

Update on DTA Implementation of the *Harper* Settlement Agreement

June, 2015

DTA recently implemented key portions of the Settlement Agreement in *Harper v. DTA*, the federal disability discrimination class action GBLS settled in 2013.

These changes improve the DTA's process for providing "reasonable accommodations" to clients with disabilities. Under the law, DTA is required to accommodate people with disabilities who need extra help, or a rule changed, in order to have access to DTA's services. As described below, DTA will now screen clients to discuss the need for reasonable accommodations. GBLS also urges advocates to ask clients who have disabilities that affect their ability to deal with DTA (get verifications, come to the office, keep appointments, etc.) if they need an accommodation from DTA.

Here's a summary of recent changes:

1. Screening for disability and recording of disability information

Screening for disability: Based on scripts built into BEACON, DTA will screen clients for disability. Workers will explain what DTA expects clients to do in order to get and keep benefits and will ask if the client has a health problem that could make any of those tasks difficult. This screening is programmed in BEACON and must be completed for all clients at application, eligibility reviews involving interviews, and if a client discloses disability.

If a client discloses disability and says s/he needs an accommodation, DTA staff will discuss the accommodation(s) needed and whether the accommodation is needed only once, or on an on-going basis.

If a client indicates that she doesn't need an accommodation (whether or not the client disclosed disability), DTA will ask the client to sign a Declination Form. There will be no adverse action to the client's case if they do not sign or return this form.

Recording: DTA created a new "Accommodation/Special Assistance" tab in BEACON to record the response to the screening, as well as information about approved accommodations. If a client discloses disability and says that she needs an accommodation, DTA will record that information in BEACON. This will include the type of disability, the difficulties the client may have in dealing with DTA as a result of the disability, and specific accommodations requested.

2. Client Assistance Coordinators (CACs)

DTA has appointed supervisory-level staff to a new position, referred to as Client Assistance Coordinators or CACs, in every DTA office (with 2 in the larger DTA offices). CACs will help clients and caseworkers troubleshoot around disability-related barriers. Their duties include:

- Working with DTA staff to support them in handling accommodation requests, as well as other disability protections (i.e., good cause, disability exemptions);
- Working directly with clients who are referred by a case worker, or who prefer to talk with a CAC about disability-related issues; and, in some cases, implementing accommodations when it is not feasible for the case worker to implement a specific accommodation; and
- Reviewing all accommodation requests and monitoring the provision of approved accommodations.

Attached please find the names of the CACs and their TAOs. A few positions still need to be filled. We hope to have contact info to share soon. For now, if anyone works with a CAC, we'd love to hear about the experience as well as any direct contact info.

3. Improvements to the system for individual accommodations

DTA has implemented several improvements to the accommodation process, including:

- The accommodation process is built into BEACON so clients' responses are properly recorded and available to anyone in BEACON to see. As mentioned above, DTA created a new "Accommodation/Special Assistance" tab in BEACON for this purpose.
- When a client has an approved accommodation, it will be immediately apparent to anyone who looks at the case in BEACON because there will be a blue ADA "bubble" next to the client's name on designated BEACON pages.
- If a client asks for help due to disability, it will be treated as a request for accommodation, even if it's something a worker should do regardless (such as help with verification or planning appointments around a client's schedule). That way, the fact that it is needed due to disability will trigger accommodation rights.
- The CACs will review all accommodation requests to ensure that adequate accommodations are provided. For example, even if a worker provides the help requested and treats it as an accommodation, the CACs will review the accommodation to see if it is adequate. (E.g., if one time help was provided, is there reason to think it will be needed on an ongoing basis? Does the nature of the client's difficulty suggest some other accommodation may be needed?)
- An accommodation request can be denied only after review by the TAO Accommodation team. BEACON does not allow workers to deny accommodation requests. If a worker is uncertain how to respond to an accommodation request or thinks it should be denied, the CAC must review it. If the CAC is unsure or determines that a request should not be approved, the CAC must convene the TAO

Accommodation Team (usually consisting of the Director or Assistant Director, the CAC, and the worker) to review it before deciding.

4. Staff Training

TAO Directors and Assistant Directors attended a training that addressed both disability issues generally and the mechanics of changes and BEACON programming. The CACs have also had specialized training. All workers were provided with a webinar training. However, we can expect that there will be a learning curve.

5. More to come....

In coming months, DTA will make additional changes, including:

- Improve its access to auxiliary aids for clients who are blind or deaf, including immediate access to ASL interpreters through video interpretation.
- Undertake a pilot to review how contacting clients known to have disabilities prior to taking an adverse action affects the outcome.

