

# Management Instruction

## Providing Communication Accommodations to Employees and Applicants Who Are Deaf or Hard of Hearing

This management instruction (MI) establishes the guidelines for implementing Postal Service™ policies and processes for providing certain types of reasonable accommodations, known as communication accommodations, to employees and applicants who are deaf or hard of hearing.

The presumptions and processes described in this MI are based on input from advocates for the deaf and hard of hearing communities and are intended to identify and improve access to accommodations that are recognized as highly effective.

### Purpose

The Postal Service has responsibilities under the law and its collective-bargaining agreements to provide reasonable accommodations to employees and applicants who are deaf or hard of hearing. The major federal laws that apply are the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended.

Reasonable accommodations:

1. Must be provided so that employees can perform functions directly related to their jobs;
2. Must be provided at certain types of workplace events and in certain other situations generally affecting the workplace so that employees can fully participate in the work environment; and
3. Must also be provided during aspects of the hiring process for individuals to enjoy equal opportunity.

### Policy

#### Presumptions

The policies described in this MI supplement the Postal Service's legal and contractual obligations to provide the reasonable accommodations described in item 2 above — *at certain types of workplace events and in*

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*certain other situations generally affecting the workplace.* It does so in two ways:

1. By presuming that the specific communication accommodations described in this MI will be provided in certain circumstances.
2. By clarifying the process used by employees to request and obtain such accommodations.

Unless a specified exception applies, the communication accommodations described in this MI **must** be provided, regardless of whether they are required by law or by the Postal Service's collective bargaining agreements.

In addition to establishing the availability of communication accommodations, Postal Service policy establishes management structures, controls, and processes designed to ensure that communication accommodations are provided effectively.

### **Certain Rights Not Affected**

While they are designed to supplement the Postal Service's obligations, the presumptions in favor of any specific accommodation and the processes set forth in this MI are not intended to replace the interactive process required under the law and the Postal Service's collective bargaining agreements. In keeping with this objective, this MI:

1. Does not affect the ability of employees and applicants for employment who are deaf or hard of hearing to seek reasonable accommodations other than the communication accommodations described here.
2. Does not affect the processes described in Handbook EL-307, *Reasonable Accommodation, An Interactive Process*, that are used by the Postal Service to consider and offer reasonable accommodations other than the communication accommodations described here.
3. Does not alter any rights granted by the Rehabilitation Act, as amended, or the Postal Service's collective bargaining agreements.

## **Communication Accommodations**

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### **Overview**

This MI specifically describes communication accommodations, which are designed to enhance effective communication for and with employees who are deaf or hard of hearing in settings and under circumstances not generally involving actual job performance. These accommodations fall into three categories:

1. *Communication accommodations for signing employees at certain workplace events.* Signing employees are employees who are deaf or hard of hearing and who use American Sign Language (ASL) or another sign language as their primary means of communication.
2. *Communication accommodations for non-signing employees at certain workplace events.* Non-signing employees are employees

who are deaf or hard of hearing, but who do not use ASL or another equivalent sign language as their primary means of communication.

3. *Communication accommodations that are not event-specific.* In addition to establishing the availability of communication accommodations, Postal Service policy establishes management structures, controls, and processes designed to ensure that communication accommodations are provided effectively.

### **Communication Accommodations for Signing Employees at Certain Workplace Events**

It is the policy of the Postal Service and the responsibility of management to provide communication accommodations to signing employees at certain workplace events. The availability of and requirement to provide communication accommodations for signing employees at workplace events depends on the nature of the event, as follows:

1. At certain events, known as *interpreter-presumed events*, Postal Service policy presumes that:
  - a. An in-person, qualified sign language interpreter will be provided, and
  - b. It is the responsibility of management to provide one if certain policy requirements are met.
2. At certain other events, no specific accommodation is presumed for signing employees, although it is presumed that, subject to this policy requirement, one of several available accommodations will be provided in a specified order of preference.

