

9.01 Effective Communication

Procedure Number: 9.01

Procedure Title: Effective Communication

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Appendices: None

Forms: None

Statutory References: ADA 1990 (P.L. 101.336), ADA Amendments Act (P.L. 110-325); 28 C.F.R. Part 35

Ordinance References: None

Department Responsible for Updates: DAS

Date for scheduled procedure review: 01/01/2017

1. OBJECTIVE

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), Milwaukee County will provide effective communication to qualified individuals with disabilities who seek to participate in or benefit from the services, programs or activities of the County, except where Milwaukee County can show that providing effective communication would fundamentally alter the nature of the service, program or activity in question or would result in an undue financial and administrative burden.

Milwaukee County will make appropriate auxiliary aids and services available to persons with disabilities who request them and will give primary consideration to the choice expressed by the individual.

2. DEFINITIONS

- A. Effective Communication. Whatever is written or spoken must be as clear and understandable to people with disabilities as it is for people who do not have disabilities.
- B. Qualified Individual with a Disability. An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by Milwaukee County.
- C. Auxiliary Aids and Services. (1) Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing; (2) Qualified

readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision; (3) Acquisition or modification of equipment or devices; and (4) Other similar services and actions.

- D. Qualified Interpreter. An interpreter who, via a video remote interpreting (VRI) service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.
- E. Primary Consideration. Milwaukee County must honor the choice of the individual with a disability, unless it can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burdens.
- F. ADA Coordinator. The ADA Coordinator's role is to coordinate the government entity's efforts to comply with the ADA and investigate any complaints that the entity has violated the ADA. Milwaukee County has designated the Director of the Office for Persons with Disabilities as the ADA Coordinator. Director, Office for Persons with Disabilities, 901 N. 9th Street, Room 307-B, Milwaukee WI 53233, 414-278-3932, 711 (TRS), 414-278-3939 (Fax), 414-651-8109 (Emergency).

3. PROCEDURE

- A. Office for Persons with Disabilities (OPD).
 - i. The Milwaukee County Office for Persons with Disabilities (OPD) shall be the fixed point of coordinating accessible services for persons who are blind, deaf, deaf/blind and hearing impaired. Milwaukee County Departments, Divisions, Offices, etc. shall not expect OPD to provide all their accessible services, but rather they work with OPD to ensure that their programs, services, employment, meetings, public hearings, etc. are accessible. Office for Persons with Disabilities, 901 N. 9th Street, Room 307-B, Milwaukee WI 53233, 414-278-3932, 711 (TRS), 414-278-3939 (Fax), 414-651-8109 (Emergency).
<http://county.milwaukee.gov/OPD>
- B. Requests for Auxiliary Aids and Services.
 - i. Individuals with disabilities shall make requests for auxiliary aids and services to the Milwaukee County departments, divisions, offices, etc. that the person is interacting with and needs effective communication. Milwaukee County employees shall not ask the participant to bring his/her own interpreter or rely on companions or family members as interpreters unless requested by the participant.
 - ii. Requests for sign language interpreters shall be taken by Milwaukee County departments, divisions, offices, etc. then referred to OPD for the scheduling of the needed interpreters.
 - iii. Milwaukee County departments, divisions, offices, etc. shall provide the auxiliary aid and/or service that the individual with a disability chooses (see Section C for sign language interpreters). If there are questions of appropriateness, potential undue financial or administrative burden, or anything else, those questions should be directed to OPD.
- C. Sign Language Interpreters.
 - i. Overview. When sign language interpreters are needed by Milwaukee County departments, divisions, offices, etc., with the exception of the Milwaukee County Courts who schedule

their own sign language interpreters, those sign language interpreter needs shall be referred to OPD for scheduling. Sign language interpreters are scheduled for appointments as well as emergencies.

- ii. Appointments (Meetings, Hearings, etc.). Milwaukee County departments, divisions, offices, etc. that need a sign language interpreter for a meeting, training, home-visit, public meeting / hearing, etc. should notify OPD as soon as the need is known. When making appointments with individuals who need a sign language interpreter it is important to notify OPD at least 5 working days in advance of the meeting, if possible. Interpreters can be requested by using the on-line Sign Language Interpreter Request form.

<http://county.milwaukee.gov/SignLanguageInterpreting>

- iii. Emergencies. In the case where a sign language interpreter is needed in an emergency for Milwaukee County government, the department, division, office, etc. shall call the OPD Emergency number (414-651-8109) and leave a message with all the details needed for scheduling the interpreter (the requestor's name and phone number, the person's name who needs the sign language interpreter, the location where the interpreter is needed including the address, and the purpose for the request).

D. Assistive Listening Devices

- i. Milwaukee County departments, divisions, offices, etc. that need an assistive listening device can contact OPD (414-278-3932) to arrange for the use of one of OPD's devices.

E. Alternate Formats of Materials

- i. Large Print, Electronic and Information Technology. . If an individual with a disability requests materials that are provided by a Milwaukee County department, division, office, etc. to be in large print format the department, division, office, etc. is expected to generate that document/material within their own operations. Large print documents should at a font size of 18 point or higher, a font of Arial or Helvetica, left justified, line spacing of 1.5, titles and headings at a larger font size than the body of the text, single sided print on a matte or dull-finish paper, avoid color print (black ink is best), charts and graphs should be kept on individual pages, and should be as high contrast as possible. The enlargement feature on a copy machine does NOT produce a large print document. If an individual with a disability requests materials that are provided by a Milwaukee County department, division, office, etc. to be in an electronic format the department, division, office, etc. is expected to generate that document/material within their own operations. The document can be placed on a CD, flash drive, or other device for the person making the request of shared via email or other electronic distribution system.
- ii. Audio Recordings. If an individual with a disability requests materials that are provided by a Milwaukee County department, division, office, etc. to be in audio format, or a Milwaukee County department, division, office etc. wants to make their material available in audio format, and the department, division, office etc. is unable to do the recording on their own, that material shall be delivered (mailed or emailed) to OPD at least 2-4 weeks before the audio file is needed for small projects (3 pages and under).
- iii. Braille Materials. If an individual with a disability requests materials that are provided by a Milwaukee County department, division, office, etc. to be in Braille format, or a Milwaukee County department, division, office etc. wants to make their material available in Braille format, that material shall be emailed to OPD, in Microsoft Word, at least 7 working days

before the material is needed for small jobs (1-2 pages) or at least 14 working days before the material is needed for large jobs (3+ pages)

F. Accommodation Statements

- i. Milwaukee County departments, divisions, offices, etc. shall use the following as examples of alternative format and accommodation statements and shall use the statements where applicable, including but not limited to on; newsletters and publications, meeting agendas, public meeting / hearing flyers, etc. - “This publication is available in an alternate format on request” - “ADA accommodation requests should be filed with the (Office name, phone number(s)), upon receipt of this notice”

G. Grievance.

- i. A person with a disability who feels that he or she has been discriminated against with regards to the lack of effective communication within Milwaukee County government departments, divisions, offices, programs, services, etc., may file a grievance with the Milwaukee County ADA Coordinator.

<http://county.milwaukee.gov/ImageLibrary/Groups/cntyDAS/AdminManual/FinalProce/OPD/9.04-ADAGrievanceProcedure.pdf>