Questions or concerns?

If you have questions or concerns about any of the *Harper*-related changes as you seen them implemented, please contact Sarah Levy (617-603-1619, slevy@gbls.org) or Lizbeth Ginsburg (617-603-1624, lginsburg@gbls.org).

Given the magnitude of the changes DTA has rolled out, we anticipate that some problems and/or technical glitches may arise. We are working with DTA on *Harper* implementation and have gotten some fixes by raising specific issues. If you have concerns with how these new accommodation procedures work, please contact us. (For example, we have concerns with the notices that DTA has created for the accommodation process and are addressing these with DTA.)

For more details, see:

- DTA's Online Guide has a chapter specifically about *Harper* and ADA issues, see:
http://webapps.ehs.state.ma.us/DTA/PolicyOnline/%21SSL%21/WebHelp/userguide_test.htm
Home > Cross Programs > Harper/ADA
- Harper materials on Mass Legal Services website: Complaint, Settlement Agreement, Notice of Settlement (summarizing the case)
<http://www.masslegalservices.org/content/harper-v-dta>



Empty text input field



Screening Difficulty Helper

Type	Approved	Remedy	Detail
Coming to the OTA office	<input type="radio"/> Yes <input type="radio"/> No	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="radio"/> Yes <input type="radio"/> No	<input type="checkbox"/>	<input type="checkbox"/>

User welanj

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Effective 12/17/2014

History

TAO ADA Accommodation Teams		
TAO	Members	Title
Brockton (508) 895-7000	Sandra Pellicane	Director
	Joanne Lobaton	Client Assistance Coordinator
	Kerrie Calhoun	Client Assistance Coordinator
Chelsea Center (617) 551-1700	L. James Boyle	Director
	At Prak	Client Assistance Coordinator
Dudley Square (617) 989-6000	Jeff Sullivan	Assistant Director
	Aquila Ball	Client Assistance Coordinator
Fall River (508) 646-6200	Ou Nguon	Director
	Roger Sullivan	Client Assistance Coordinator
Fitchburg (978) 665-8700	Maryalyce Cleveland	Director
	Sheri Fleck	Client Assistance Coordinator
Framingham (508) 661-6600	Mary Walsh	Director
	Lorraine Ramos	Client Assistance Coordinator
Greenfield (413) 772-3400	Joanne LaCour	Director
	Karen Bacon	Client Assistance Coordinator
Holyoke (413) 552-5400	Jose Branco	Assistant Director
	Aimee Sawula	Client Assistance Coordinator
Hyannis (508) 862-6600	Peter Danzell	Director
Lawrence (978) 725-7100	Anne Louise Glynn	Director
	Diana Pereira-Velez	Client Assistance Coordinator
Lowell (978) 446-2400	Adrienne Anderson	Director
	Kate Sout-Storm	Client Assistance Coordinator
Malden (781) 388-7300	Martine Cesar	Assistant Director
	Ashley Littleton	Client Assistance Coordinator
New Bedford (508) 961-2000	Jeffrey Travers	Director
	Kelly Oliver	Client Assistance Coordinator
Newmarket Square (617) 989-2200	Elizabeth Czolopinski	Assistant Director
	Mazoe (Zoe) Barkon	Client Assistance Coordinator
North Shore (978) 825-7300	Sylvia Hossman	Assistant Director
	Julie Charette	Client Assistance Coordinator
Pittsfield (413) 236-2000	Nate Skrocki	Director
	Rebecca Gamari	Client Assistance Coordinator
Plymouth (508) 732-3100	Nancy Amaral	Assistant Director
	Jaime Randall	Client Assistance Coordinator
Southbridge (508) 765-2400	Roxanne Smith-Miller	Director
	Allison Hennequin	Client Assistance Coordinator
Springfield Liberty (413) 858-1000	Joel Acker	Assistant Director
	Arlin Ficarra	Client Assistance Coordinator
	Sarah McGahan	Client Assistance Coordinator
Springfield State (413) 858-1300	Pat Boyd	Assistant Director
	Elizabeth Gannuscio	Client Assistance Coordinator
Taunton (508) 884-5300	Sabre Ibrahim	Assistant Director
	Debbie-Ann Hibbert	Client Assistance Coordinator
Worcester (508) 767-3100	Lori Jacques	Director
	Javani Preko-Anderson	Client Assistance Coordinator
	Jacqueline Yang	Client Assistance Coordinator