#### **Interpreter-Presumed Events**

A qualified sign language interpreter is a person who, based on his or her training or experience, can provide effective interpretation in the sign language used by the signing employees. While the sign language interpreter should be formally trained, licensed, or certified, the essential requirement is that the interpreter be effective. Any person who meets this requirement may be utilized.

It is presumed that an in-person, qualified sign language interpreter will be provided for *eligible* signing employees at the workplace events listed below. An employee is *eligible* under Postal Service policy if he or she has a Communication Accommodation Plan that:

1. Was completed under the interactive request and approval process described on page 11, and
2. (Includes the specific communication accommodations sought. (See Attachment B, PS Form 6711, *Communication Accommodation Plan for Employees Who Are Deaf or Hard of Hearing.*)

The interpreter-presumed events subject to this MI are listed below:

1. During critical elements of the selection process for positions that a current employee or applicant has applied, including interviews and instructions for testing.

**Note:** Providing accommodations for the test questions themselves is a separate accommodation issue outside the scope of this MI and is considered on a case-by-case basis.

2. During formal training sessions for new and existing employees.
3. During investigatory interviews that may reasonably lead to discipline and formal discussions between the eligible signing employee and his or her supervisor concerning job performance evaluations, corrective actions, or conduct.
4. During Combined Federal Campaign and Savings Bond drive kickoff meetings.
5. During the limited Equal Employment Opportunity (EEO) counseling sessions that may occur face to face, or during meetings involving the completion of paperwork necessary to file Office of Workers' Compensation Program claims by deaf employees, including these forms:
  - a. CA-1, *Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation.*
  - b. CA-2, *Notice of Occupational Disease and Claim for Compensation.*
  - c. PS Form 1769/301, *Accident Report.*
6. During *significant safety instruction* (which does not include safety talks or safety reminders) as defined in the following table:

**Significant Safety Instruction**

Subject	Audience	Frequency	Duration
Asbestos	Plants & CS Sites	Annual	5-10 minutes
Blood-borne Pathogens	Plants & CS Sites	Annual	5-10 minutes
Confined Space	Limited to employees identified by the Postal Service as requiring this instruction.	Annual	5-10 minutes
Emergency Action Plans	General	Annual	15 minutes
Hazard Communication	General	Annual	5-10 minutes
Hearing Conservation	Limited to employees identified by the Postal Service as requiring this instruction.	Annual	5-10 minutes
HAZWOPER	General	Annual	10-15 minutes
Lead	Limited to employees identified by the Postal Service as requiring this instruction.	Annual	5-10 minutes
Lockout/Tag Out	Limited to employees identified by the Postal Service as requiring this instruction.	Annual	5-10 minutes
Powered Industrial Equipment	Limited to employees identified by the Postal Service as requiring this instruction.	Quarterly	10-15 minutes
Personal Protective Equipment (PPE)	Limited to employees identified by the Postal Service as requiring this instruction.	As needed. Job specific and required upon change of bid to position with a PPE assignment and task.	5-15 minutes
Respiratory Equipment	Limited to sites where program is required.	Annual and, as needed, if employee voluntarily asks and is authorized to wear a filtering mask.	5-10 minutes

The Postal Service must make best efforts to provide in-person, qualified sign language interpreters for eligible signing employees at interpreter-presumed events. These efforts shall include, but shall not be limited to, ensuring that every Postal Service installation with one or more eligible signing employee has either:

1. Contracted with an interpreter service; or
2. If a formal contract is not required, has otherwise made arrangements for interpreter service.

**Circumstances Under Which the Presumption of In-Person, Qualified Sign Language Interpreters May Be Delayed or Excused**

The presumption of an in-person, qualified sign language interpreter for eligible signing employees may be excused or delayed without violating this MI only in the following circumstances:

1. The Postal Service can demonstrate that it has undertaken diligent and timely efforts to obtain an interpreter, including contracting with a local interpreter service, but no interpreter is available due to:
  - a. The timing of the interpreter-presumed event; and/or
  - b. The location of the installation at which the event is to occur.
2. The presumption was not met due to the occurrence of an exigent circumstance as described on page 8.

