

ADMINISTRATIVE ORDER NUMBER 8-18

SUBJECT: EFFECTIVE COMMUNICATION WITH INDIVIDUALS WITH DISABILITIES

Responsible Department: Public Works

Date Issued: March 10, 2017

Date Revised:

Approved: *Signature on File*

Purpose

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of Fresno (City) is required to take steps to ensure that communication with individuals with disabilities is as effective as communications with others. The regulations apply to communicating with applicants, participants, members of the public, and companions with disabilities. This policy shall be implemented in conjunction with Administrative Order 8-17 *Title VI Non-Discrimination Compliance*.

The purpose of this policy is to outline the procedures, with time frames, for fulfilling requests for appropriate auxiliary aids and services leading to effective communication for qualified individuals with disabilities.

Definitions

Assistive Listening Systems (ALS) - sometimes referred to as Assistive Listening Devices (ALD), an auxiliary aid that brings amplified sound directly to the ear or existing hearing aid device. These can include a variety of devices that provide amplification.

Auxiliary Aids and Services – Technologies or services used to communicate with individuals with disabilities, such as those who are blind, have limited vision, deaf, hard of hearing, deaf-blind, or have impaired speech. These include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; screen reader and magnification software; accessibility features in electronic documents; use of an ALS to amplify sound; captioning services and devices; use of a teletypewriter (TTY), videophones, and telecommunication relay service; or use of a qualified interpreter or CART.

Communication Access Realtime Translation (CART) – sometimes referred to as realtime captioning, is the instant translation of the spoken word into English text. The text produced by the CART service can be displayed on an individual's computer monitor, projected onto a screen, combined with a video presentation to appear as captions, or otherwise made available using other transmission and display systems.

Companion - any family member, friend, or associate of an individual seeking access to a service, program or activity of the City, who, along with such individual, is an appropriate person with whom the City should communicate.

Effective Communication – Information that is written or spoken is as clear and understandable to individuals with disabilities as it is for individuals who do not have disabilities.

Qualified Interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral transliterators, translators, and sign language interpreters.

Telecommunication Relay Service - An operator service that allows individuals who are deaf, hard of hearing, deaf-blind, or have a speech disorder to place calls to standard telephone users via a keyboard, videophone, or other assistive device.

Undue Burden - Significant difficulty or expense.

Policy

The City will generally, upon request, provide appropriate auxiliary aids and services leading to effective communication for qualified individuals with disabilities so they can participate equally in the City's programs, services, and activities.

Means of providing effective communication may include but is not limited to, qualified sign language or oral interpreters, qualified readers, real-time transcription services, and documents in alternate formats, including Braille, large print, audio recordings, and accessible electronic format (e.g., HTML) as well as other ways of making information and communications accessible to individuals who have speech, hearing, vision or intellectual disabilities.

In many situations, effective communication with a companion, that is, someone other than the individual who is receiving services, may be necessary. The City is required to provide effective communication for companions who have disabilities.

The City Manager or designee may authorize deviations or exceptions to this policy as necessary.

Procedures

1. Agendas and promotional materials for City activities and events will include a statement that indicates who to contact and timeframes for requests for accommodations and auxiliary aides or services. An example of such statement is as follows:

- a. Services of an interpreter and additional accommodations such as assistive listening devices can be made available. Requests for accommodations should be made more than five working days but no later than 48 hours prior to the scheduled meeting/event. Please contact NAME at 559-621-XXXX or First.Last@Fresno.gov.
2. Requests for auxiliary aides or services should be made more than five working days but no later than 48 hours prior to the scheduled meeting/event.
3. Appropriate requests for auxiliary aids or services must be considered on an individualized basis taking into consideration the needs of the individual and the nature of the setting. Factors to consider when determining an auxiliary aid or service include:
 - a. The methods of communication usually used by the individual;
 - b. The nature, length, and complexity of the communication involved; and
 - c. The context of the communication.
4. Employees will consult with the individual who is in need of the auxiliary aid or service to determine what would work best for them.
5. Where possible, the City shall provide the auxiliary aid or service that is preferred by the individual, unless doing so would result in an undue financial or administrative burden (see relevant section below).
6. Employees will make every effort to provide the requested auxiliary aid or service in the most integrated setting possible, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.
7. Employees are encouraged to collaborate with the ADA Coordinator to determine appropriate accommodations. The ADA Coordinator shall consult regulations, resource materials, and disability experts as needed and provide recommendations for accommodating the request for auxiliary aids or services.
8. Employees are encouraged to utilize resources immediately available to them in any contact with an individual with a disability. Examples of this would include such simple methods as:
 - a. Hand gestures or written communications exchanged between the member and a deaf or hard of hearing individual;
 - b. Facing an individual utilizing lip reading and speaking slowly and clearly; and

- c. Slowly and clearly speaking or reading simple terms to any individual with a visual or intellectual disability.
9. In such instances in which the requested auxiliary aid or service is unavailable, employees should work with the individual requesting the accommodation to identify a reasonable alternative.
10. As requested, the City will provide documents, forms, and information in alternative formats such as audio recordings, enlarged print, Braille, or accessible electronic documents for individuals with visual or intellectual disabilities. In the absence of audio recordings or other accessible versions, employees may elect to read out loud forms or documents to the requesting individual. As requested, the City will provide sign language interpretation of documents for individuals who are deaf or hard of hearing. The ADA Coordinator can be contacted for assistance in providing documents in alternative formats.
11. Employees are required to accept telephone calls placed through telecommunication relay services and must treat relay calls just like other calls.
12. Employees will document when an auxiliary aid or service that is offered to an individual with a disability is declined.
13. The City will absorb all costs for reasonable requests for auxiliary aids or services. The individual requesting the accommodation for effective communication may not be charged. The requesting Department is responsible for payment of the expense of providing an auxiliary aid or service.

