

**Ohio Department of Job and Family Services
Office of Workforce Development**

Transcript of Webinar

**Americans with Disabilities Act (ADA)
and
Limited English Proficiency (LEP) Compliance**

Date: July 30, 2012

Americans with Disabilities Act (ADA)
and Limited English Proficiency (LEP) Compliance

[Numbers in brackets indicate the approximate playtime in the audio version]

GRAIG PELLMAN: This is Graig Pellman with ODJFS Central Office. I'm here with Ron Weber, my Section Chief, and Suzanna Haydu, who is helping us with the technical direction of this webinar, and we want to welcome you to the second training in our sessions on legal and compliance issues. Just a couple of housekeeping announcements. First of all, we want to let you know that due to the large number of participants out in the field, you can ask questions, but you have to do that through the chat feature. Both of our speakers have indicated that if you have a question at any time during the program, just to go ahead and type your question in, and Suzanna will relay it to our presenter, and they will answer that any time during the presentation.

Also, I want to let you know that, for those of you who are pursuing the certificate of completion for this series of webinars, we will be recording your participation through GoToMeeting, our system. However, if you're in a situation where there's several of you clustered around a computer, you'll need to e-mail me, Graig Pellman, and request an attendance form, which I will send to you, that you can just fill that out and return it to me. So everybody who is viewing from your computer station will get proper credit.

At this time, I would like to introduce our speakers, and we do have two presentations this morning. The first presentation is going to be on language access services accessibility; Julia Arbini-Carbonell will be making that presentation. And then our second presentation will be on Americans Disability Act accessibility issues, and Reggie Smith will be making that presentation. At this time, I would like to introduce Julia, who will begin our first segment.
[1:52]

JULIA ARBINI-CARBONELL: Good morning, everyone. I'm so glad to be here. I am Julia, and I'm with the Bureau of Civil Rights. I'm housed with them, and we're going to be talking today about Title VI of the Civil Rights Act of 1964. The first slide, we'll be talking about Civil Rights Act of 1964, that's the Act that really protects individuals. We're going to talk about the LEP policy guidelines submitted to us by the Department of Justice, and we're also going to be talking about Language Access Policy at ODJFS for all programs and services. You should have received the IPP 9004, and it's a good idea for you to become familiar with the policy guide.

Language Access Services, access to services and benefits, is one of the greatest obstacles facing registered immigrants and other residents of Limited English Proficiency. So, it's really important that we understand that this is something that we have to do, that we have to really provide access to services and benefits to Limited English Proficiency individuals. And how do we do that? Well, the absence of qualified interpreters, results in serious misunderstandings, and denials of services and benefits, as well as discourages eligible customers from seeking services and benefits.

So, when they're needed. So, this is one of the primary concerns raised through Title VI of the Civil Rights Act of 1964. It prohibits discrimination based on race, color, or national origin. Under national origin, it further prohibits discrimination against limited English proficient individuals. So, when we look at it, we not only have to understand the national origin covers the individual, but it also protects the language of the individual.

Americans with Disabilities Act (ADA) and Limited English Proficiency (LEP) Compliance

Now, when we're talking about LEP individual, what are we talking about? Well, we're talking about a person who is unable to speak, read, or write/understand English language, at a level that permits him or her to interact effectively. And really, this is the key factor in understanding this guideline. The individual must be able to communicate effectively. If it's just half-way, they got it a little bit, you think they're understanding, they might say a couple of words in English, but they're really not getting it. That's not effective communication. So, they have to be, interact effectively with all social and health service provider agencies who receive federal funding. [4:58]

But, in essence, and overall, any government agency that receives federal funding, or any provider that receives federal funding, should comply, or must comply with Title VI. So, we're talking right now about the example of who's covered. For us, in general, hospitals need to be providing because they get Medicaid and Medicare, nursing counts as well. Health service providers must comply, human service providers, ODJFS, as a recipient of federal funding which goes through the county agencies, must comply with it.

And one of the areas that we tend, at times, to forget is that contractors, and/or subcontractors and others must also comply. So, in the One-Stop centers, if you are subcontracting to someone, you must ensure that that subcontractor is complying with Title VI. Any provider, really, receiving a penny of federal funding must comply with them. [6:08]

Because we're a multi-funding source from the Federal Government, we have to ensure that everybody understands that HHS that provides us, the Health and Human Services that provides because of Medicaid, and also related benefits, that we must comply. The USDA, through the Food Stamps Program, Nutritional Assistance Program, we must comply with the Department of Agriculture, and we also must comply with DOL, the Department of Labor. (Inaudible 06:46) the program, you know, related to job training, employment, and so forth, under the DOL. So, we have to be really conscious of those. So, we respond to three federal agencies. [7:03]

Key to LEP compliance. How do you comply? You know, having a friend or something help you, or how do you access, you know, services. Well, the Federal Government has suggested to ensure meaningful access from entities must provide language assistance. So, ODJFS provides language assistance, that results in accurate and effective communication. Not so-so communication, but effective and accurate. And this service must be provided at no cost to the customer.

So, it's a non-funded mandate, but it has to be done. Oral language assistance, the covered entities must provide language interpreters, trained and competent interpreters, assistance in a timely manner, and do not use family members as interpreter, or friend. Absolutely no minor should be utilized as interpreter.

