

Patrick J. Ring
Authorized Signature

Number: SS-IM-04-034
Issue Date: 10/07/2004

Topic: Agency-wide Policy

Office for Civil Rights - Dept. of Human Services Voluntary Compliance
Subject: Agreement.

Applies to (check all that apply):

- | | | | |
|-------------------------------------|-------------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/> | All DHS employees | <input type="checkbox"/> | County Mental Health Directors |
| <input type="checkbox"/> | Area Agencies on Aging | <input type="checkbox"/> | Health Services |
| <input checked="" type="checkbox"/> | Children, Adults and Families | <input type="checkbox"/> | Seniors and People with Disabilities |
| <input type="checkbox"/> | County DD Program Managers | <input type="checkbox"/> | Other (please specify): |

Message: Pursuant to Title II of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and as stated in the joint OCR-DHS Compliance Agreement: The Department of Human Services and TANF/JOBS contractors shall not discriminate against an individual on the basis of disability.

Pursuant to Title II of the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and as stated in the joint OCR-DHS Compliance Agreement: The Department of Human Services and TANF/JOBS contractors shall not discriminate against an individual on the basis of disability.

Title II of the ADA and Section 504 guarantee the rights of individuals with a disability by:

- Providing equal access to the buildings where TANF benefits, services, and activities are provided
- Providing equal access to TANF benefits, services and activities provided by DHS and it's contractors
- Providing TANF services and activities that are appropriate and provide opportunity for benefit from: Job Placement; Education, Skill Training, Employment, other TANF programs
- Allowing them to voluntarily disclose a disability
- Providing an initial screening to identify possible disabilities
- Providing a comprehensive evaluation or assessment to determine how the client's disability effects their ability to meet program requirements

- Providing reasonable accommodations when needed
- Providing individualized TANF/JOBS case plans that take into account their disability
- Providing auxiliary aids such as interpreters, note-takers, and materials in alternate formats (Braille) and at no cost to the client
- Providing the opportunity for the client to file a grievance with DHS or the Office for Civil rights if they feel they have been discriminated against because of their disability.

According to the DHS-OCR Voluntary Compliance Agreement - Relating to the TANF/JOBS Program:

- All SDAs will use the Revised [DHS 7823](#) (DHS Employment Readiness Assessment) as the “Initial” screening tool to help discover a disability or trigger a screening or evaluation by an appropriate and qualified professional.
- Client files must include documentation regarding disabilities. Including the results of all formal disability evaluations, accommodations provided or not provided and why, and a clients refusal of an offer for a formal disability evaluation/assessment or accommodation.
- TRACS files must be updated to include information in the Testing Page regarding screening or assessment for disabilities.
- TRACS files must be updated to include information on the Disability Page regarding the discovery of a medical or mental health condition, need for accommodations and information explaining what the accommodations are or where information regarding accommodations can be located. (Remember appropriate entries in TRACS. Review the need to use a restricted or secured narrative.)
- Review of **all** client non-cooperation in the JOBS Program, by a locally determined team, for disability related issues.
- Disability shall be included as a “good cause” reason for non-cooperation.
- In the event an aspect of the client’s disability was related to non-compliance, the sanction will be removed without penalty.
- Independent review by the DHS ADA/Section 504 coordinator when a discrimination grievance or complaint is filed based on disability.
- Train all new TANF/JOBS and contracted employees, who have direct client contact, regarding the ADA and Section 504 within the first 180 days of employment.
- Train all current TANF/JOBS staff including contracted staff and management who have direct client contact of the provisions of the ADA and Section 504, and of the DHS-OCR Agreement.
- The agreement became effective on **August 6, 2004** and shall remain in effect for 2 years. If DHS is substantially in compliance with this Agreement, OCR’s review and monitoring of this Agreement shall terminate.
- DHS and TANF/JOB contractors remain obligated to follow the provisions set forth in Title II of the ADA and Section 504 of the Rehabilitation Act.

If you have any questions about this information, contact:

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