



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C7

For the meeting of: March 6, 2018

Date: February 15, 2018

To: Board of Supervisors

From: Amy S. Nilsen, County Administrative Officer *AN*

Subject: Americans with Disabilities Act (ADA) Compliance Effective Communication Policy

RECOMMENDATION(S):

That the Board of Supervisors adopt the attached ADA Compliance Effective Communication Policy.

SOURCE OF FUNDING:

ADA Compliance (3552)
All County Funds

DISCUSSION:

In July of 2008, the county entered into an agreement with the Department of Justice (DOJ) to make modifications to county facilities for the purpose of complying with the Americans with Disabilities Act of 1990 (ADA). The agreement was signed in July of 2008, which provided for the county to complete a list of improvements by July 23, 2011. While the county did complete some of the needed improvements, many complicating factors, such as the downward turn in the economy starting with the 2007 recession, prevented the county from completing all improvements. The recession had a negative impact on the county, and beginning in 2008 the county was forced to make cutbacks in funding and reductions in service levels.

Prepared by Karen Clower

CAO Approval *[Signature]*

REVIEW:

Auditor _____ County Counsel *JN*

Human Resources *KTB*

Other _____

TYPE OF ITEM:

- Consent
- Departmental
- Public Hearing
- Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Wilson* Seconded by Supervisor *Fennell*

Ayes *Fennell, Sundberg, Wilson*

Nays _____

Abstain _____

Absent *Bass, Bohn*

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *3/6/18*

By: _____

[Signature]
Kathy Hayes, Clerk of the Board

On September 7, 2016, the county entered into a new formalized agreement known as a Consent Decree, which is administered by the United States District Court, for the Northern District of California. The Consent Decree contains various timeframes and milestones that require the county to take effective action in regards to complying with the ADA.

Section F.20. of the Consent Decree states, “Within three (3) months of the entry of this Consent Decree, the county will identify sources of qualified sign language and oral interpreters, qualified readers, real-time transcription services, and vendors able to convert documents to Braille. Within this three (3) month timeframe, the county will implement and report to the United States its written procedures, with time frames, for providing and fulfilling requests for sign language or oral interpreters, qualified readers, real-time transcription services, and documents in alternate formats, including Braille, large print, audio recording, and accessible electronic format (e.g., HTML).”

The county was able to identify, within the three (3) months specified in the Consent Decree, sources of qualified sign language and oral interpreters.

The policy before your Board today will assist county departments in providing accessible services and effective communication practices beyond qualified sign language and oral interpreters for all individuals who may have a need for accessible communication services. Examples of individuals with a disability that may require such services include individuals who have partial or total hearing loss, partial or total vision loss, Dyslexia or other learning disabilities that may make reading difficult, or an individual who is regarded as having such a disability. The purpose of the ADA Compliance Effective Communication Policy is to ensure that an individual with a vision, hearing, speech or learning disability can communicate with, receive information from, and convey information to, any county program, service or activity.

FINANCIAL IMPACT:

The financial impact of this policy is yet to be determined, as departments will be utilizing various forms of effective communication on an as needed basis. Departments will need to analyze public meeting areas to determine the appropriate number and type of Assisted Listening System devices for their respective facilities.

This action supports your Board’s Strategic Framework by fostering transparent, accessible, welcoming, and user friendly services.

OTHER AGENCY INVOLVEMENT:

Department of Justice

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could choose to not approve the recommendation; however, the county would be deemed non-compliant with the ADA and requirements of the Consent Decree, which could subject the county to fines and penalties.

ATTACHMENTS:

ADA Compliance Effective Communication Policy

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I. PURPOSE

The County of Humboldt recognizes that some clients may have communication disabilities and may use different ways to communicate. The county strives to provide accessible services to all and this may include individuals who have partial or total hearing loss, partial or total vision loss, Dyslexia or other learning disabilities that may make reading difficult, or an individual who is regarded as having such a disability. The county recognizes the legal rights of persons with disabilities under the Americans with Disabilities Act (ADA), and applicable California statutes.

The purpose of this policy is to ensure that an individual with a vision, hearing, speech or learning disability can communicate with, receive information from, and convey information to, any county program, service or activity.

The county must provide auxiliary aids and services when needed to communicate effectively with people who have communication disabilities. Auxiliary aids or services refer to the ways to communicate with people who have communication disabilities.

This policy shall apply when communicating with an individual who is inquiring about or receiving any county programs, services or participating in county sponsored activities, as well as with that individual's parent, spouse, or companion in appropriate circumstances.

II. POLICY

This policy does not apply to sections H.23 through H.25 of the Consent Decree entered into by and between the Department of Justice and Humboldt County on September 7, 2016.