So, those are very key pieces of information. If someone walks in to a One-Stop center or any program, and they don't have an interpreter at the moment, and they're re-scheduled, that in essence, is in violation of Title VI, because assistance was not provided in a timely manner. If Joe, you know John Doe, walks in and gets services, so should somebody else. Vladimir should

Americans with Disabilities Act (ADA)
and Limited English Proficiency (LEP) Compliance

go in and get services the same day. So, how do you get, how do you do that? Sometimes, you know, people you know get frustrated, because, how are we going to do that? Well, let's see how we can do that. [8:44]

The first thing that I want to share with you, also, is giving you a little bit of information aside, so that you understand that when we're talking about interpreters, we're talking about individuals are utilizing the spoken word, or the signed word. So, a person who is transferring, spoken or signed form, a message is an interpreter. That's the work that they're doing. A translator, on the other hand, is a person who translates written documents from one language into another. If you read IPP 9004, we address most of, most of you know, it in the policy. But we're talking right now about, really, interpreters. [9:30]

Language Access Services, ODJFS has several. The role of ODJFS interpreter is in our IPP, and the professional standards, the conduct of standards. Very important that all of the One-Stop centers, all the programs, really read, which has been included in your packet, I believe, so that you understand that there are some standards that they should meet. When we talk about an interpreter, and we talked earlier about bringing a friend or a family member, we discourage (Inaudible 10:09) especially the ODJFS, to engage an interpreter that is a family member or a friend, because they're not trained, and they're not what we consider, not a neutral third party.

So, this is why we encourage all the agencies to utilize neutral third party as an interpreter. We at ODJFS utilize several services. I understand that, where you're at, you might have all of this from the perspective of covering even the smallest agency, we suggest that at least any agency or program should have an interpretation over the phone. That would allow you to handle walk-ins, or phone calls, within seconds. ODJFS has a contract where all of our services with a contractor Language Line Services, who provides interpreters over the phone within 20 seconds; any language, you know, more than 120 languages.

So that's one way of ensuring that all the One-Stop centers, and WIA programs, have access to immediate services to somebody that walks in or calls in, and speaks other languages that are not, a (Inaudible 11:38) and counter on it every day. We also provided a schedule the interpretations for them through our office as well. [11:51]

For Language Access Services, and I understand that we have many services, and many providers in the webinar today, I am providing the Language Line Access number, just so that you know that there is such a number out there, and that you could access if you're an ODJFS staff. [Slide: 1-866-874-3972; Press 1 for Spanish; Press 2 for other; Client ID Number: 512193; Personal Code for OW] We have a personal ID number, which is written on the presentation, but we are not putting the personal code, which every area has one.

This is just to let you know that, although, you know, if you're interested in obtaining these languages, you can call Language Line Access Services and find out from them if you could, can, contract with them. Many of the county agencies and One-Stop centers have Language Access Services. The other thing that I wanted to share with you is that, because these are mandated services, every county and every One-Stop center, even if it's attached to the county

Americans with Disabilities Act (ADA)
and Limited English Proficiency (LEP) Compliance

department, or are independently operated, are supposed to submit a limited (Inaudible 13:12) proficiency (Inaudible 13:16) of this year.

We are in the process of reviewing this, so if we encounter a program that has not submitted an (Inaudible 13:28), we'll contact you and help you through the process to ensure that you are prepared, that you are able to provide services, and that you have coverage for any Limited English Proficient individual that walks into your location. [13:45]

Language Access, okay, for any information, even if you want some technical information from us, or technical assistance, we'll be happy to give you. Both American Sign Language, and foreign language, you can contact me at the e-mail listed, which is not listed, but, okay, it should be on the slide. For any county agency, or any One-Stop center, they can contact us directly through GroupWise. Okay? That's my presentation. [14:26]

Okay, my address is on the last page, so you can go ahead and contact us. My cover is, you know, Jorge Irizarry who is also an investigator. He could assist you if you have any more questions. I'm usually not in the office on Fridays, but I'm there from Monday through Thursday. Questions?

GRAIG: Julia, I have a question for you. We have in our audience people who fill various roles, but I also know that we have some case managers that are viewing as well. If a case manager answers the phone, and it becomes very obvious to them that they cannot effectively communicate with the person over the phone, or perhaps at that moment (Inaudible 15:27) what would be, in your opinion, the next steps that they would want to take? First of all, take care of that individual customer, and then maybe take a look at what their local office needs to do to fix that? [15:39]

JULIA: Well, if it's a local operation, that is part of ODJFS, the LEP plan will tell them exactly what the strategy is. They will have to ask their Civil Rights coordinator, every agency has a Civil Rights coordinator, is then required. They could also call us, and we can go ahead and assist them that one time, and enable to either try to get an interpreter over the phone immediately, or if it's Spanish you have Spanish speakers on our staff, so we will be able to do that. But if it's an agency or a One-Stop center, then we need to work with them so that they become self-sufficient, at least with a Language Line Services.

GRAIG: Thank you. Are there any questions from the field? Again, you can ask your questions by typing in the chat feature. Okay, hearing no questions, just give us (Inaudible 17:02) second presentation.

[17:55] Thank you very much for the brief delay. We now have Reggie Smith, who will now talk about ADA program accessibility.

SUZANNA HAYDU: We had a couple of questions that came in. Can you cover B of the IPP9004?

