

POLICY: Service Access for Customers and/or Companions with Disabilities

Florida Department of Revenue



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Purpose

The purpose of this policy is to inform Department employees of the requirements in Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act (ADA) to provide assistance to customers and/or companions with disabilities who need access to the services of the Department.

Applies to

This policy applies to all Department employees and contractor’s employees in carrying out responsibilities regarding customers and/or companions with disabilities. Department employees and applicants for employment are covered in the Department’s Americans with Disabilities Act Policy and Procedures.

Policy

It is the policy of the Department to provide customers and/or companions with disabilities equal access to services, activities, programs and other benefits provided by the Department, including the provision of necessary auxiliary aids and services to customers and/or companions with communication disabilities. All necessary auxiliary aids and services shall be provided without cost to the person being served.

Procedures

A. Identification and Assessment of Need

The Department provides notice of the availability of and procedures for requesting auxiliary aids and services through notices on our Internet site and through distribution of a Customer or Companion Communication Assessment and Auxiliary Aid and Service Record. The Department may provide additional notice; for example, posting flyers or posters in service centers.

- When an individual self-identifies as a person with a disability that affects the ability to communicate, requests an auxiliary aid or service, or Department staff notices that a customer and/or companion may require an auxiliary aid and/or service to ensure effective communication, the Department's 504/ADA External Point of Contact will consult with the customer and/or companion through an interactive process to assess their communication assistance needs and to determine which auxiliary aids and/or services are needed to ensure effective communication. The Department's Section 504/ADA External Relations Coordinator may provide guidance and assistance with the assessment if needed.
- The Department's 504/ADA External Point of Contact shall primarily consider the customer and/or companion's preferred auxiliary aid or service during the assessment and then decides which auxiliary aid and/or service to provide, however; effective communication must be achieved.
- The Department's 504/ADA External Point of Contact may ask, but not require, customers and/or companions with disabilities to sign the Request by Customer or Companion for Waiver of Free Communication Assistance only if either chooses to use their own interpreter to communicate. If the customer and/or companion does choose to use their own interpreter to communicate, a request to sign a waiver of free communication assistance may be made only after the Department offers customers and/or companions an opportunity to schedule a new appointment within two (2) business days of the Department's encounter with the customer and/or companion.
- If the customer and/or companion is required to participate in multiple visits with the Department, necessary auxiliary aids and/or services must be provided at each visit.
- The Department's 504/ADA External Point of Contact shall provide the Customer or Companion Request Feedback Form to the customer and/or companion following their visit.

B. Documentation of Services Provided and Retention of Documentation

- The Department shall document the auxiliary aids and/or services requested, auxiliary aids and/or services offered and whether the customer and/or companion with a disability accepted the offered services by, for example, entering a notation in SUNTAX or CAMS or another appropriate source. For returning customers, documentation shall appear throughout the case record.
- Communications exchanged via assisted technology must be retained as a public record.
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 - o Notes exchanged on an iPad should be entered into SUNTAX or CAMS.
 - o Notes exchanged on a mobile computing device should be saved (CD, DVD, flash drive) and entered into SUNTAX or CAMS.
 - o A copy of the notes may be provided to the customer and/or companion.

C. Provision of Auxiliary Aids and Services in a Timely Manner

- Non-scheduled events: If the customer and/or companion presents at a Department facility without an appointment, the Department's 504/ADA External Point of Contact shall offer to schedule an appointment with the customer and/or companion and to provide the appropriate auxiliary aid and/or service at no cost to the customer and/or companion within two (2) business days of the Department's contact with the customer.
- Scheduled events: For a scheduled event, the Department shall make a qualified interpreter or other appropriate auxiliary aid and/or service available at the time of the scheduled appointment. If an interpreter fails to appear for the scheduled appointment, the Department shall take whatever additional actions are necessary to make a qualified interpreter available to the deaf or hard-of hearing customer and/or companion as soon as possible, but in no case later than two (2) business

days after the initial scheduled appointment. The Department may conduct rescheduled appointments using the State Video Relay Services if this is the appropriate auxiliary aid and/or service to ensure effective communication with the customer and/or companion with a disability.