This policy does not replace the Website Accessibility Policy
<https://humboldt.gov/DocumentCenter/View/56814>.

With 72 hours' notice, either written or verbal, individuals with qualified communication disabilities will be provided with the appropriate auxiliary aid or service at no charge to the individual.

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III. EFFECTIVE COMMUNICATION

The key to communicating effectively is to consider the nature, length, complexity, and context of the communication and the person's normal method(s) of communication.

When choosing an aid or service, the county is required to give primary consideration to the choice of aid or service requested by the person who has a communication disability and must honor the person's choice, unless it can be demonstrated that another equally effective means of communication is available, or that the use of the means chosen would result in a fundamental alteration to the nature of the service, program or activity or is an undue burden. If the choice expressed by the person with a disability would result in an undue burden or a fundamental alteration, the county still has an obligation to provide an alternative aid or service that provides effective communication if one is available.

The county is required to accept telephone calls placed through Telecommunication Relay Service (TRS), also known as the California Relay Service (CRS) and Video Relay Service (VRS), and staff who answer the telephone must treat relay calls just like any other calls.

IV. REASONABLE MODIFICATIONS

The county will make reasonable modifications to its policies, practices and procedures where necessary to avoid discrimination against a person with a qualified disability who has a partial or total hearing loss, a partial or complete loss of vision, a learning disability, or is regarded as having such a disability unless the county can show that making the modification would fundamentally alter the nature of the service, program or activity provided.

V. FORMS OF EFFECTIVE COMMUNICATION

A. Qualified Sign Language Interpreter

A qualified interpreter means someone who is able to interpret effectively, accurately, and impartially, both receptively (i.e., understanding what the person with the disability is saying) and expressively (i.e., having the skill needed to convey information back to that person). The county has retained, for use by any county department or division, two qualified sign language interpretive services to be utilized on an as-needed basis. Upon request and with advance notice, individuals with

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qualified disabilities will be provided with appropriate sign language interpretation services.

B. Video Relay Service

Video relay service (VRS) is a free, subscriber-based service for people who use sign language and have videophones, smart phones, or computers with video communication capabilities. For outgoing calls, the subscriber contacts the VRS interpreter, who places the call and serves as an intermediary between the subscriber and a person who uses a standard voice telephone. The interpreter tells the telephone user what the subscriber is signing and signs to the subscriber what the telephone user is saying. The communications assistant will explain how the system works if necessary.

C. Video remote interpreting (VRI)

Video remote interpreting (VRI) is a fee-based service that uses video conferencing technology to access an off-site interpreter to provide real-time sign language or oral interpreting services for conversations between hearing people and people who are deaf or have hearing loss. The new regulations give covered entities the choice of using VRI or on-site interpreters in situations where either would be effective. VRI will not be effective in all circumstances. For example, it will not be effective if the person who needs the interpreter has difficulty seeing the screen either because of vision loss or because he or she cannot be properly positioned to see the screen. In these circumstances, an on-site interpreter may be required.

If VRI is chosen, all of the following specific performance standards must be met:

- 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;
- A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the face, arms, hands, and fingers of the person using sign language, regardless of his or her body position;
- A clear, audible transmission of voices; and
- Adequate staff training to ensure quick set-up and proper operation.

D. CART or Video Captioning

Communication access real-time translation, or CART, is a service similar to court reporting in which a transcriber types what is being said at a meeting or event into a computer that projects the words onto a screen. Captioning may be open or closed,

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with open captioning the text is always shown and integral to the provided video, whereas closed captioning is on a separate track and may be enabled or disabled by the viewer. These services, which can be provided on-site or remotely, are particularly useful for people who are deaf or have hearing loss, but do not use sign language.

E. Assistive Listening Systems

Assistive Listening Systems (ALSs) are also known as Assistive Listening Devices (ALDs). Essentially, they are amplifiers that bring sound directly into the ear. They separate the sounds, particularly speech, that a person wants to hear from background noise. They improve what is known as the "speech to noise ratio."

Assistive listening systems shall be kept and maintained by all departments, in numbers that are a ratio of the available public seating in meeting rooms and assembly areas, including conference rooms or any public venues sponsored by the county. Please contact the County ADA Coordinator to coordinate the purchase of these devices.