JULIA: Okay.

Americans with Disabilities Act (ADA)
and Limited English Proficiency (LEP) Compliance

GRAIG: Here it is.

JULIA: Section B? From Section 2? B?

SUZANNA: It says, can you cover B of the IPP 9004 is a question we just (Inaudible 18:51)

JULIA: Okay. Processing interpreters request?

SUZANNA: It says B1 for the county offices we need to contact the BCR.

JULIA: County offices should already have strategy in place (Inaudible 19:20) and the recipient of all the Limited English Proficiency plans. Every county agency has a plan. So, what we could tell you is, we'll help you first locate your Civil Rights coordinator, if you don't know who that person is, and second of all, we could give you the LEP plan, and let you know about the strategy – what contracting agency they have to provide services for Limited English Proficient individuals. But every agency at the county level is required to have this.

SUZANNA: Okay, and then I have another question. It says, does LEP also cover very low reading and language skills?

JULIA: No. Remember that Civil Rights Act covers, prohibits, discrimination based on race, color, or national origin. An occasional limitation is not covered...is not a protected class.

SUZANNA: And another one I received, Work for Career Center, will this information be of use to me?

JULIA: I certainly, if you know that the career center is recipient of federal dollars, even to the third party payers, yes, they must comply with it.

SUZANNA: And then I have someone that's asking, I did not hear an example as to what should be done at the Limited English Proficient phone call is received. Tracking down some policy does not (Inaudible 20:47) any help.

JULIA: Exactly. And can we ask the person asking the question if they're in a One-Stop center, or what kind of agency are they?

SUZANNA: As a subcontractor, can we get a copy of the ODJFS for Franklin County's plan to model ours? [21:28]

JULIA: Yes. You can go ahead and e-mail me at the e-mail at the end of my presentation, and we'll be happy to share with you, at least a template with the general names of (Inaudible 21:49) companies or organizations that could provide for you.

SUZANNA: And then the person, the previous question, said that they're actually a One-Stop center.

Americans with Disabilities Act (ADA)
and Limited English Proficiency (LEP) Compliance

JULIA: Then One-Stop center, you need to contact me, because I will go ahead and research your One-Stop center's LEP plan, and let you know, who they're contracting with, so that all the staff knows. But maybe that's something we can go ahead and let everybody know that this information is for all the staff, so that they don't get into situations like that.

SUZANNA: And I think I may have asked this. Whether the subcontractor can get a copy of the ODJFS – yeah I did.

JULIA: Yes.

SUZANNA: I think we got them all.

JULIA: Okay. Good.

SUZANNA: They all came in.

JULIA: All right. Thank you.

GRAIG: Those are great questions, folks.

SUZANNA: Oh, I got another one that just came in. I'm sorry. What level of effort must be given to translate JFS forms in languages other than English, and how would we translate it? [22:59]

JULIA: If you are in need of forms that are ODJFS forms, that need to be templated because in your service area, that's the language that, then you let us know. Feel free to contact us at the Bureau of Civil Rights, and let us know your needs for that form. Because we're a state agency, we need to look at the overall service aid of the service area.

So, we're doing translations in various languages. Spanish, of course, is the second most spoken language in Ohio. We're also doing translations in Somali, in Arabic, and Russian, but there's some other languages that are used in your service area that we need to focus, let us know. What was the second part of that question? [23:58]

SUZANNA: How many different languages, and which of the dozens of JFS forms need to be translated?

JULIA: We're – look at the forms, each program area looks at their forms, and while we have to do the guideline, indicates that they need to be vital forms. If you're asking somebody to sign on something that individual needs to know what they're signing. So that would be considered a vital form. An announcement that informed the individual about the benefits, pro or con under benefits, that form needs to be translated as well. So we need to know, really, what are the forms that most county agents that utilizing. And it differs by county. They're not all the same.

Americans with Disabilities Act (ADA)
and Limited English Proficiency (LEP) Compliance

So, one of the things that we're looking for is, from hearing from you, what are the forms that you, that are most utilizing in your area. One thing that I want to clarify, because we get that a lot, is CRIS-E notices are not sent in the language, well, CRIS-E is a very old system, and what we have done to ensure that at least the recipients of benefits are informed in their language. We have a box that is automatically comes up in the notice that says, in the language of individuals, "This is an important notice about your services and benefits. Please contact your case worker for further details, and translation of the form."

Now there is an issue with this. In order for CRIS-E to be accurate, the county workers at the county levels must input the information in the primary language indicator. So, that's a PLI. You have to go to the screen, and put in the real language that the customer is speaking. So, that's very important if you're doing a one-on-one, or over the phone, that they ask what's the primary language. So the PLI then reflects the needs of the customer. That's it? Okay. Thank you.

GRAIG: Thank you, Julia. [26:17]

REGGIE SMITH: Good morning. Again, my name is Reggie Smith. I'm the ADA coordinator for the Department of Jobs and Family Services. I want to thank Graig Pellman for inviting us to present this morning. The topic of my presentation is: What is Program Accessibility? I'm glad you asked that question. Just a bit of caution, you know, PowerPoint presentations can be dangerous. You can't depend too much on them. They can be hazardous to our health, so we want to be careful of that. Can you hear me now? All right, I'll try to do better.