D. Use of Family, Friends, and/or Children as Interpreters

- Family members or friends of the customer and/or companion with a disability shall not be used as an interpreter unless specifically requested by that individual and after an offer of an interpreter at no charge to the customer and/or companion with a disability has been made by the Department. Such an offer and the response will be documented.
- If the customer and/or companion with a disability chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of the foregoing reasons, the meeting will be rescheduled and competent interpreter services will be provided.
- Minor children and other customers shall not be used to interpret.

E. Notifying Referral Agencies

- Referral agencies, including the court systems, must be notified of the need for auxiliary aids and/or services of customers and/or companions with disabilities in a timely manner and within advance of the referral agency's first scheduled appointment or appearance with the customer and/or companion with a disability.

F. Auxiliary Aids and/or Services Resource List

- The Section 504/ADA External Employee Point of Contact shall maintain a list of several agencies or corporations that supply qualified interpreters.
- The Section 504/ADA External Employee Point of Contact shall maintain a list of available auxiliary aids and/or services for individuals who are blind and/or of low vision, including qualified readers and large-print brochures and notices, and for individuals with speech impairments, including alphabet communication boards and note-takers.

Customers and/or Companions with Disabilities:

- Deaf or Hard of Hearing Customers
 - For persons who are deaf or hard of hearing and who use sign language as their primary means of communication, the Section 504/ADA External Employee Point of Contact is responsible for providing effective interpretation or arranging for the services of a qualified interpreter when needed.
 - In the event that an interpreter is needed, the Section 504/ADA External Employee Point of Contact is responsible for maintaining a list of qualified interpreters on staff; contacting the appropriate interpreter on staff to interpret, if one is available and qualified to interpret; or, obtaining an outside interpreter if a qualified interpreter on staff is not available.
- The Department may utilize any of the three methods listed below for communicating over the telephone with persons who are deaf/hard of hearing as needed:
 - Telecommunication Device for the Deaf (TDD) for external communication.
 - A shared Telecommunication Device for the Deaf (TDD); for example, with a public library, school, or university.
 - Relay Services for external telephone with TTY users.

- The Section 504/ADA External Employee Point of Contact is responsible for providing the following aids and services as applicable to the Department in a timely manner:
 - Note-takers; computer-aided transcription services; telephone headset amplifiers; written copies of oral announcements; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning; telecommunications devices for deaf persons (TDDs); videotext displays; or other effective methods that help make aurally delivered materials available to individuals who are deaf or hard of hearing.

Blind/Low Vision Customers

- Department staff will communicate information contained in written materials concerning benefits, services, and waivers of rights by reading out loud and explaining these forms to persons who are blind or who have low vision.
- The Department may have other types of large print, taped, Braille, and electronically formatted materials available. Requests can be made by contacting the Section 504/ADA External Employee Point of Contact.
- For the following auxiliary aids and services, the Section 504/ADA External Employee Point of Contact is responsible for providing the aids and services as applicable to the Department in a timely manner:
 - Qualified readers; reformatting into large print; taping or recording of print materials not available in alternate format; or other effective methods that help make visually delivered materials available to individuals who are blind or who have low vision. In addition, Department staff are available to assist persons who are blind or who have low vision in filling out forms and in otherwise providing information in a written format.

Customers with Speech Impairments

- To ensure effective communication with persons with speech impairments, Department staff will contact the Section 504/ADA External Employee Point of Contact, who is responsible for providing the following aids and services as applicable to the Department in a timely manner:
 - Writing materials; typewriters; TDDs; computers; flashcards; alphabet boards; communication boards; and other communication aids.

Customers with Manual Impairments

- Department employees will assist those who have difficulty in manipulating print materials by holding the materials and turning pages as needed, or by providing other effective methods that help to ensure effective communication by individuals with manual impairments. Such methods may include but are not limited to: note-takers; computer-aided transcription services; speaker phones. For these and other auxiliary aids and services, Department staff will contact the Section 504/ADA External Employee Point of Contact, who is responsible for providing the aids and services as applicable to the Department in a timely manner.