**Required Steps When the Presumption of In-Person, Qualified Sign Language Interpreters Is Delayed or Excused**

Whenever an in-person, qualified sign language interpreter is not available to eligible signing employees for a scheduled interpreter-presumed event, the Postal Service will take the following steps:

1. The Postal Service will make their best efforts to reschedule or repeat the interpreter-presumed event for the eligible signing employee with the participation of an in-person, qualified sign language interpreter within 72 hours of the originally scheduled time.
2. If the event cannot be rescheduled or repeated within 72 hours with the participation of an in-person, qualified sign language interpreter, the Postal Service shall confer with the affected eligible signing employees. At the election of the eligible signing employees, the Postal Service will do one of the following:
  - a. Continue best efforts to reschedule or repeat the interpreter-presumed event with the participation of an in-person, qualified sign language interpreter as soon as possible.
  - b. Conduct the interpreter-presumed event using Video Remote Interpreting (VRI) or other alternative communication tools, devices, or technologies.
  - c. Conduct the interpreter-presumed event using other communication methods to which the Postal Service and the eligible signing employee agree.
3. If more than one eligible signing employee is affected by the inability to provide an in-person, qualified sign language interpreter at a scheduled interpreter-presumed event, each such eligible signing employee is entitled to determine individually which of the above options shall apply to him or her.

### **Prioritized Accommodation Events**

In addition to interpreter-presumed events, there are other workplace events at which eligible signing employees are entitled to a communication accommodation from a prioritized list. These events, known as *prioritized accommodation events*, are:

1. Service talks lasting longer than 5 minutes.
2. Weekly safety talks and safety reminders.
3. Meetings to discuss work procedures, policies, assignments, or health benefit and retirement options and issues.
4. Management-initiated personnel actions.

During the interactive request and approval process described on page 11, communication accommodations for prioritized accommodation events will be considered by the Postal Service and included in the eligible signing employee's Communication Accommodation Plan in descending order of priority.

1. *Video Remote Interpreting (VRI)* — if available at the eligible signing employee's installation under the criteria described in communication accommodations that are not event-specific on page 7.
2. *In-person, qualified sign language interpreter* — only if:
  - a. Requested by and agreed upon in an eligible signing employee's Communication Accommodation Plan; and
  - b. If VRI is not available at the eligible signing employee's installation.
3. *Face-to-face communication device* — UbiDuo™ or similar device.
4. *Other communication accommodation tools, devices, or technologies that comply with the requirements of the Rehabilitation Act.*

The phrase "descending order of priority" means in the order shown in items 1–4 above. VRI is the primary communication accommodation for prioritized accommodation events. If the installation does not have VRI, then the primary communication accommodation for the prioritized accommodation event will be an in-person, qualified sign language interpreter.

- **Example 1:** An eligible signing employee is scheduled to attend a service talk lasting longer than 5 minutes and works at an installation that has VRI. The installation will provide VRI as the communication accommodation for this prioritized accommodation event.
- **Example 2:** An eligible signing employee is scheduled to attend a service talk lasting longer than 5 minutes and works at an installation that does not have VRI. The installation will provide an interpreter as the communication accommodation for this prioritized accommodation event.

## Communication Accommodations for Non-Signing Employees at Certain Workplace Events

It is the policy of the Postal Service and the responsibility of management to provide communication accommodations to eligible non-signing employees (meaning employees who are deaf or hard of hearing but do not use ASL or other sign language as their primary means of communication) at any of the workplace events described on pages 3–6.

However, Postal Service policy does not presume that any particular communication accommodation would be appropriate for these workplace events. During the request and approval process described on page 11, the following communication accommodations will be considered by the Postal Service and included in the eligible non-signing employee's Communication Accommodation Plan, as agreed:

1. UbiDuo.
2. Other communication tools or devices.
3. Written communication.

## Communication Accommodations That Are Not Event-Specific

It is the policy of the Postal Service and the responsibility of management to provide certain technological resources to employees who are deaf or hard of hearing. The technological resources listed below are not intended to limit the Postal Service's use of any newly developed technology that provides an accommodation equal or superior to the services listed below.