Basically, the Americans with Disabilities Act states that people with disabilities cannot be excluded from programs, activities, or services offered by public entities because of inaccessible facilities. So, basically, we are to provide equal, effective access to programs, benefits, services for qualified individuals with disabilities. Do you have it on mute? Can you hear me at all?

SUZANNA: For anyone who can hear us, we'll be back in just a moment. We need to checkout some technical issues. [27:51]

[28:23]REGGIE: Can you hear me now? Just want to make sure everybody can hear me.

GRAIG: Would someone type in if they can hear us? Yes.

REGGIE: Yup? All right, I don't know what parts you got, but we're going to move right along. Section 188 of the Workforce Investment Act states that individuals with disabilities must be provided with reasonable accommodations for their disability. Also, requires that individuals with disabilities be given services alongside people without disabilities. So, basically these are the policies, regulations, and the laws that are driving program accessibility.

There is some flexibility that singled out. One is to reassign, reassignment of a person to an accessible location if a facility is not accessible. Basically, what we're saying here is that if your facilities are not fully accessible, you have an off-site, that is fully accessible, then you are at the same services being provided at that location, then the individual can go to that location. The

Americans with Disabilities Act (ADA)
and Limited English Proficiency (LEP) Compliance

caveat of this is, if the location is really down the street, then it may be feasible for the person to go to the other location. But if the location is 50 miles away, then again, you may have some issues as far as getting the customer to that site.

So, at that point, you may still have to look at reevaluating your facilities, and making (Inaudible 30:09). Also, accessibility is, you can offer home visits, and also purchase redesign equipment, reassignment of a beneficiary, then we just talk about structured (Inaudible 30:26).

So, what is covered? Pretty much employment, volunteers, programs, benefit services, meetings, activities, communications, technology, facilities, (Inaudible 30:43) and that means everything we do is covered. So, when we talk about what individuals are covered, basically saying a person with a disability, has a physical or mental impairment that's affecting them, it's one of the more major life activities, such individual. This basically is the same definition that was used in the law back in 1990. The definition did not change, but as far as the intent has changed in the law. Basically, they made it more open for all individuals with disabilities. [31:31]

So, when you look at this definition, we want to look at it and make sure it's more inclusive, and that it's not as severe as it used to be. Also, you know the person has to have a record, so that's when impairment, meaning if they had a condition that went into remission and then came back again, that person would be covered as a person with disabilities. And then there's the regarded as having such an apparent as, meaning if (Inaudible 32:03) has an actual perceived impairment that is not both transitory or minor. So, if you have a perceived condition (Inaudible 32:12) of having a disability, then you may qualify as a person with a disability under the ADA.

So, when we talk about equal access, basically we're talking about two areas. We're talking about physical accessibility, and this is done by using accessibility checklist guideline. Then we're talking about program accessibility, which has been established similar but separate programs, as long as their services are equivalent, must offer accessibility to programs upon request. [32:47]

SUZANNA: We have a question. Someone asked if we could define transitory.

REGGIE: Transitory would be something that's minor, because, again, when we're talking about an actual or perceived condition, say for instance, a really good example, if someone came in the office limping, and you perceived them to have a disability, whether they have a disability or not, you may be treating that person as if they did have a disability. And (Inaudible 33:22) something minor, or they just walk that way. So, it's basically being qualified as a person with a disability. Hopefully I have.

GRAIG: We're going to mute for a second. [33:41]

VOICE: I just switched it to mic and speakers. Can everybody hear?

VOICE: To webinar, web events made easy.

VOICE: We'll just have to try and go as best we can on this. Let me switch it back.

Americans with Disabilities Act (ADA)
and Limited English Proficiency (LEP) Compliance

VOICE: Did you kill it?

VOICE: We can't go on like that.

VOICE: Welcome to GoToWebinar, web events made –

[35:35] GRAIG: Now. We apologize for the technical difficulties. We think we have them fixed, but if we fade out again, please let us know. Go ahead, Reggie.

REGGIE: Thank you. Again, what we're going to start at is talking about the physical accessibility. As you can see from your PowerPoint slide number nine, that we have a lot of pictures shown that there are people that can't enter into a facility. When we talk about program accessibility, this is one of the first areas of caution. Meaning that if a person can't get into your site, then they can't get in to serve assistance, so it's not accessible.

And as you know, back in 2003 – 2004, our office conducted accessibility surveys for all 88 counties. We went around and did accessibility checks of your site, and actually wrote reports for each checklist. And also asked key offices to provide us with a corrective action plan. We do have all of those reports. We also have all the corrective action plans in our office. Basically, we asked you to put some timetables as far as when you're going to do your corrective action plan.

As far as follow-ups are concerned, our office has conducted some follow-ups, probably not as many as we did initially, but we do do follow-ups in three areas. One, we follow-up when we're requested by the office to come out and do a follow-up, based on changes or correction to the deficiency. Two, we go out as part of our monitoring tool, where we are monitoring the JFS offices around the state. We also look at the One-Stops corrective action plan to make sure things were put into place. And three, when there's a relocation of a site, or if a One-Stop moves, that information is relayed to me, and we do schedule a visit to go back out and do a new survey for the office. [37:44]

So, we are currently trying to keep as much information updates as possible. It's important for you guys to let us know when you do make those changes, so we can come out and do those accessibility checklists for you. And a good reason to have it, because, when there is compliance reviews done by the Department of Labor, sometimes they don't give us notice. They just go out and do it. One of the things they're going to check is to make sure your site is accessible to people with disabilities.

