



AUXILIARY AIDS AND SERVICE PLAN

FOR

PERSONS WITH DISABILITIES

AND

LIMITED ENGLISH PROFICIENCY

**Auxiliary Aids and Service Plan
For
Persons with Disabilities and Limited English Proficiency**

NON-DISCRIMINATION POLICY

Father Flanagan's Boys' Home (a/k/a Boys Town) and its affiliate corporations (hereinafter collectively referred to as Boys Town) are committed to providing a workplace free from unlawful harassment and discrimination. All forms of unlawful harassment and discrimination based upon race, color, gender, age, religion, national origin, pregnancy, veteran status, disability, genetics, or any other classification as required by applicable law are prohibited.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

Father Flanagan's Boys' Home (a/k/a Boys Town) and its affiliate corporations (hereinafter collectively referred to as Boys Town) is an equal opportunity employer. As such, all employment decisions are made without regard to race, color, gender, age, religion, national origin, pregnancy, veteran status, disability, genetics, or any other classification as required by applicable law unless one or more of these factors relates to a bona fide occupational qualification.

Boys Town is also an affirmative action employer and takes affirmative steps to create a diverse workforce by encouraging, assisting, and actively engaging in the process of bringing qualified minorities, women, veterans, and disabled individuals into every facet of employment. Boys Town makes good faith efforts to correct any areas of underutilization and monitors its employment practices for potential discrimination.

This policy covers all aspects, terms, and conditions of employment including, but not limited to, hiring, promotions, terminations, pay, and the work environment. Boys Town has historically been committed to and remains fully committed to fair and equitable treatment in all aspects of employment. In addition, Boys Town, when aware of a disability, will make reasonable accommodations for persons with legally protected disabilities when this will permit the person to perform the essential functions of the job and does not impose an undue hardship on Boys Town.

Reporting Violations and Questions

Any person who believes that he or she is being subjected to behavior prohibited by this policy, or is aware of such prohibited behavior directed toward another person should report the matter immediately. Any alleged policy violations will be investigated immediately.

Violations should be reported to:

- **Ethics Point**

**Toll-free and available on a 24-hour basis
(888) 264-0754**

- **Assistant Staff Director for Civil Rights 1317 Winewood Boulevard**

**Building 1, Room 110
Tallahassee, FL 32399-0700**

850-487-1901

➤ **Executive Director**

**Florida Commission on Human Relations 2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301-4857
850-488-7082**

➤ **Disability Rights Florida**

**2473 Care Drive #200, Tallahassee, FL 32308
(800) 342-0823**

➤ **US Department of Health & Human Services Office for Civil Rights**

**Atlanta Federal Center, Suite 3B70 61 Forsyth Street, SW
Atlanta, GA 30303-8909
404-562-7881**

Please note that a report of harassment or discrimination may be made to your supervisor, the Human Resources Department, the Office of the General Counsel, or by the filing of a grievance or an Ethics Point report, and will involve managers and supervisors as appropriate. There will be no unlawful retaliation against any employee for making a good faith report of alleged violations of Boys Town's policies, opposing any practice believed in good faith to be unlawfully discriminatory, or participating in an investigation. Any employee who engages in prohibited retaliation is subject to discipline, up to and including termination from employment.

- 1. General.** This plan provides for the implementation of Boys Town policy and procedures for the provision of auxiliary aids ensuring accessibility to all programs, benefits, and services to persons with disabilities. Staff are trained in this plan and sign the Support of to the Deaf and Hard-of-Hearing Attestation Form after completing the annual training on Auxiliary Aids for the Deaf and Hard of Hearing. This plan is also posted on the Boys Town Website.
- 2. Scope.** The provisions described in this procedure apply to all Boys Town programs that provide direct services to Customers or potential Customers.
- 3. Policy.** Boys Town will provide will provide, at no cost to the Client/Customer or Companion, appropriate auxiliary aids, including qualified/certified American Sign Language interpreters, to persons with disabilities and qualified foreign-language translator to persons with Limited-English Proficiency where necessary to afford such persons an equal opportunity to participate in or benefit from Boys Town programs and services. Auxiliary aids may include, but are not limited to, Braille, qualified interpreters, readers, and assisted systems.
 - A. All qualified and potential Customers are entitled to an equal opportunity to use and benefit from the programs and services of Boys Town.

