIII Separate Programs**

- DSS can't compel people with disabilities to participate in separate programs (e.g. educational or training programs) due to the disability, if the person meets all essential eligibility requirements for the program.

## Section IX Integrated Setting Requirement

- DSS services for people with disabilities to be provided in most integrated setting that is appropriate to meet their needs.

## Section X Reasonable Accommodations

- DSS must provide reasonable accommodations to people with disabilities, meaning they must make changes necessary to enable the person to participate in the program
- All staff will be trained in the ADA and have authority to provide reasonable accommodations
- Supervisors will make sure staff understand the policy, and assist on complicated cases
- A denial of an accommodation request will be conferenced before a final decision is made
- Time frame: If feasible, accommodations must be provided on the day of request. If not, the accommodation must be provided in time to prevent a denial of program access, but no more than 5 days from the request
- Examples of accommodations: Help with filling out an application and gathering documentation, flexibility in scheduling appointments, home visits, allowing rescheduling, allowing more time, providing additional explanations, allowing clients to bring someone to help them, third party notification, reading materials aloud to the client, providing alternative formats, such as braille, modifying work activities, modifying agency policies as needed, allowing alternative means of client-worker communication.

### Accommodations in program rules

- Provides examples of accommodations, focusing on flexibility with appointments
- DSS will eliminate non-essential procedures that tend to deny equal access
- Accommodations for family members: It may be necessary to provide accommodations to a family member who is not an A/R, such as an SSI parent applying on behalf of a non-disabled child.
- Accommodations for companions: DSS must ensure effective communications with A/Rs, the public and client companions with disabilities

### Accommodations in work activities

- Clients with disabilities may be entitled to accommodations in work activities. These may include, for example: a particular appropriate assignment, allowing part-time participation, modifications at a job site or program as needed, and work exemptions.
- The client's employability plan should include information about a client's disability, needed accommodations and stating whose responsibility it is to provide them.
- A client's disability may be the basis for a finding of good cause for non-compliance

- Accommodations needed on an ongoing basis: This section lists forms where a client's need for accommodation must be indicated, so that future requests are not needed, unless there is a change in circumstances.
- Emergency needs: DSS must take steps to ensure that emergency needs of persons with disabilities are addressed in a timely manner.
- Using information the agency already has to accommodate clients: Accommodations can be offered to a person even without a request, based on information DSS already has about the person. When a person participates in more than one program, DSS should try to coordinate procedures so that assistance is provided as seamlessly as possible.
- Accommodations for those with mental conditions and/or cognitive disabilities: Clients with mental disabilities may need accommodations, and it cannot be assumed that they have someone to help them.
- Accommodations based on behavior: Some clients are not aware of disabilities and may not request accommodations. Hostile or disruptive behavior may be signs of a disability.
- Clients should not be referred to other agencies as an accommodation. Appropriate referrals are proper, but the agency must also make necessary accommodations to afford the client access to DSS itself.
- Who is responsible for providing reasonable accommodations at DSS: Every worker is responsible for providing accommodation. If uncertain, they should consult a supervisor.

## **XI. Client Disclosure of and Obligation to Document Disability**

- Clients must be advised that disclosure of a disability is voluntary, but they will have to disclose if they want an accommodation.
- However, they should not have to disclose if the disability is obvious.
- Applicants who request accommodations but do not yet have documentation, or cannot pay for medical documentation, should receive the accommodation and reasonable time to get documentation.
- DSS must give appropriate weight to documentation from a client's own treating professionals.

## **XII. Obligation of DSS to Record Disability-Related Information in the Case Record**

- This section describes the process for recording disabilities and needed accommodations in the case record. The request for accommodation, the DSS response, and the reason for any denials must be recorded. DSS must keep a record of all accommodation requests.

### **XIII. Confidentiality**

- All usual confidentiality laws apply with regard to disability information. But staff must inform appropriate other staff of the need for accommodations. Client consent must be obtained before sharing disability information with contractors or other agencies. Interviews should be conducted, as much as practicable, to afford reasonable privacy.

### **XIV. Service Animals**

- Service animals cannot be excluded, or have limitations imposed on access to programs. If it is obvious that it is a service animal, no questions may be asked about the animal. If it is not obvious, staff may only ask if the animal is required due to a disability and what tasks the animal is trained to do.
- The service animal must be on a leash unless it would prevent performance of its task, and must be under the owner's control. If the animal is out of control, it can be excluded, but the disabled individual must still be permitted to participate in the program.

### **XV. Effective Telephone and In-Person Communication with Individuals with Hearing Impairments**

- A designated provider of sign language interpretation and alternative providers are listed. This service must be provided at no cost to clients who need it to communicate effectively. DSS must ensure that clients with hearing, vision and cognitive impairments are able to communicate effectively about DSS programs. Clients may use friends, relatives or DSS staff for assistance, but cannot be pressured to use such assistance.
- Children should never be used to interpret, except in an emergency with no alternative.
- Where sign language is necessary, arrangements should be made on three days notice.
- For brief simple interactions, written notes may be used if the client can adequately read and write English.
- As much as possible, delays in providing interpreters should not count against the client. So if, for example, an application appointment must be rescheduled to get a sign language interpreter, the filing date should be the original date. Emergency needs must also be attended to as needed.
- There is a list of technologies that may be used to enabled people with speech and hearing impairments to make and receive phone calls and instructions on their use.

### **XVI. Effective Communication for Individuals with Vision Impairments**

- DSS must make information available, when requested by a person with vision impairments, in a manner usable by the individual. Primary consideration should be given to the type of aid requested by the person. Usually these aids may be provided without a supervisor's approval. A supervisor may be brought in for more complicated cases or where the client is not satisfied with the proposed accommodation. The aid used should be recorded, so that it can be made available in advance of future appointments.
- In some cases, oral communication may be used, but this may not be enough, and some important documents may have to be converted to other formats.



## **XVII. Other Impairments**

- Not all impairments or accommodations can be described in this document. So the process should start by asking what accommodation the person would need to fully participate. Practical approaches are suggested, such as: reading to the client, completing tasks by phone or email, or allowing someone to act as the person's representative.

## **XVIII. State Employment Compliance (FS/TA)**

- Regarding SWEP, sometimes the proper accommodation will be exemption. In other cases, the activity can be modified in various ways to enable the person to participate.

## **XIX. Providing Notice of ADA/504 Rights**

- Information about the ADA and Section 504 must be made available to applicants, recipients and the public, using the Did You Know Flier. Various means of circulating and posting this information are set forth.

## **XX. Staff training**

- All staff who interact with clients must be trained – live and/or electronically – at least annually on the ADA/504 and this policy. DSS must ensure that its contractors train their workforces on these subjects as well.

## **XXI. Best practices**

- DSS will try to observe and adopt best ADA practices where possible. Some best practices that have been incorporated are listed, including: assigning an ADA-trained person to the reception area; assigning staff to assist disabled individuals in the application process; a separate line and interview booth for people with disabilities; displaying ADA materials in ways that are very visible and accessible; providing appropriate accommodations for the work activities.