**Section 525.500 TTY/TDD Requirements for Contractors/Rate Agreement Holders**

a) Contractor/Rate Agreement Holder Requirements

1) Any entity which holds a contract or contracts with DHS which singly or aggregately exceed $15,000, with the exception of Professional and Artistic Contracts and Personal Services Contracts, and/or any entity which has a Rate Agreement or Rate Agreements which are expected to generate in excess of $15,000, must have a Teletypewriter/Telecommunication Device for the Deaf (TTY/TDD) to ensure programmatic accessibility for individuals who are deaf or hard of hearing.

2) The TTY/TDD should be located on the site where services are provided to DHS clients, or the majority of the work is done under the contract/rate agreement. Exception to this requirement will be made if the contractor/rate agreement holder can provide a reasonable plan to DHS to use a TTY/TDD off-site to fulfill this requirement. This plan must be submitted and approved by the Project Officer, as described in subsection (b), below.

b) Contractor/Rate Agreement Holder Compliance Time Frames

1) All contractors/rate agreement holders with existing contracts/rate agreements shall have 90 calendar days from the effective date of these rules to come into compliance with this requirement. All entities seeking contracts/rate agreements with DHS shall come into compliance with this requirement within 10 days after the date the contract is signed and put into effect by DHS.

2) All contractors/rate agreement holders shall ensure that enough staff (i.e., at least one staff person per shift) is trained to adequately handle all anticipated telephone calls made or received via the TTY/TDD. If insufficient staff has been trained to fulfill this requirement, the contractor/rate agreement holder must submit a TTY/TDD training plan to the Project Officer for review and approval.

c) Termination of Contracts/Rate Agreements for Non-compliance

 Pursuant to the termination clause in all contracts/rate agreements let by DHS, DHS shall notify the contractor/rate agreement holder that the contract/rate agreement shall be terminated for failure of the contractor/rate agreement holder to comply with this requirement and that DHS shall make no further payments under the contract/rate agreement.

d) Contractor/Rate Agreement Holder Grievance Procedures

1) Any contractor/rate agreement holder that feels aggrieved because of this action by DHS may appeal this requirement. The contractor/rate agreement holder may request an appeal of the decision to terminate the contract/rate agreement by making a written request to the DHS Central Office. This request must be received no later than 10 working days after the date the contractor/rate agreement holder was informed of the violation and DHS' intent to make the contract/rate agreement null and void.

2) DHS shall acknowledge receipt of the request for the hearing and shall inform the contractor/rate agreement holder of the date for the hearing. The date of the hearing shall be within 10 working days after the date the request is received from the contractor/rate agreement holder.

3) The Committee shall be comprised of three persons: an individual appointed by the Associate Director - Office of Rehabilitation Services designee who will act as the chairperson; the Manager - Division of Services for Persons who are Deaf or Hard of Hearing; and the DHS Americans with Disabilities Act Coordinator or his/her designee.

4) Within 5 working days after the hearing, the Committee shall send the grievant a written decision on the grievance. Copies will also be provided to the Associate Director - Office of Rehabilitation Services and the DHS staff person who is the contact person for the contract/rate agreement.

5) Within 10 working days after the issuance of the Committee's decision, the Associate Director - Office of Rehabilitation Services may issue an intent to review letter to the contractor/rate agreement holder.

6) If the Associate Director - Office of Rehabilitation Services issues a letter of intent to review, he/she shall, within 5 working days, issue the final decision on the grievance. Copies shall be sent to the contractor/rate agreement holder, the Committee chairperson and the DHS staff person who is the contact person for the contract/rate agreement.

7) If the Associate Director - Office of Rehabilitation Services does not issue a letter of intent to review, the decision of the Committee shall become final the fifth day after the decision is issued by the Committee.

8) This shall constitute the final administrative decision by the Department.

(Source: Added at 17 Ill. Reg. 9980, effective June 22, 1993)