Customers with Mobility Impairments

- The Department will make its programs and services accessible to individuals with mobility impairments who are unable to use an inaccessible existing facility unless such action would result in a fundamental alteration in the nature of the service, program, or activity or in undue financial and administrative burdens. Department staff can provide the services, programs, and activities offered in the facility to individuals with disabilities through removing physical barriers or through alternative methods, if physical barriers are not removed, such as relocating a service to an

accessible facility, providing an aide or personal assistant to enable an individual with a disability to obtain the service. Public meetings will be held at accessible locations to allow full participation of qualified individuals with disabilities. The Department will consider barrier-free designs in facilities where customers are seen.

- Department staff will contact the Section 504/ADA External Employee Point of Contact for assistance in providing services to customers with mobility impairments. The Section 504/ADA External Relations Coordinator may provide guidance on providing the Department's customers with mobility impairments equal opportunity to participate in services, programs, or activities.

Service Animals:

- Employees must allow customers and/or companions with disabilities to bring their service animals into the service site unless the animal poses a direct threat to the health and safety of others. A direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.
- Service animals are usually identified by wearing a collar or vest that designates them as a service animal.
 - o If not identified as a service animal, employees may ask the customer and/or companion whether the animal is required because of a disability, and if so, what work or task the animal has been trained to perform related to the disability.
 - o Employees may not require documentation from the customer and/or companion, cannot charge the customer and/or companion any fees for use of the service animal, or isolate or treat the customer less favorably as a result of the use of a service animal.
 - o Employees also may not ask the customer and/or companion to remove the animal from the service site unless the animal is out of control or is not housebroken.
 - o If a service animal is properly excluded, the customer and/or companion with a disability must still be provided with an opportunity to participate in the service, program, or activity without having the animal on the premises.
- Federally recognized service animals usually include dogs but can also include miniature horses.
- The Department will permit the use of any other non-intrusive animal in accordance with Section 413.08, Florida Statutes.

Grievances:

Grievances by individuals alleging discrimination on the basis of disability will be handled in accordance with the Department's Service Access Grievance Procedure.

G. Duties and Responsibilities

Executive Director:

- Appoints a single point of contact to administer compliance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act.

Section 504/ADA External Relations Coordinator (Single Point of Contact):

- Coordinates the Department's compliance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act.
- Coordinates the provisions for auxiliary aids and/or services to customers and/or companions with disabilities and serves as a resource for Department employees needing assistance with obtaining or providing auxiliary aids and/or services.

- Receives customer complaints or requests for an accommodation from federal agencies, advocacy agents for the disabled, Department employees referring customers, and customers themselves.
- Receives, coordinates activities, and assists in the resolution of grievances from the public alleging discrimination based on disability.
- Promotes employee awareness for Section 504/ADA compliance including general training of all Department employees, as well as targeted training for points of contacts and supervisory training.
- Facilitates the development and implementation of procedures related to Section 504/ADA requirements including those previously identified in this policy as well as the following, including but not limited to:
 - o Procedures to receive and resolve grievances from the public alleging non-compliance.
 - o Procedures for service sites to refer complaints or requests for accommodations.
 - o Procedures to improve accessibility of programs, services, activities, and physical facilities.
 - o Procedures to identify access barriers and resolutions.
 - o Procedures to ensure compliance with this policy.
 - o Reporting procedures for compliance with Section 504/ADA external compliance.

Service Center/Administrative Services Manager:

- Ensures compliance with this policy.
- Appoints a Section 504/ADA External Employee Point of Contact.

Section 504/ADA External Employee Point of Contact:

- Participates in training activities organized by the Section 504/ADA External Relations Coordinator.
- Employee designated in service or administrative site to conduct evaluations of facilities identifying physical obstacles that impede customers and/or companions accessibility to the site or services.
 - o Employee designated in service site to maintain a list of sign-language interpreters available in the local area and to ensure that contract sign language interpreters and staff sign language interpreters are qualified and auxiliary aids and/or services are provided in a timely manner.

