



Administrative Regulations

Number AR7-5

Subject: Effective Communication Policy

I. Purpose

The purpose of this regulation is to set forth City policy on the Americans with Disabilities Act of 1990 (ADA), Title II requirements for communicating effectively with people who have communication disabilities.

II. Definitions

For purposes of this regulation, the following terms are defined as follows:

- A. “Alternative formats” refer to various methods for overcoming print disabilities and can include audio, braille, language translation, electronic or large print versions of standard print such as meeting materials, information leaflets, event flyers, utility bills, permits, applications, etc.
- B. “Auxiliary aids and services” refer to the ways to communicate with people who have communication disabilities.
- C. “Communication disabilities” include hearing, visual, cognitive, and speech disabilities.
- D. “Companion” is any family member, friend or associate of an individual seeking access to a service, program or activity of the City with whom the City should effectively communicate.
- E. “Effective communication” implies that information that is written or spoken is as understandable to individuals with disabilities as it is to individuals without disabilities.
- F. “People with communication disabilities” include residents, job applicants, employees, program participants, and members of the public.
- G. “Title II” of the ADA refers specifically to state and local governments.

H. "Undue burden" implies a significant difficulty or expense.

III. **Scope**

This regulation shall be applicable to all City departments and offices directly responsible to the City Manager. However, in the interest of uniformity, effectiveness and completeness, it is requested that elective offices and other independent offices and departments also comply with this procedure.

IV. **Amendment**

The City Manager may amend the procedures and content set forth in this regulation as required.

V. **Policy**

Generally, the requirement to provide an auxiliary aid or service is triggered when a person with a disability makes a request for services leading to effective communication. When requested, the City shall furnish, **free of charge**, appropriate auxiliary aids and services that afford people with communication disabilities an equal opportunity to participate in, and enjoy the benefits of, the programs, services, and activities conducted by the City.

Additionally, effective communication with a companion may be necessary. The City is required to provide effective communication **free of charge** for companions who have disabilities.

VI. **Procedures**

A. 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 aids or services. Below is an example of how this statement can read:

To request this information in an alternative format or to request a reasonable accommodation, please contact the issuing department at EMAIL ADDRESS and PHONE NUMBER. A minimum of three (3) business days is requested to ensure availability. Reasonable attempts will be made to accommodate request made within less than three (3) business days.

B. Every effort should be made to request auxiliary aids and services more than 72 hours in advance of scheduled meeting/event.

- C. If the City is holding a series of meetings (e.g., community budget meetings or public hearings, a minimum of one of the meetings in the series shall include language access interpreters and American Sign Language (ASL) Interpreters. However, the City must still provide interpretation services, if requested, at any public meeting.
- D. Reasonable 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 which auxiliary aid or service to provide include:
 - 1. The methods of communication usually used by the individual;
 - 2. The nature, length, and complexity of the communication involved; and,
 - 3. The context of the communication.
- E. Employees will consult with the individual who is in need of the auxiliary aid or service to determine what would work best for them.
- F. 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 Section IX Undue Burden below).
- G. 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.
- H. Employees are encouraged to collaborate with the ADA Coordinator to determine appropriate accommodations. The ADA Coordinator shall consult regulations, resource material and disability experts as needed and provide recommendations for accommodating the request for auxiliary aids or services.
- I. Employees are encouraged to utilize resources immediately available to them in any contact with an individual with a disability. This would include such simple methods as:
 - 1. Hand gestures or written communications exchanged between the member and a deaf or hard of hearing individual;
 - 2. Facing an individual utilizing lip reading and speaking slowly and clearly; or,

3. Slowly and clearly speaking or reading simple terms to any individual with a visual or intellectual disability.
- J. In instances where the requested auxiliary aid or service is unavailable, employees should work with the individual requesting the accommodation to identify an alternative reasonable accommodation.
- K. 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.
- L. Employees are required to accept telephone calls placed through telecommunication relay services and must treat relay calls just like other calls.
- M. Employees will document with both their department's administrative officer and the citywide ADA coordinator when an auxiliary aid or service that is offered to an individual with a disability is declined.
- N. The City will absorb all costs for reasonable requests for auxiliary aids or services. The individual requesting the accommodation for effect communication may not be charged. The requesting department is responsible for payment of the expense of providing an auxiliary aid or service.

VII. Obtaining Qualified Interpreters/CART

- A. The Civil Service Department maintains a current list of employees on the Intranet who are enrolled in the Language Access Policy Bilingual Skill Pay 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.
- B. 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.
- C. 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.

- D. If the individual requests to use a companion as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest must be considered. If the companion is not competent or appropriate for any of these reasons, interpreting services will be provided to the individual. The City may utilize a companion to interpret in only two situations:
1. 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,
 2. 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.
- E. 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.
- F. 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:
1. 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;
 2. 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;
 3. A clear, audible transmission of voices; and,
 4. Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

VIII. **Using Qualified Interpreters at Media Events**

- A. 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.
- B. 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.
- C. 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 to be understood.
- D. If the media event is outside, ensure that the interpreter has full audio advantage during the entire proceedings, including during question and answer sessions.

IX. **Undue Burden**

- A. 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.
- B. In determining whether a particular aid or service would result in undue financial and administrative burdens, the City should 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.
- C. 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.

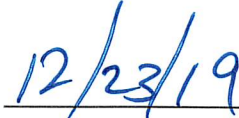
For more information regarding this regulation, please contact the Citywide ADA/Title VI Coordinator for the City of Long Beach:

Direct Line: (562) 570-6257
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APPROVED:



CITY MANAGER



DATE