The required number of systems available will be per the following table:

Capacity of Seating in Assembly Area	Minimum Number of Required Receivers	Minimum Number of Required Receivers Required to be Hearing-aid Compatible
50 or less	2	2
51 to 200	2, plus 1 per 25 seats over 50 seats ¹	2
201 to 500	2, plus 1 per 25 seats over 50 seats ¹	1 per 4 receivers ¹
501 to 1000	20, plus 1 per 33 seats over 500 seats ¹	1 per 4 receivers ¹
1001 to 2000	35, plus 1 per 50 seats over 1000 seats ¹	1 per 4 receivers ¹
2001 and over	55 plus 1 per 100 seats over 2000 seats ¹	1 per 4 receivers ¹

1 or fraction thereof.

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Exceptions:

- A. In Assembly Areas, assistive listening systems shall not be required where audio amplification is not provided.
- B. Where a building contains more than one assembly area and the assembly areas required to provide assistive listening systems are under one management, the total number of required receivers shall be permitted to be calculated according to the total number of seats in the assembly areas in the building provided that all receivers are usable with all systems.
- C. Where all seats in an assembly area are served by an induction loop assistive listening system, the minimum number of receivers required to be hearing-aid compatible shall not be required to be provided.

Permanently installed assistive listening systems are required in areas that accommodate at least 50 people or if they have audio amplification systems, and they have permanently installed seating.

Accessible signage shall be provided in each assembly area. The sign shall include wording that states "Assistive-Listening System Available" and shall be posted in a prominent place at or near the assembly area entrance and shall include the following symbol:



F. Telecommunication Relay Service (TRS) 711

The free nationwide telecommunications relay service (TRS), reached by calling 7-1-1, uses communications assistants (also called known as the California Relay Service) who serve as intermediaries between people who have hearing or speech disabilities who use a text telephone (TTY) or text messaging and people who use standard voice telephones. The communications assistant tells the telephone user

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what the other party is typing and types to tell the other party what the telephone user is saying. TRS also provides speech-to-speech transliteration for callers who have speech disabilities.

The communications assistant will explain how the system works if necessary.

G. TTY

For telephone communications, many people who have partial or total hearing loss use a teletypewriter (TTY, also known as a TDD) rather than standard telephones. These devices have a keyboard and a visual display for exchanging written messages over the telephone.

H. Qualified Reader.

A “qualified” reader means someone who is able to read effectively, accurately, and impartially, using any necessary specialized vocabulary.

Under some circumstances, county employees may be asked to read written material to a person with a vision or learning disability, or to assist in filling out paperwork for such person. This is also considered a reasonable modification. County employees may suggest making the written material available in Braille, large print, or in electronic format, but this may not always be possible. For document completion, every effort should be made to assist the individual at the time the request is made. If this is not possible, a mutually convenient time should be arranged to provide such assistance.

I. Compact Disc or Flash Drive

Upon request written materials in plain text or word processor format with digital information stored on compact disc or flash-drives shall be provided.

J. Large Print

Upon request enlarged print should be made available in the following format:

- Use 18-20 point type
- Use standard 8 ½ x 11" paper. Larger paper should not be used. Use a simple sans serif font such as Verdana bold or Arial bold.
- Use of off-white, very pale yellow or cream-colored non-glossy paper, such as paper that is used for photocopying purposes, results in the best contrast with the least glare. Do not use dark colors or shades of red.
- Spacing between lines of text must be between 1.25 and 1.50 (inches)

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- Use 1" margins. Lines longer than 6" will not track well for individuals who use a magnifier.
- Double-sided copying (if print does not bleed through) will produce a less bulky document.
- Use upper and lowercase letters.
- Avoid condensed, compressed or fancy fonts and italics, as they are difficult to read.
- Use only left margin justification to maintain uniform spacing across lines.
- Avoid centered or indented text. It can be difficult to track because only a few words will fit on a line. All text should begin at the left margin.
- Spacing between lines of text should be between 1.25 and 1.50 (inches) between 1.25 and 1.50 (inches) because many people with partial sight have difficulty finding the beginning of the next line while reading.
- (Not necessary if all lines are left justified.) Page numbering should be at the top left.
- Avoid columns. If columns are absolutely necessary, use minimum space between columns.
- Use dot leaders for tabular material.
- Graphics should be included, but placed on a separate page from the text. It is important to describe the graphics and pictures in the text for individuals with low vision who are unable to read them.

K. Braille

Braille is a six-dot tactile system for reading and writing without sight that enables people with blindness and visual impairments to read and write. Upon request, documents shall be provided in Braille format. Turn-around time varies depending upon the complexity of the documents. Humboldt County has contracted with a service for transcription of written documents to Braille on an as-needed basis.

VI. ADDITIONAL RESOURCES

<http://www.adapacific.org/relay-services>

<http://www.adapacific.org/awed#ICT>

http://www.adapacific.org/assets/documents/711_relay.pdf

<https://www.ada.gov/effective-comm.htm>