1. *Video Remote Interpreting (VRI)* — The Postal Service will provide at least one VRI unit (or an equivalent accommodation tool, device, or technology) at every Postal Service installation with one or more eligible signing employee, if that installation has access to:
  - a. A high-speed internet connection, or
  - b. The Postal Service intranet.
2. *Video Relay Service (VRS)* — The Postal Service will provide one VRS unit at every Postal Service installation with one or more eligible signing employees if that installation has access to:
  - a. A high-speed internet connection, or
  - b. The Postal Service intranet.

**Note:** If the Federal Communications Commission or the service provider charge a fee for VRS, the Postal Service will not be liable for the cost of VRS for employees' personal, non-work use.

3. *Open or closed captioned videos or films* — The Postal Service will ensure that all videos or films designed for training and instructing employees are appropriately open or closed captioned.
4. *Visual warning lights on industrial equipment* — The Postal Service will ensure that visual warning lights are installed on all moving industrial equipment powered by electric motor or internal combustion engine in all Postal Service facilities where employees who are deaf or hard of hearing work.

5. *Emergency Action Plan and employee alarm system* -- The Postal Service will ensure that all Postal Service facilities nationwide maintain an Emergency Action Plan. The plan will address the requirements for an employee alarm system that:
  - a. Complies with Occupational Safety and Health Administration regulations, and
  - b. Provides adequate notice to employees so they can take the appropriate actions necessary to escape the workplace safely.

## Exigent Circumstances

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It shall not be a violation of this MI if the Postal Service fails to provide a communication accommodation required under this MI when such failure is due to an exigent circumstance. *Exigent circumstances* shall include, but not be limited to:

1. Natural disasters or acts of God.
2. Security breaches or acts of terrorism.
3. Cancellation or failure of an in-person, qualified sign language interpreter to appear as scheduled.
4. Malfunction or failure of communication accommodation equipment, tools, or technological resources.

However, the Postal Service is obligated to provide or restore any communication accommodation required under this MI as soon as is reasonably possible after the exigent circumstance passes, after the effects of the exigent circumstance can reasonably be corrected by the Postal Service, or both, all as determined on a case-by-case basis.

## Communication Accommodations for Applicants for Employment

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*Applicants for employment* are individuals seeking a position who are not current Postal Service employees. They are given the presumption of in-person, qualified sign language interpreters during critical elements of the selection process. This includes interviews and instructions for testing as specified in interpreter-presumed events on page 3.

**Note:** Providing accommodations for the test questions is a separate accommodation issue outside of the scope of this MI and is considered on a case-by-case basis.

Requests for communication accommodations from applicants for employment:

1. Must be made as soon as the need for accommodation is known.
2. Can be made orally or in writing to the examiner, selecting official, or district Human Resources manager.



If an applicant for employment requests further accommodation during the examination process, the Postal Service shall consider such requests on a case-by-case basis, pursuant to the provisions set forth in Handbook EL-307, *Reasonable Accommodation, An Interactive Process*.

## **Management Structures and Processes**

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### **Supervisor Training**

All Postal Service employees who supervise employees who are deaf or hard of hearing must complete Postal Service-approved training in the following subjects:

1. Effective communication with employees who are deaf or hard of hearing.
2. Providing qualified sign language interpreters.
3. Use of VRI and VRS.

### **Postal Service Reasonable Accommodation Assistance Center**

#### **Responsibilities of the PRAAC**

The Postal Service Reasonable Accommodation Assistance Center (PRAAC) supports and monitors management compliance with this MI and with the Postal Service's obligation to provide reasonable accommodations to individuals with disabilities. The PRAAC will have:

1. Staff domiciled at Postal Service Headquarters.
2. A complement of Disability Compliance Specialists (DCSs), who are Headquarters employees domiciled in the field with assigned geographic areas of responsibility.