1. This includes reasonable accommodations to ensure that programs and services are equally accessible to and equally effective for otherwise qualified persons with disabilities.
 2. All reasonable steps to provide services and information in appropriate language, other than English to ensure that Limited-English Proficient persons are effectively informed and can effectively participate in and benefit from its programs, services and activities.
- B. Auxiliary aids or language interpreters will be available for use by Customers and potential Customers with impaired sensory, manual or speaking skills in each phase of the service delivery process (e.g., telephone inquiries, requests, intake interviews, service delivery, counseling, complaints, testing, treatment, and training, etc.) This service will be at no cost to the Client/Customer or Companion.

4. Definitions.

- A. Aid-Essential Communication Situation. Any circumstance in which the importance, length, and complexity of the information being conveyed is such that the exchange of information between parties should be considered as an aid-essential communication situation, meaning that the requested auxiliary aid or service is always provided.
- B. Auxiliary Aids and Services. Includes qualified interpreters or other effective methods of making aurally delivered materials available to individuals who are deaf or hard-of-hearing; qualified readers, or other effective methods of making visually delivered materials available to individuals with visual impairments; acquisition or modification of equipment or devices; and other similar services and actions. These auxiliary aids and services will enable clients to fully benefit from and participate in programs and services.
- C. Blind. See Visual Impairment.
- D. Certified Interpreter. A person who is certified by the National Registry of Interpreters for the Deaf or other national or state interpreter assessment and certification program.
- E. Client. Anyone applying for or participating in the services provided by Boys Town. It includes persons making general inquiries or in any way seeking access to or receiving information, in person, in writing or via telecommunications. May also be referred to as "customer or customers".
- F. Companion or Companions. Any individual who is deaf or hard-of-hearing and is one of the following: (a) a person whom the Customer indicates should communicate with staff about the Customer, such as a person who participates in any treatment decision, a person who plays a role in communicating the Customer's needs, condition, history,

or symptoms to staff, or a person who helps the Customer act on the information, advice, or instructions provided by staff; (b) a person legally authorized to make healthcare or legal decisions on behalf of the Customer; or (c) such other person with whom the staff would ordinarily and regularly communicate about the Customer.

- G. Customer or Customers. Any individual who is seeking or receiving services from Boys Town, may also be referred to as "client or clients".
- H. Deaf. A term used to describe a person having a permanent hearing impairment and being unable to discriminate speech sounds in verbal communication, with or without the assistance of amplification devices.
- I. Disability. A condition that substantially limits a major life activity, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, lifting, sleeping, and working.
- J. Discrimination. The failure to treat persons equally because of their race, sex, color, age, religion, national origin, political beliefs, or disability.
- K. Dual Sensory Impairment. A term used to describe a person having both a visual impairment and a hearing impairment. The term includes all ranges of loss, which would necessitate the use of auxiliary aids and services for communication.
- L. Employee. All persons working for Boys Town.
- M. Florida Relay Service (FRS). The Florida Relay Service is a service offered to all persons in the state that enables a hearing person to communicate with a person who is hearing or speech impaired and must use a TDD/TTY, through a specially trained operator called a communications assistant.
- N. Hard-of-Hearing. A term used to describe a person having a permanent hearing impairment, which is severe enough to necessitate the use of auxiliary aids or services to discriminate speech sounds in verbal communication.
- O. Hearing Impairment. An all inclusive term used to describe any hearing loss. A person with a hearing impairment could be either deaf or hard-of-hearing.
- P. Interpreter.
 - i) Certified Interpreter. A qualified interpreter who is certified by the National Registry of Interpreters for the Deaf or other national or state interpreter assessment and certification program.
 - ii) Qualified Interpreter. An individual who is able to interpret competently, accurately, impartially and effectively, both receptively and expressively, using any specialized terminology necessary for effective communication with a deaf or hard-of-hearing Customer or Companion.

