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Field Operations Memo 98-50
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TO: Transitional Assistance Office Staff

FROM: Joyce Sampson, Assistant Commissioner for Field Operations

RE: DTA Recipients and the Americans With Disabilities Act

Introduction

This memorandum is to remind you of the Department's obligations under the Americans with Disabilities Act (ADA) in regard to DTA recipients. You may already be aware that under the Act employees may request an adjustment to their work situation to accommodate a physical or mental disability that might prevent an employee from working. However, you should also know that the ADA applies equally to DTA recipients. Title II of the ADA makes it illegal for public agencies receiving federal funds to discriminate against persons with disabilities by not offering them equal access to all public services and benefits.

**Providing
Accommodations
to Recipients**

The Department must provide reasonable accommodations to qualified disabled recipients that will allow them to meet Department requirements and to utilize Department services. Examples of accommodations to recipients could be: providing additional time and assistance in obtaining verifications to a recipient incapacitated by severe depression, or arranging to hold an administrative hearing in a room that is wheelchair accessible for a recipient with mobility limitations. The Department may also waive in-office face-to-face interviews for recipients whose disabilities prevent their traveling.

**Providing
Accommodations
to Recipients
(Continued)**

To be protected under the ADA, the recipient must be an "otherwise qualified handicapped person," which in the Title II context means that the recipient must be able to meet the essential elements of the program or service in which the recipient seeks to participate. For example, a recipient whose disability has resulted in a foster placement for her child will not meet one of the essential elements of the TAFDC program which requires that the dependent child live with the parent. Neither would it be a reasonable accommodation to entirely waive the housing search requirements for a disabled EA recipient, because housing search is an essential element of the EA program. However, reducing the number of hours or altering the type of housing search that the disabled recipient must perform could be a reasonable accommodation.

**Making an ADA
Referral**

If a recipient communicates to you, or you otherwise become aware, that a recipient has a physical or mental condition that is preventing him or her from meeting Department requirements or from utilizing Department services, you should contact the Department's **Director of Equal Opportunity, Judith Subanny** at 600 Washington Street, Boston (617) 348-8490. Ms. Subanny will investigate the issue and assist in resolving it. Ms. Subanny may also make referrals to agencies such as the Massachusetts Rehabilitation Commission for more specialized assistance. Additionally, if you have general questions about the ADA and whether it applies to a situation, you may call Ruth Greenholtz at the Legal Division, (617) 348-8520.

A Reminder

Please be aware that to be entitled to a reasonable accommodation under the ADA the recipient does not have to be so severely disabled as to meet the TAFDC or EAEDC disability standards. If the disability is preventing or substantially interfering with the recipient's ability to comply with Department requirements or to utilize Department services and benefits, a referral to the Director of Equal Opportunity for a reasonable accommodation may be appropriate.