#### **Responsibilities of the DCSs**

DCSs shall:

1. Work with District Disability Coordinators within their assigned areas of geographic responsibility to monitor communication accommodation issues and ensure that agreed-upon communication accommodations are provided under the terms of each individual's Communication Accommodation Plan.
2. Provide guidance to districts regarding compliance with the requirement to provide communication accommodations that are not event-specific, as discussed on page 7.

### **District Disability Coordinator**

#### **Overview**

District Disability Coordinators shall support the Postal Service's obligation to provide reasonable accommodations to individuals with disabilities in his or her district, including compliance with this MI.

Each District Disability Coordinator is appointed by the district Human Resources manager. This is an ad hoc position, assigned to a district employee who is able to assume the responsibilities of the position and perform them effectively in addition to his or her assigned duties.

### **Responsibilities**

District Disability Coordinators shall serve as the point of contact for employees who are deaf or hard of hearing and wish to request communication accommodations under this MI. They shall:

1. Explain the process for requesting communication accommodations to employees.
2. Provide a Communication Accommodation Request Form (see page 11, and Attachment A, PS Form 6710, *Communication Accommodation Request Form*).
3. Serve as the point of contact to receive oral or written requests for communication accommodations from employees who are deaf or hard of hearing. Written requests may be made by using PS Form 6710.
4. Forward the oral and written requests for communication accommodations to the District Reasonable Accommodation Committee (DRAC) for consideration.
5. Serve as a member of the DRAC when it reviews requests for communication accommodations.
6. With the assistance of a DCS, respond to and address any issues raised by employees concerning compliance with a Communication Accommodation Plan.

### **District Reasonable Accommodation Committee**

#### **Purpose and Structure**

The DRAC is a multifunctional group that assists management in considering and offering reasonable accommodations to individuals with disabilities. As part of these general duties and its responsibilities under this MI, the DRAC shall assist management in providing communication accommodations. As of the effective date of this MI, DRAC membership shall include the following district personnel:

1. Labor Relations Manager (or designee).
2. Human Resources Generalist (or designee).
3. Safety or Health Resource Management Manager (or designee of either).
4. Postal Service Medical Doctor (if available).
5. Occupational Health Nurse.
6. Operations Manager (or designee).
7. District Disability Coordinator (when the DRAC is considering requests for communication accommodations under this MI).

#### **Responsibilities**

The DRAC shall engage in the interactive process described on page 11 to consider requests for communication accommodations and develop Communication Accommodation Plans.

## **Process for Requesting and Approving Communication Accommodations**

### **Overview**

Postal Service facilities that employ individuals who are deaf or hard of hearing are required to implement the following procedures:

1. As of the effective date of this MI, current employees who are identified in Postal Service records as deaf or hard of hearing shall be informed that, if they require communication accommodations, they must contact their supervisor, manager, or District Disability Coordinator and request, either orally or in writing, a communication accommodation.
2. If the employee who is deaf or hard of hearing submits an oral or written request for a communication accommodation to his or her supervisor or manager, the supervisor or manager will then forward the employee request to the respective District Disability Coordinator, who will forward the request to the applicable DRAC for review.
3. Each employee who is deaf or hard of hearing is obligated to submit an oral or written request for a communication accommodation in order to initiate the interactive request and approval process.

### **Steps in the Request and Approval Process**

The steps in the request and approval process for communication accommodations are as follows:

1. The employee submits an oral or written request for a communication accommodation to his or her supervisor, manager, or the applicable District Disability Coordinator.
2. If the deaf or hard of hearing employee submits an oral or written request for a communication accommodation to his or her supervisor or manager, then the supervisor or manager will forward the employee's request to the respective District Disability Coordinator.
3. The District Disability Coordinator will then forward the oral or written accommodation request to the applicable DRAC for review, as follows:
  - a. The DRAC will conduct an interactive meeting with the requesting employee within 30 calendar days of the chairperson's receipt of the oral or written request for a communication accommodation by the employee.
  - b. The requesting employee's supervisor or manager should participate in the DRAC meetings.
  - c. The DRAC members who meet with the requesting employee will have the discretion to conduct meetings via VRS, telephone relay, or in person.
  - d. If an employee requests an in-person, qualified sign language interpreter as a communication accommodation, the District Disability Coordinator will schedule such an interpreter for the DRAC meeting.