- Q. Limited English Proficient (LEP). Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
- R. Manual Disability Impairment. A term used to describe a condition, which limits or prevents the use of a person's upper extremities (arms, hands).
- S. Mental Disability Impairment. Any mental or psychological disorders such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- T. Mobility Impairment. For the purpose of this procedure, this term is used to describe a condition that substantially limits a person's upper or lower body mobility. It includes those persons who have limited use of arms, shoulders; persons who are in wheelchairs or on crutches; people of short stature; those who cannot perform certain hand movements or have difficulty controlling movement; and people with breathing difficulties or stamina limitations. It also includes person with visual impairments.
- U. Non-Aid-Essential Communication Situation. Situations where flexibility in the choice of an appropriate auxiliary/accessibility aid or service for deaf or hard-of-hearing clients or companions.
- V. Physical Disability. A broad term which includes physiological disorders or conditions, cosmetic disfigurement and anatomical loss. It includes orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV disease (symptomatic or asymptomatic), tuberculosis, drug addiction and alcoholism.
- W. Program Accessibility. An American with Disabilities Act standard, which means a public entity's programs, services, or activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. The concept of program accessibility is intended to make the contents of the program, service or activity equally available and accessible to persons with disabilities without excessive renovations of facilities. (See also: "Undue Burden".)
- X. Sensory Impairment. This is a general term, which is used to describe impairment of vision or hearing. For the purpose of this document, it also includes impairment of speech.
- Y. Single-Point-of-Contact. Any individual charged with implementing the terms of the HHS Settlement Agreement as directed by Department of Children and Family.
- Z. Staff As used in this plan, defines all employees of Boys Town other than managers.

AA. Translator Individuals able to interpret the meaning of a text in one language (the "source text") and the production, in another language (the "target language"), of an equivalent text (the "target text," or "translation") that communicates the same message.

BB. TTY/TDD TTY (Teletypewriter) or TDD (Telecommunications Device for Deaf) are devices that are used with a telephone to communicate with persons who are deaf or hard-of-hearing or who have speech impairments by typing and reading communications.

CC. Undue Burden This term, used in conjunction with programs and services (ADA Title II), means an unreasonably excessive financial cost or administrative inconvenience in altering building or facilities in which programs, services or activities are conducted, in order to ensure equal benefit to persons with disabilities.

iii) **NOTE:** Program access requirements of ADA Title II should enable individuals with disabilities to participate in and benefit from the programs, services and activities of public entities in all but the most unusual cases. Determination of undue burden can be made only by the agency head or his/her designee, after considering all resources available for use in the funding and operation of the program.

DD. Visual Impairment A generic term used to describe any loss of vision.

5. Dissemination.

Copies are distributed upon request to individuals or organizations serving persons with disabilities, deaf or hard-of-hearing or who are Limited English Proficient. This plan can be made available in Spanish or Creole if requested by staff and/or stakeholders.

6. Ensuring Language Access for the Provision of Services Provided for LEP clients.

It is important to understand how individuals who are Limited English Proficient (LEP) interact with Boys Town. Examples may include, but not limited to:

- a. Program applicants and participants
- b. Hotline or information calls
- c. Outreach programs
- d. Public meetings and hearings
- e. Public access to the Boys Town website
- f. Written materials or complaints sent
- g. Brochures intended for public distribution

Provide notices to LEP persons letting them know that language access services are available and that they are free of charge. This notice should be provided in a language that the LEP person will understand. This will include:

1. Posting signs in intake areas and other entry points. When language assistance is needed to ensure meaningful access to information and services. It is important to provide notice in the appropriate language in intake areas or initial points of contact so that LEP person can learn how to access those language services. The signs should be translated in the most common language encountered.
2. Stating in outreach documents that language services are available from the agency. Announcements could be in brochures, booklets, and in outreach and recruitment information.
3. Utilize a telephone voice mail menu. The menu could be in the most common languages encountered. It should provide information about available language assistance services and how to get them.

7. Ensuring Accessibility for the Provision of Services Provided for Persons who have Low Vision or Blind (Except those that are deaf or hard of hearing).