To have a corrective action plan, and actually work your corrective action plan, is going to be good for your agency. So always go CYA, and that is Cover Your Agency. All right? So, didn't want to spend a whole lot of time talking about physical accessibility, because we've been working on it since 2003. So, hopefully, we're a lot further along than we were when we started out. Okay? [38:49]

Americans with Disabilities Act (ADA)
and Limited English Proficiency (LEP) Compliance

Just a couple of things I wanted to let you know about the new specifications, as new standards have been put in place 2010 for new constructions, existing facilities. There is a new standard. It's basically the compliance date for the new standard, was March 15, 2012. So we're now actually living in the new standards. Basically, it states that, for new construction, it's required to meet the standards.

So, all new constructions need to meet the 2010 standards, which is a little different than it was back when we actually did the existing checklist for you. We are currently using the new standard as we go out and look at those facilities from this day forward. (Inaudible 39:45) existing facilities must be accessible to the maximum extent feasible for the scope of the project, meaning, if you go in and make alterations to your site, then you need to consider those things that you have minimal standards using.

An example would be, if your restrooms that met the minimum standards, had the minimal stalls, and you do alterations to your site, then you also have to take your restrooms into consideration to bring them up to the code, up to the new standard. Okay? [40:25]

Also, the existing facilities that have not been altered cannot deny access to persons with disabilities. If your site is not accessible, you still need to figure out a way to accommodate, and to meet the accessibility standards for that individual so that they can access the programs of your site. Okay?

All right, that's all I want to talk about as far as the facilities. I want to get into more of the accessibilities and talk about some of the tools that we use, and some of the changes that have occurred, around program accessibility. Some new definitions, service animals, wheelchairs, other power-driven mobility devices, auxiliary aids, services, qualified interpreters, qualified readers, and video remote interpreting services. If I'm talking too fast, moving too fast, please relay that and I'll try to slow down a little bit.

SUZANNA: Sorry. Someone just asked if Mr. Pellman's e-mail is G.pellman@jfs.ohio.gov. It is...

GRAIG: It is not.

SUZANNA: It is Graig.pellman@jfs.ohio.gov. [42:10]

REGGIE: Okay. Glad you got that in. All right, a service animal at this point is a dog, and it's a dog that does work or performs tasks for the benefit of the individual with the disability. So, the key is, a service animal at this time is just a dog. Okay? It's a dog that does work. The work must be directly related to the individual with a disability. Okay? So, the work that the dog does, need not to be physical, it can be other things. But a service dog does have to be trained.

Some examples of the work tasks: the dog can retrieve medicine and other items, assist with balance and stability, alert the individual of changes in the environment, alert to and assist on a seizure, help the individual with Dissociative Identity Disorder to remain grounded in the

Americans with Disabilities Act (ADA)
and Limited English Proficiency (LEP) Compliance

environment, and prevent/interrupt impulsive and destructive behavior. So, as you can see, a service animal has to be a working dog. [43:25]

GRAIG: Excuse me, Reggie, can you go back to that slide? Would you please explain what Dissociative Identity Disorder is?

REGGIE: I don't know. It's a disorder that someone has, and I don't know.

GRAIG: Okay, thank you.

REGGIE: I can find out.

GRAIG: Would you, please, so we can e-mail that out to our audience.

REGGIE: I will find that out.

GRAIG: Thank you.

SUZANNA: Service dogs, do they have to be licensed?–

REGGIE: We're going to talk about that.

SUZANNA: Oh, okay.

REGGIE: We're going to move forward and talk about that. I'm glad you asked that question. Other animals, other species have been excluded, there is an exception for miniature horses, and we're going to talk about that a little later. But I think the essence is: a dog has greater predictability – what is accepted and not accepted. Monkeys, they have very viable skills, but there are some health risks that are involved with that, so that's why they're being excluded.

Again, what I'm talking about today, does not overrule any jurisdiction from HUD or Department of Transportation, DOT, or the Fair Housing Act, or the Air Carrier Association Act. Okay, so whatever their specification is regarding service animals, it would still be maintained, still the same. For dogs, no size and weight, there's no size and weight restriction, and there's no breed restriction. So it could be any kind of dog. [45:09]

SUZANNA: Someone just asked does the service animal need to wear any type of signage to identify it as a service animal?

REGGIE: And we're going to talk about that too. (Inaudible 45:21) Okay? We're going to go ahead and get to that. Also, we talked about emotional support and comfort animals, if this is the only function that they're doing for the individual, then they're not considered a service animal. Again, the animal must be trained to perform work. General obedience training does not suffice, so that's not good enough. And a soothing presence and the general benefit received from the pet is not good enough to be a service animal.

Americans with Disabilities Act (ADA) and Limited English Proficiency (LEP) Compliance

Other issues. An entity can exclude a service animal if it is not controlled or it's not housebroken, or if there are code of conduct issues. Covered entity is not responsible for care or supervision of a service animal, and no service animal has to have a license, or documentation is required. [46:24]

One of the things that you can do if you have some questions regarding if it's a service animal or not, if it's functioning as a service animal, and it's really apparent, then you need to ask no question. If you feel that it's not functioning as a service animal, then you can ask these questions: Is the service animal required because of a disability? And then, what work or tasks is the animal trained to perform? The key is, you cannot ask, regarding the disability itself, but you can ask if the dog is used, or the animal is used as a service animal.