Definitions

- **Auxiliary aids and services** – Qualified interpreters, assistive listening devices, or other auxiliary aids, provided to people with disabilities to ensure effective communication.
- **Companion** – An individual (family member, friend, or associate) with whom a Department employee should communicate, designated to accompany or assist in a helpful capacity, a customer with disabilities at a Department facility.
- **Customer** – An individual or the representative of an individual seeking Departmental services or visiting a Department facility where customers are seen.
- **Disability** – A physical or mental impairment that substantially limits one or more major life activities such as hearing, speaking, sleeping, thinking, learning, working, or the operation of a major bodily function.
- **Effective communication** – Department employees must ensure that communication with individuals with disabilities, including those with hearing, vision and cognitive impairments, is effective and is adequate to accomplish the expected result. Qualified interpreters and qualified readers provide effective communication for customers and/or companions with disabilities.

- **Qualified individual with a disability** – An individual with a disability who meets the eligibility requirements for the receipt of services or participation in activities, programs or other benefits provided by the Department.
- **Qualified interpreter** – An individual who is able to interpret effectively, accurately, and impartially, both receptively (i.e., understanding what the person with the disability is saying) and expressively (i.e., having the skill needed to convey information back to that person) using any necessary specialized vocabulary.
- **Service animal** – Any guide dog, signal dog, or (miniature horse) individually trained to provide assistance to an individual with a disability including a physical, sensory, psychiatric, intellectual, or other mental disability. If they meet this definition, animals are considered service animals regardless of whether they have been licensed or certified by a state or local government.
- **Section 504/ADA External Employee Point of Contact** – Employee designated in the service site or administrative site to make assessments of need for auxiliary aids and/or services as prescribed in this policy and procedures, to conduct evaluations of facilities identifying physical obstacles that impede customers’ and/or companions’ accessibility to the site or services; maintain a list of sign-language interpreters available in the local area; and participate in training activities organized by Section 504 /ADA External Relations Coordinator.

Enforcement/Penalties for Non-Compliance

The U.S. Department of Health and Human Services Office for Civil Rights administers and enforces federal laws, regulations, and policies pertaining to service access for persons with disabilities.

Failure to follow the requirements of this policy, state or federal law, or State of Florida rule could result in corrective action(s) as described in the Department’s Standards of Conduct.

Failure to follow the requirements of this policy could result in corrective action(s) as described in the Department’s Standards of Conduct.

Waivers from Policy

Not applicable

Authority/References

[Sections 20.05 and 20.21](#), Florida Statutes

[Chapter 553, Part II](#), Florida Statutes, Accessibility by Handicapped Persons

[Chapter 760, Part I](#), Florida Statutes, Florida Civil Rights Act of 1991

[Chapter 760.08](#), Florida Statutes

[Rule 12-3.007](#), Florida Administrative Code

[Article I, Section 2](#), Florida Constitution

The Americans with Disabilities Act of 1990, as amended (42 U.S.C. §12101, et seq.), as amended by the ADA Amendments Act of 2008

Section 504 and 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C., §794, §794d)

Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000e, et seq.)

Section 504/ADA Grievance Procedure

Customer or Companion Communication Assessment and Auxiliary Aid and Service Record Form

Customer or Companion Request Feedback Form
Request by Customer or Companion for Waiver of Free Communication Assistance
Form Standards of Conduct

Policy Owner

Section 504/ADA External Relations Coordinator
Office of the Executive Director
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Key Contact

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Date Signed and Revision History

| Effective Date | Explanation |
|--------------------|--|
| 03/01/2018 | Executive Director signature on file with the Office of Workforce Management |
| Origination Date | Explanation |
| 07/2016 | Executive Director signature on file with the Office of Workforce Management |
| Last Reviewed Date | Explanation |
| 03/2018 | Administrative change. Changed contact phone number and email. Changed "Revenue" to "Department." Placed content into new template |