1. It is a common perception among the public that persons who are blind read Braille. Most persons who are legally blind do not use Braille as a reading medium. Among legally blind students registered as such by the American Printing House for the Blind, only 10 percent use Braille as their primary reading medium. It is estimated that 8 percent of all legally blind adults are able to use Braille.
2. It is important that staff determine the best method of communication for persons who have low vision or blind. While Braille may be offered as an alternative, always communicate with the customer to determine the best method of providing services to them in an equitable and effective manner.
3. Staff shall document in the client's file the type of auxiliary aid and service provide during their contact with the client.

8. For Persons who are have Sensory, Speech or Mobility Limitations.

The following are procedures and minimum requirements for ensuring accessibility of meetings, conferences and seminars.

1. Facilities used for meetings, conferences and seminars will be reviewed for accessibility in coordination with the designated ADA/Section 504 Coordinator.
2. When meetings, conferences and seminars are scheduled, information will be included in advertisements, conference registration materials or meeting notices that participants will be provided with the necessary auxiliary aid at no cost to them. The information will include the name of a contact person and a date by which the person must request such assistance. The registration process will include a method for determining the number and type of persons with disabilities needing assistance as well as the type of personal assistance or accommodation requested.

3. Certified or qualified interpreters for persons with speech, sensory or mobility limitations and accessibility to Teletype (TTY) or Telecommunications Device for Deaf (TDD) equipment.

The following procedures are to be followed by Boys Town employees and to ensure accessibility of programs and services to customers or companions with disabilities.

9. For Persons who are Deaf or Hard of Hearing.

1. Staff will conduct an assessment, prior to services, to determine the customer or companion's preferred method of communication. Staff shall consult with the customer to determine his or her preferred communication method, and if applicable, with assigned caseworkers, counselors, parents, family members, guardians or other representative. Staff shall accomplish this by first completing the Customer Companion Communication Assessment Form and the Request for or Waiver of Free Communication Assistance Form.
2. The communication options for persons who are deaf or hard of hearing may include but not limited to the CART, Florida Relay Service, TDDs (Telecommunication Devices for the Deaf), FAX (Telephone Facsimile Transmittal), phone amplifiers, cell phone texting, qualified or certified sign language interpreters, flash cards, lip-reading, written notes, supplementary hearing devices, charts, signs or a combination of these, as appropriate.
3. If an interpreter is needed, staff shall contact a certified interpreter from their listing of interpreter services.
4. Boys Town's official (or designee) with budget approval has the responsibility for approving the request and obtaining the appropriate auxiliary aid and service.
5. The use of auxiliary aids, certified sign language interpreters, or translators will be at no cost to the customer or Companion.
6. Documentation of Customer Companion Communication Assessment form shall be recorded in the case file or record.
7. Each customer or companion who is deaf or hard of hearing shall be provided a Customer Feedback Form by the Single Point of Contact, or designee, following their visit. The Customer Companion Feedback Form is provided to the customer or companion to ensure the effectiveness and appropriateness of the auxiliary aid or service provided and the performance of the interpreter provided. Staff shall document the case indicating the form was provided.

10. Translation of Written Materials. Written material (vital documents) routinely provided in English to applicants, Customers and the public are to be available in regularly encountered languages other than English. It is vital that documents be identified and translated into the non-English language of each regularly encountered Limited English Proficient group eligible to be served or to be directly affected. Each program office will ensure that non-English written materials, such as program forms, brochures, etc., are available to operational staff.

11. Competency of Interpreters and Translators (LEP).

1. When providing oral assistance you must ensure competency of the language service provider. Competency requires more than self-identification as bilingual. Some bilingual staff and community volunteers, for instance, may be able to communicate effectively in a different language when communicating information directly in that language, but may not be competent to interpret in and out of English. Likewise, they may not be able to do written translations.