SUZANNA: We had someone out in our audience today that commented on Dissociative Identity Disorder and apparently it is Multiple Personality Disorder. [47:25]

REGGIE: Thank you. Okay. Miniature horses, they are allowed, but may be limited. It's based on your policy and event, meaning if you have a policy already in place regarding miniature horses, then you need to work your policy. As far as the assessment factors, the horse, the miniature horse still has to be trained, and it also has to be in control. It also has to be housebroken. The types and size and weight, it can be an issue based on your policy. So you can determine the size, the type, and the weight of the miniature horse.

Legitimate safety requirements is specific to the facilities. So, basically whatever your safety requirements is at your site, it could be an issue when it comes to miniature horse. But I guess there have been cases where miniature horses have been trained as a service animal, and been used, in certain areas. Again, but that's on a case by case. [48:41]

Some of the best practices, if the service animal works or tasks for individuals with disability, you know it's a service animal includes people with various types of disability, it's not an emotional support animal. It is controlled, and cared by handlers, and they need to know the location of the rest area.

SUZANNA: We have another question again. Someone in the audience asked, what are the questions again that we can ask if the disability is not apparent?

REGGIE: I'll go back. Is a service animal required because of the disability? And two, what work or task is the animal trained to perform. Okay? [49:47]

All right, so we're going to move ahead, if we don't have any more questions regarding service animals. We're going to talk a little bit about wheelchairs. As you know, the intent for use, or primary designated to mobility device for individuals with disability, so we're talking wheelchairs, mobile mobility scooters, walkers, and crutches. They are either powered or unpowered, and they are not subject to assessment.

One of the things we do here at JFS, if we have someone who wants to use a wheelchair or even a scooter, we just like them to let us know so we can house the equipment. If they're going to

Americans with Disabilities Act (ADA)
and Limited English Proficiency (LEP) Compliance

leave it here, then we need to have a place to plug it in, and things like that. So, we do, do that for our employees.

SUZANNA: We have another question again. Does (Inaudible 50:40) area refer to the rest area for animal or human? [50:43]

REGGIE: It's referring to a rest area.

All right. And also – with wheelchairs, scooters, walkers, and crutches – these individuals, again, who's using these devices are permitted to go anywhere that any pedestrian is allowed to go in your site. So, if your customer is allowed to go to a lot of different places, just because these individuals are using these device, they're also allowed to go to those same areas. [51:16]

All right, Other Power-Driven Mobility Devices. Usually these are devices that are not made for individuals with disabilities, they're made for anybody who wants to use the devices, such as golf carts, Segway, and other electronic personal assistance, or mobility devices. (Inaudible 51:45) using these types of devices as a way to accommodate themselves and you do, you may, have individuals show up at your work site, or your facilities, with these types of devices.

The use of OPDMDs – covered entities must make reasonable modifications to admit individuals with mobility so they can use OPDMDs, unless the entity can demonstrate that the class of OPDMD's cannot be operated in accordance with legitimate safety requirements, adopted by the entity. And again, the burden of proof is on the entity. [52:28]

And basically, what they're saying is, if you already have a policy in place regarding the OPDMDs, then you need to work your policy. You need to show your policy if there is ever an issue, if a person with a disability is using them and bringing it to your location. Some verification, any request, a credible assurance that the OPDMD is required because of a person with a disability.

Again, if the individual using the device, because of their disability, you may not ask about the nature or the extent of the disability. Develop a policy clearly stating circumstances when use of an OPDMD is permitted. So, again, you have to work your policy. Department of Justice Guidance Policy basically says you should develop a policy. Clearly state the circumstances under the permit, specific rules, procedures for assessment, and specific grouping types. For example, a GSA Safeway Personal Transport Policy.

So, again, if you do not have a policy, you may want to go to the Department of Justice website, and grab information, and help you develop a policy regarding OPDMD's. [53:56]

SUZANNA: Someone is asking if there's a template for the OPDMD policy?

REGGIE: Yeah, you can find it at the website. The website is listed on your PowerPoint slide. You can go to that website and gather all your information there.

Americans with Disabilities Act (ADA) and Limited English Proficiency (LEP) Compliance

All right, auxiliary aids and services. Under Title II, a public entity should take appropriate steps to ensure that communication with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others. Under Title III, a public accommodation should take steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated, or otherwise treated differently than other individuals because of absence of auxiliary aids and services first. Most auxiliary aids and services is an accommodation, which most people say reasonable accommodation (inaudible 54:57).

We just now are saying just that accommodations are being made. If a customer requests an accommodation, it's up to the entity to try to provide the accommodation to the individual. Some examples of auxiliary aids would be voice, text, video-based telecommunication products and systems. Also, you have braille, you have tactile displays, screen-reader software, video remote interpreting, television, captioning and decoder, and telecommunication by TDD and TTY.