4. During the interactive meeting, the requesting employee and the DRAC will complete a Communication Accommodation Plan (the Plan). The DRAC chairperson, the District Disability Coordinator, the requesting employee, and the requesting employee's supervisor or manager should sign and date the finalized Plan. If the Plan cannot be completed during the initial interactive meeting, then additional time should be scheduled.
5. If the requesting employee does not agree to sign the Plan, the Postal Service shall ensure that the communication accommodations selected for the employee in the Plan meet the requirements of the Rehabilitation Act.
6. The responsible supervisor or manager shall work with the responsible District Disability Coordinator to make sure that the agreed-upon or selected communication accommodations are provided.

#### **Annual Review**

The DRAC, the requesting employee, and the requesting employee's supervisor or manager shall meet on an annual basis for a 3-year period from the effective date of any Communication Accommodation Plan. The purpose of the annual review is to assess the following:

1. Are the communication accommodations effective?
2. Are there any issues with provision of the communication accommodations?
3. Should any changes be made to the Communication Accommodation Plan?

The annual review process will be discontinued at the end of the 3-year period.

#### **Requests for Review**

Employees and supervisors may raise issues with the District Disability Coordinator regarding their Communication Accommodation Plan at any time. The District Disability Coordinator and the DRAC (as appropriate) will work with the employee and his or her immediate supervisor or manager to ensure that the employee's Plan meets his or her communication accommodation needs.

#### **Ombudsman Process**

For 3 years following the effective date of this MI, the process described below will be available to employees who wish to register comments or concerns about the Postal Service's efforts to provide communication accommodations:

1. The Postal Service will employ an independent ombudsman to receive comments and concerns and assist with their resolution. The Postal Service will also:
  - a. Advise employees that they can register a comment or concern with the ombudsman through a toll-free number or other device.

- b. Advise employees that use of the toll-free number or device to register a comment or concern will not affect their rights to file a grievance or complaint in any other process, nor does it serve as an initial contact for any other process, such as a grievance or EEO pre-complaint processing.
2. Comments and concerns filed pursuant to this monitoring process will be processed as follows:
- a. The Disability Program Manager (or person holding a successor position) shall enter the comments in a log and refer them to the appropriate DCS and District Disability Coordinator for response and/or resolution.
  - b. 

<b>If...</b>	<b>Then...</b>
The DCS and/or District Disability Coordinator cannot resolve the comment or concern to the satisfaction of the employee registering it; or the comment or concern is registered anonymously, and it cannot be resolved to the satisfaction of the appropriate DCS and/or District Disability Coordinator,	The Disability Program Manager will refer the comment or concern to the National Diversity & Inclusion Manager for final response or resolution.

**Existing Communication Accommodations**

The objective of this MI is to ensure that the Postal Service provides effective communication accommodations to all employees who are deaf or hard of hearing. To that end, this MI should not be used to reduce or eliminate any communication accommodations currently provided to employees who are deaf or hard of hearing, pursuant to the terms of existing Equal Employment Opportunity, Merit Systems Protection Board, or labor grievance settlement agreements.

## Acronyms

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ASL	American Sign Language
CS	confined space
DCS	Disability Compliance Specialist
DRAC	District Reasonable Accommodation Committee
EEO	Equal Employment Opportunity
FCC	Federal Communications Commission
HAZWOPER	Hazardous Waste Operations and Emergency Response
MI	management instruction
PPE	personal protective equipment
PRAAC	Postal Service Reasonable Accommodation Assistance Center
VRI	Video Remote Interpreting
VRS	Video Relay Service