Competency to interpret, however, does not necessarily mean formal certification as an interpreter, although certification is helpful. When using interpreters, staff should ensure that the interpreter:

- a. Demonstrate proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation);
 - b. Have knowledge in both languages of any specialized terms or concepts peculiar to the program or activity and of any particular vocabulary and phraseology used by the LEP person;
 - c. Understand and follow confidentiality and impartiality rules to the same extent the Boys Town employee for whom they are interpreting and/or to the extent their position requires;
 - d. Understand and adhere to their role as interpreters without deviating into role as counselor, legal advisor, or other roles (particularly in court, administrative hearings, or law enforcement contexts)
 - e. Be able to show sensitivity to the person's culture.
2. If bilingual staff is used to interpret between English speakers and LEP persons, or to orally interpret written documents from English into another language, they should be competent in the skill of interpreting. In addition, there may be times when the role of the bilingual employee may conflict with the roles of an interpreter.
 3. Effective management strategies, including any appropriate adjustments in assignments and protocols for using bilingual staff, can ensure that bilingual staff is fully and appropriately utilized. When bilingual staff cannot meet all of the language service obligations, then other options should be used.
 4. It is the responsibility of program managers and supervisors to ensure the competency of translator language interpreters.
 5. It is the responsibility of managers, supervisors, and staff to become familiar with and follow the standards of etiquette when communicating with clients who are Limited English Proficient.

12. Provision of Interpreters in a Timely Manner. Staff shall provide interpreters for deaf or hard-of-hearing Customers and Companions in a timely manner in accordance to the following standards:

- a. If it is a **scheduled appointment**, you must have an interpreter at the time of the scheduled appointment. If the interpreter fails to appear, staff shall take whatever additional actions are necessary to make an interpreter available to the customer or companion as soon as possible, but in no case later than **two (2) hours** after the scheduled appointment, or as convenient to the customer or companion.
- b. If it is a **non-scheduled appointment or non-emergency situation**, you must provide an interpreter within **two hours** of the request, or at least by the next business day. In emergency situations an interpreter shall be made available as soon as possible, but in no case later than two (2) hours from the time the customer or companion requests an interpreter, whichever is earlier.
- c. **Non-Scheduled Interpreter Requests.** If the situation is not an emergency, staff shall **offer to schedule an appointment (and provide an interpreter where necessary for effective communication) as convenient to the customer or companion, but at least by the next business day.**
- d. **Scheduled Interpreter Requests.** For scheduled events, staff shall make a qualified interpreter available at the time of the scheduled appointment. If an interpreter fails to appear for the scheduled appointment, staff shall take whatever additional actions are necessary to make an interpreter available to the deaf or hard-of-hearing Client or Companion as soon as possible, but in no case later than two (2) hours after the scheduled appointment.
 - a. The client's file shall be documented identifying the auxiliary aid or services provided, as well as any future services needed to ensure effective communication.

13. Other Means of Communication. Staff shall continue to try to communicate with the deaf or hard-of-hearing Customer or Companion insofar as the Customer or Companion seeks to communicate, between the time an interpreter is requested and the time an interpreter arrives.

- a. Language services include, as a first preference, the availability of qualified bilingual staff that can communicate directly with Customers or Companions in their preferred language.
- b. When bilingual staff is not available, the next preference is face-to-face interpretation provided by qualified contract or volunteer language interpreter.

- c. Telephone interpreter services should be used as a supplemental system when an interpreter is not available, or when services are needed for an unusual or infrequently encountered language.
- d. Sign language interpreters must be certified.
- e. Minor children should never be used as an interpreter or be allowed to interpret for a parent.
- f. If the individual declines the use of the free foreign language or sign language translator/interpreter, or other auxiliary aids, the client's file must be noted, utilizing the Customer or Companion Waiver For Free Communication Assistance form. The use of this form does not waive the Boys Town responsibility to ensure effective communication; meaning the client's right to waive services does not void the agency from obtaining an interpreter to ensure effective communication is occurring.
- g. Avoid using family members, children, friends and untrained volunteers as interpreters because it is difficult to ensure that they interpret accurately and lack ethical conflicts.

14. Notification. Boys Town's Nondiscrimination Policy, Limited English Proficient and Hearing-Impaired posters will be displayed in buildings' main entrances, lobby areas, waiting areas, and on bulletin boards.