There's also, as most of you know, that there's also a high relay services that is being used, which kind of a third party call. Call them, they call them, and they call you, and then kind of have a big person conversation going on. Basically, the TTY kind of excludes that third party, where you can talk to the person directly, without going through the high-relay services. [56:10]

I think we told most offices when we were out there, we talked about the auxiliary aids and services that you should have. Resources, so that this product, so that if you have someone who needs braille, you already have a contact where you can get that done as soon as possible for the individual. So, you don't, as Julia said earlier, you need to make sure that it's in a timely manner, and taking a couple of days and a couple of weeks to have stuff done, is not timely. So, that's why you need to work your resources. If there's universities that provide services for you, braille services or interpreting services, you may want to contact them, and make sure they're on your list, so that you can use them.

Qualified interpreters. Basically has been modified, that includes sign language, oral, and cued speech. Oral and cued speech interpreting is defined. Basically, cued speech is like reading lips, that's included in cued speech. So, if someone reads lips, and you're able to talk to them, then they're able to get the information that you're providing. I think Julia made a very wonderful point earlier, that in most cases, you want to bring in an interpreter for the individual, as a third party because there's more of a CYA (Cover Your Agency), to make sure that the correct information is being interpreted to the individual on both ends. [57:56]

(Inaudible 58:03) necessary vocab. Qualified Interpreter. Usually, this service is provided when you have a person who is visually impaired, and you don't have braille information in front of you. And, again, most visually impaired people that at times read braille. There are some people who are blind that do not read braille at all, so they may request a reader. So this could be someone in your office that can read the information to the individual. Sometimes you may have a person who is visually impaired, who brings in information that was sent from your office, or even from the state, and, because they cannot read it, they may need a reader for that to happen, and you can read that information.

Americans with Disabilities Act (ADA)
and Limited English Proficiency (LEP) Compliance

SUZANNA: Quick question, what organization can test our assistive technology?

REGGIE: It depends on what technology you're asking about. I know One-Stops require you to have screen reader, and also some zoom text which is a screen enlargement system. Those companies usually will provide technical assistance, and training on how to use the equipment, and all you have to do is contact them. [59:38]

SUZANNA: If I can ask what kind of technology that people might want to know information about, if you had a question about specific technology, you can e-mail Reggie Smith.

REGGIE: Yeah, you can e-mail me.

Video remote, this is the new thing that's happening. Kind of taking, almost taking, the place of TTY, and TDDs. More people who are deaf and hard of hearing are now using video remote. Basically, there's criteria that they have to have the interpreting service, that use video conferencing technology over dedicated lines, or wireless technology off the high-band, high speed wide band with video connected (Inaudible 1:00:31) high quality videos. Basically, the information has to be clear, and it has to be understood.

Again, I think there's companies out there that are offering video remotes for free. They come out and set-up the equipment for you, and I think we have a couple of sites that are being piloted, using the video remote site, and we're still getting feedback from them, as far as how it's working. I think Julia said that there's a lot of hospitals that also use video remote on-site. [1:01:18]

SUZANNA: Someone is asking if you had said One-Stops are required to have a screen reader.

REGGIE: Yes, they are. Back in 2003-2004, we set-up at least one, what we call, ADA work station in the One-Stop, which required them to have an adjustable table, 21-inch monitor – I'm trying to go off of memory – trackball mouse, also has a screen reader with, in some cases, (Inaudible 1:01:57) and also a screen enlargement system, which in most cases are zoom text, which makes the screen larger. But they also have to have available, again, resources.

If someone wanted information in large print, they have to have technology, or someone who can do that for them. So, yes, all One-Stops should have, at least, one ADA work station in their location that has all the equipment on it. [1:02:30]

Use of adults accompanying an individual with a disability. I know Julia talked about this as far as LEP. Public entities should not require individuals to bring their own interpreter. Public entities should not require adults to accompany individuals to interpret, except in emergencies involving imminent threat to safety or welfare of an individual or public, and no interpreter is available.

Where specific request by a person with a disability accompanied adult agrees the reliance on the person is appropriate under the circumstances. So, basically, if the person brings someone with

Americans with Disabilities Act (ADA)
and Limited English Proficiency (LEP) Compliance

them, and they agree to have that person interpret for them, they can do so. Again, we advocate, even in that instance, still want to try to get an interpreter there to interpret for the agency. Again, the agency is responsible for providing the interpreter at the meeting. [1:03:44]

SUZANNA: Someone just asked about the screen reader again. They wanted to know if the screen reader is an audio device.

REGGIE: It is. It is an audio device, and, basically, if the person is out on the internet, it kind of tells them where they are, and takes them to the different sites. So, it does speak to them, and in some One-Stops they do have ear phones at some of them. At some of the One-Stops, they can have a speaker system set-up so the person can navigate through the system.

All right, the use of children as an interpreter. It is only permissible, again, in emergency involvement, imminent threat, safety and welfare of an individual or public, where no interpreter is available. We don't advocate using children at all. Period. But, in this case, it will be allowed to happen. [1:04:52]

So, pretty much in closing, you want to focus on the need of the accommodations of the people who come into your site, requesting some type of an accommodation. You want to focus on the accommodation of that individual, because every accommodation is not the same. It's up to the site, or the agency to make the accommodation for your clientele. And again, we talked about the One-Stops, and we talked about at least the one ADA workstation. We kind of relay information to them.