Assistive Listening Systems

Several City facilities have ALS to assist individuals with hearing loss to better participate in trainings, meetings, and events.

1. **City Council Chambers** - The City Hall Council Chambers have an FM assistive listening system. An FM system is an ALS that use radio broadcast technology. The public address system in the Council Chambers must be on for the system to work, and each user must have a receiver. The FM receivers are available in the City Clerk's office.
2. **Loop Systems** - City Hall Room 4017 and Meeting Room A have an induction loop that can be set up in advance. Individuals who use hearing aid who have a "T" or telephone coils can switch them on and receive signals directly to their hearing aids. Those without "T" coil equipped hearing aids can use a receiver. The system and accompanying microphones take time to set up and can be done with assistance of the Communications Department. The transmitter, microphones, and headset receivers are located in the office of the ADA Coordinator.

3. **Saroyan Theater.** The Saroyan Theater has an infrared system. An infrared system is an ALS that utilizes light-based technology. This system requires users to have a receiver and is not compatible with “T” coil equipped hearing aids. Receivers are available from ushers at events.
4. **Portable FM System.** The office of the ADA Coordinator has a portable FM System that is available to be checked out by employees. The system includes an individual loop system so that individuals who use hearing aid who have a “T” or telephone coils can switch them on and receive signals directly to their hearing aide. The City Clerk’s Office has a secondary portable FM System which is not equipped with the individual loop system however it is compatible with individual loops that may be obtained from the office of the ADA Coordinator. Those without “T” coil equipped hearing aids can use a receiver.

Obtaining Qualified Interpreters/CART

1. The Personnel Department maintains a current list of employees who are enrolled in the City of Fresno bilingual certification program who may be able to assist with providing sign language interpretation. These employees are assessed for conversational sign language only and may or may not be qualified to interpret for more complex situations.
2. Services of an outside interpreter must be obtained if a bilingual employee is not available or is not qualified due to the nature of the situation.
3. The ADA Coordinator maintains a list of agencies with whom the City has contracted or made arrangements for sign language interpreting and Communication Access Realtime Translation (CART) services. The requesting Department is responsible for payment of the expense of providing interpreting or CART services.
4. If the individual requests to use a companion as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the companion is not competent or appropriate for any of these reasons, competent interpreting services will be provided to the individual. The City may utilize a companion to interpret in only two situations:
 - a. In an emergency involving an imminent threat to the safety or welfare of an individual or the public, an adult accompanying an individual who uses sign language may be relied upon to interpret or facilitate communication only when a qualified interpreter is not available; and
 - b. In situations not involving an imminent threat, an adult accompanying someone who uses sign language may be relied upon to interpret or facilitate communication when the individual requests this, the accompanying adult agrees, and reliance on the accompanying adult is appropriate under the circumstances.

5. Minor children shall not be relied upon to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.
6. Qualified Interpreting services may be provided in person or via Video Remote Interpreting (VRI) service which meet or exceed the ADA requirements for quality. When providing interpreters via VRI staff shall ensure that the service provides:
 - a. Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high—quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;
 - b. A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating individual's face, arms, hands, and fingers, regardless of his or her body position;
 - c. A clear, audible transmission of voices; and
 - d. Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

Using Qualified Interpreters at Media Events

1. At times, such as during an emergency or disaster, sign language interpreters will be needed at press or media conferences to ensure effective communication of information to individuals who are deaf and hard of hearing.
2. When possible, the speaker should meet with the interpreter or include interpreter in any pre-meetings that would familiarize the interpreter with technical terms, acronyms, or jargon. Provide the interpreter with any available written materials prior to the media event.
3. The interpreter should be positioned standing directly next to the speaker so that they can be kept in the frame to ensure that viewers can see the interpreter. An individual communicating in sign language needs to be in full view in order to be understood.
4. If the media event is outside, ensure that the interpreter has full audio advantage during the entire proceedings, including during question and answer sessions.

Undue Burden

1. If the choice of auxiliary aid or service expressed by the individual with a disability would result in an undue burden or a fundamental alteration of the program, service, or activity, the City will provide an alternative aid or service that provides effective communication if one is available.

2. In determining whether a particular aid or service would result in undue financial and administrative burdens, the City will take into consideration the cost of the particular aid or service in light of all resources available to fund the program, service, or activity and the effect on other expenses or operations. Determining what constitutes an undue burden will vary from one year to the next. The impact of changing economic conditions on the resources available may also be taken into consideration in making this determination.
3. The decision that a particular aid or service would result in an undue burden must be made by the Department head, and must include a written statement of the reasons for reaching that conclusion and the alternative auxiliary aid or service that was provided.