Staff shall be notified of all changes/updates to Boys Town operating procedures, Auxiliary Aids and Service Plans.

15. Training. Training is essential to the on-going success of providing Auxiliary Aid/Service to persons with disabilities, deaf or hard-of-hearing, or those who are Limited English Proficient.

- a. All new employees will receive auxiliary aid training within 60 days of hire and the completed training certificates will be kept within their personnel files. Staff will also be required to sign the "Support to the Deaf and Hard-of-Hearing Form" at hire and on an annual basis.
- b. All staff will receive training annually on how to provide assistance to persons with disabilities and who are Limited English Proficient Customers and Companions in obtaining assisting devices and/or aids, or other reasonable accommodations. This training is mandatory and will be tracked. Training will include:
 - 1. Procedures for serving Customers and Companions who are hearing-impaired, sight-impaired, mobility impaired, and Limited English Proficient.
 - 2. Communication options available and how to use the auxiliary aid equipment available at the agency

3. How to provide reasonable accommodations for certified Customers and potential Customers, i.e., how to access or purchase auxiliary aids, interpreter services and physical modifications.
4. Awareness of the Auxiliary Aids and Service Plan, including how to access the Plan for reference.

16. Documentation/Record Retention.

- a. Records relating to the Auxiliary Aids and Service Plan, such as the Customer/ Companion Communication Assessment and Auxiliary Aid/Service Record form, and the Customer Feedback form shall be forwarded to the ADA/Section 504 Coordinator assigned to the Region/Institution.
 1. Each local office shall retain the original document of the Customer/Companion Communication Assessment and Auxiliary Aid/Service Record form in the client's file.
- b. All final requests for accommodations, along with relevant documentation, will be forwarded to the designated ADA/Section 504 Coordinator.

17. Effectiveness of Communication. In the event that communication is not effective or if the nature of the communication changes significantly after the initial communication assessment, Boys Town staff shall re-assess which appropriate auxiliary aids and services are necessary for effective communication. This shall be accomplished where possible in consultation with the person seeking the auxiliary aids or services.

18. Denial of Auxiliary Aids and Services.

- a. If Boys Town staff determines after conducting the communications assessment that the communication situation is not Aid Essential and does not warrant provision of the auxiliary aid or service requested by the customer or companion, Boys Town staff shall advise the person of the denial of the requested service and shall document the date and time of the denial, the name and title of the staff member who made the determination, and the basis for determination. Boys Town staff shall provide the customer (and companion, if applicable) with copy of the denial.
- b. Staff shall record the denial of the requested auxiliary aid or service on the Customer or Companion Communication Assessment and Auxiliary Aid/Service Record (form CF 761, available in DCF forms). Staff shall also record the denial of requested service in the customer's case file. Notwithstanding the denial, Boys Town staff shall nonetheless ensure effective communication with the Customer or Companion by providing an alternative aid or service which must be documented on the above form and in the

customer's file. Denial determinations can only be made by the Senior Director of Program Operations (or designee).

NOTE: Staff who is unfamiliar with the auxiliary aid or service requested shall contact their Single Point of Contact (SPOC), ADA/Section 504 Coordinator (Civil Rights Officer) or their Supervisor, for assistance in locating appropriate resources to ensure effective communication with clients, customers and companions.

19. Monitoring

Boys Town Human Resources and Program Support Departments follow an ongoing internal monitoring process that includes the following elements:

- Creation and Review of the SPOC's Job Description
- Review of the Client Assessment and Assessment Aid and Service Record
- Review of Client Request for Free Communication Assistance or Waiver.
- Client Feedback Form- that it is documented form was provided
- Client Plan (for providing auxiliary aids or services on an ongoing/continuous basis)
- That Verification of the Interpreter's Certification was completed through Boys Town Mandatory Tracking System.
- Review of Policies and Procedures
- Review of complaints/grievances
- Inspection of any auxiliary aids equipment
- Review of email receipts of submission of Auxiliary Aids Report sent to HHS
- Verification that Staff have completed required training and signed the Support to the Deaf and Hard-of-Hearing Attestation Form