This is a very basic information that is put into the system for individuals to use, but because there's different clientele, your clientele might need something different, and it's up to your site to make the accommodation of that individual. So, you want to give weight to the accommodation history, give deference to treating professionals, and give deference to professional and clinical narrative. But the important part is, the entity is held to an equal or greater standard, so you have to do something to accommodate your clientele.

SUZANNA: Question: it says, regarding the ADA workstation, and the resource room, would you please provide a list with a description of what must be available in the ADA workstation? Is there something out... [1:06:10]

REGGIE: Ron Weber can give you a list of what is being required. And again, it's a very short list. When we went through the process to see what we wanted our One-Stops to have, we kind of thought that, because of the diversity of the disability around the state, there was additional stuff that was needed, and it was important that the One-Stop makes those accommodations.

GRAIG: Reggie, I have a question for you. If a One-Stop, or another facility that is listening in, is planning some physical changes to their office environment, at what point would you recommend that they contact you regarding ADA issues?

REGGIE: They can contact me immediately. They can contact me at the beginning process, when they're talking to contractors regarding what kind of work they have done. I'll sit in on

Americans with Disabilities Act (ADA)
and Limited English Proficiency (LEP) Compliance

meetings early, early on, so that way we make sure that the specifications are put into the drawing. So that, when they actually begin to build-out, that the accessibility stuff is already there. So, at any point, that they feel that need to be involved, they can involve me.

SUZANNA: Another person just asked if a person can or cannot bring their own interpreter if they prefer to use one. [1:07:45]

REGGIE: An individual can bring an interpreter if they want to, but we would advocate that the agency still try to get an interpreter, an interpreter for the agency. But again, you want to make sure that the information that's being exchanged is the correct information. Any other questions?

GRAIG: We're going to give it about a minute, because it takes a while to type. We're going to give about 60 seconds for people to type their final questions. And while you're doing that, I would just like to say something about Julia and Reggie. We, in our office, find them to be very, very valuable sources for these kinds of issues, and so we strongly encourage you, that, if at any time you want to rely upon their expertise and advice, you do not hesitate to contact them.

We have found them to be very, very helpful, and have always been able to answer our questions. So please keep their phone numbers that are in both of the Power Points, keep those handy. And if you have anything that you need to talk to them about, please do so. They're very accessible, and very, very helpful. Are there any other questions for either of our presenters?

REGGIE: I just have a, just a note (Inaudible 1:09:11) a lot of times when I go to the One-Stops, one of the first things they say there is, we have this equipment here, but no one is coming in and using it. To me, that's a – I don't know if that's an indictment on us, or an indictment on people just not using our services – and I don't know what we're doing as an agency to go out and make sure that people with disabilities are coming into our (Inaudible 1:09:41). I go to (1:09:43).

I saw people with disabilities; they actually have individuals from around the state to advocate for people with disabilities. And one of the things I say in those meetings is to go back to their communities, and tell those individuals to go into the One-Stop. And tell us what is working, and what is not working, so we can make those corrections.

Because, we want them to be welcomed into the One-Stop, and I don't know if, from the local areas, that you need to go out and do presentations, and do something to advocate that the more people with disabilities that you have served. Because I think we have valuable information, we have valuable services that would be valuable to them. But if they don't come in, they can't get that information. So, that's just me standing on my pulpit and say we need to try to do something to get more people to come into the office. [1:10:39]

SUZANNA: I have one more question coming in. It says, do we need to see something from the client or their interpreter to state that the interpreter is qualified to interpret?

REGGIE: Nope. Again, from a person or a client who comes in and has an interpreter with them, that's them. They're allowed to do that. But, I think from the agency point of view, you still want to contact whoever you have as your contact person for deaf interpreting to come in

Americans with Disabilities Act (ADA)
and Limited English Proficiency (LEP) Compliance

and interpret for the agency. But again, you want to make sure that the information that you're providing the customer is correct, and it's being transferred from one person to the other.

SUZANNA: How far away from the building do handicapped vehicles need to be placed?

REGGIE: It depends. They usually say no further than 200 feet away from the building. Most of your is closest to the building, if possible. If parking at least by the building, or if it's open parking (Inaudible 1:12:04) but they don't (Inaudible 1:12:07). But they're not responsible for the parking.

SUZANNA: Here's an interesting question. (Inaudible 1:12:12)

REGGIE: No. No. No.

GRAIG: And just to make sure that you heard Julia's response that answer also applies to LEP customers as well.

SUZANNA: These days (Inaudible 1:12:39) why we don't want them (Inaudible 1:12:45).

REGGIE: The key would be, if it's a reasonable accommodation under the law, and the law requires us to accommodate individuals. And so, when we start turning people away, then basically what we're doing is discriminating against this individual. So, again, we're providing a service, we're providing a free service, and they're entitled to that service, just like any non-disabled person would be. So, if they're coming to your office, and they need an accommodation, you need to make sure you make that accommodation.

GRAIG: These are great questions. Are there any others? All right, hearing none, I would like to thank our presenters, as well as our audience that participated today. Again, if, for those of you who are participating in this webinar series to receive the Certificate of Completion, if you did not register directly, and did not access directly, please contact me so we can get you an attendance form. We do not have the date yet, set yet, for the next webinar. We are hoping to have that in late August or early September, but we will be e-mailing you with that information as soon as it becomes available. On behalf of our office, again, thank you very much for your participation, and we hope you have a great week. Goodbye.