NIH Policy Manual

2206 - Sign Language Interpreter Policy

Issuing Office: OD/EDI **Phone:** (301) 496-6301

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Transmittal Notice

1. **Explanation of Material Transmitted:** This new chapter describes the policy to deliver the NIH Sign Language interpreting service for NIH employees, visitors, staff and patients
2. **Filing Instructions:**
    - **Remove:** None
    - **Insert:** Manual Chapter 2206, dated 12/07/2017

PLEASE NOTE: For information on:

- Content of this chapter, contact the issuing office listed above.
- NIH Policy Manual, contact the Division of Management Support, OMA on 301-496-4606, or enter this URL: https://oma.od.nih.gov/DMS/Pages/Manual-Chapters.aspx

A. Purpose

The purpose of this policy manual chapter is to provide direction, guidance, clarity, and definition to the development and delivery of the NIH Sign Language interpreting service for NIH employees, visitors, staff and patients.

B. Scope

This policy applies to all NIH staff, visitors, and patients who utilize the NIH interpreting services contract.

Background:

The Americans with Disabilities Act (ADA) requires that equal access be provided to persons with disabilities by all public entities (e.g., government offices, courts, public schools, etc.) and by all services which are provided to the public at large (for example, doctor's offices, medical clinics, hospitals, lawyers, etc.).

C. Policy

1. **Open/Public Events:** When announcing an event open to NIH employees, staff, or the general public the following language must be included:

    a. "Individuals with disabilities who need sign language interpreting and/or other reasonable accommodations to participate in this event, should contact NAMEXXX, PHONEXXXX Voice or through the Federal Relay XXXX…"
    b. Requests should be made five days in advance of the event.

2. **Work Related Events Outside the Workplace:** Office of Research Services (OD/OM/ORS) will provide an interpreter for an employee who is deaf or hard of hearing who, as part of their job, attends a work related meetingwork related travel, or event outside the workplace.

    a. Work related meetings or events are considered to be any meeting or event that is connected to the person's job duties or as a benefit or privilege of employment.
    b. Examples include work related events, training, conferences, office holiday parties, or after work functions sponsored by NIH, which take place in a public venue.

3. **NIH Employee Training:** If a deaf or hard of hearing employee attends a conference or training program sponsored by an outside organization, the sponsoring organization is principally responsible for providing interpreters.

    a. If the training is in the Washington DC Metro area, and the host will not provide interpreting services, services will be provided by NIH OD/OM/ORS.
    b. If training is outside of the Washington D.C Metro area, and the host agency is unable to provide interpreters, NIH will provide contract interpreters from that locale, if available.

4. **Fulltime Interpreters:** Requests for interpreting services on a continuous basis for individual employees will be handled on a case-by-case consideration through the NIH Reasonable Accommodation process.
5. **Clinical Trials:** Any clinical trial that requires extensive interpreting (e.g., sign language and/or Computer Aided Real Time captioning (CART)) should include the cost of those services in the budget of that study. In addition, the IC should contact OD/OM/ORS prior to requesting services to ensure availability of interpreters.
6. **Patients:** Patients needing interpreting services should contact their individual research teams or clinical center for more information on scheduling services.

D. References

1. NIH Manual Chapter 1743 – Keeping and Destroying Records, Appendix 1, NIH Records Control Schedules (as amended): https://policymanual.nih.gov/1743

2. NIH Manual Chapter 1363 – NIH Events Management Services: https://policymanual.nih.gov/1363
3. NIH Manual Chapter 2204 – Reasonable Accommodations: https://policymanual.nih.gov/2204
4. Interpreting Services Consumer Guide, April 2017, Division of Amenities and Transportation Services, Office of Research Services: https://www.ors.od.nih.gov/pes/dats/interpret/Documents/Interpreting%20consumer%20guide%20-%20April%202017.pdf

E. Definitions

1. **Certified Sign Language Interpreters:** Interpreters under the NIH Interpreting Services contract are trained professionals who have been certified by the Registry of Interpreters for the Deaf (RID) or the National Association of the Deaf (NAD) to facilitate the communication of people who do not share a common language and/or communication mode. A person who knows sign language or who is taking a sign language class is not an acceptable substitute for a sign language interpreter.
2. **Communication Access Real-time Translation** (CART): CART converts speech to text for hard of hearing and deaf people who use English as their first language. Note: CART is not intended for note taking.
3. **Reasonable Accommodation** (RA): Reasonable accommodation is any change to a job, the work environment, or the way things are usually done that allows an individual with a disability to apply for a job, perform job functions, or enjoy equal access to benefits available to other individuals in the workplace.

F. Responsibilities

1. The Division of Amenities and Transportation Services (DATS), Office of Program and Employee Services (PES), manages requests for interpreting services to NIH employees, visitors, and guests.
2. Supervisors and Executive Officers are responsible for ensuring that employees needing interpreting services are aware of the procedures for obtaining services, as well as ensuring services are provided for formal meetings, programs, etc.

G. Procedures

Scheduling Interpreters Services: The **proper procedure** for scheduling interpreting services for a meeting or event is to enter the request directly into the Access Portal on the Interpreting Services webpage or by downloading the uSked app to a mobile device.

Appendix 1 – Additional Information for Employee Interpretive Services Rights

Employees Rights	**Resource**
Enjoy the "benefits and privileges of	The Rehabilitation Act of 1973.

employment" equal to those enjoyed by similarly situated employees without disabilities.	
When the agency has knowledge of facts and circumstances that provide linkage between an employee's medical condition and workplace problems.	The Equal Employment Opportunity Commission's Technical Assistance Manual: Title I of the ADA.
An agency is required to initiate the interactive process when the disability and need for reasonable accommodation is obvious.	Thomas v. Postmaster General, 01982321 (2001).
An agency is required to make reasonable accommodation to the known physical and mental limitations of an otherwise qualified individual with a disability absent undue hardship.	EEOC Notice No. 915.002. Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (Oct. 17, 2002) (Reasonable Accommodation Guidance).
An employer must provide reasonable accommodation (e.g., sign language interpreters; written materials produced in alternative formats, such as braille, large print, or on audio- cassette) that will provide employees with disabilities with an equal opportunity to participate in employer-sponsored training, absent undue hardship. This obligation extends to in-house training, as well as to training provided by an outside entity	Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act "Reasonable Accommodation Related to the Benefits and Privileges of Employment."
An agency is required to provide an interpreter for trainings that are mandatory to a hearing impaired complaints' position	Krewsky v. Department of the Navy, EEOC No. 0120102511
When accommodating a severely hearing impaired employee who can sign, at a minimum, an agency is required to provide interpretive services for safety talks, discussions on work procedures, policies or assignments, and for every disciplinary action so that the employee can understand what is occurring at any and every crucial time in his employment career, whether or not he or she requests an interpreter	Feris v. Environmental Protection Agency, EEOC Appeal No. 01934828 (Aug. 10, 1995).
Benefits and privileges of employment include, but are not limited to, employer-sponsored: (1) training, (2) services (e.g., employee assistance programs (EAP's), credit unions, cafeterias, lounges, gymnasiums, auditoriums, transportation), and (3) parties or other social functions (e.g., parties to celebrate retirements and birthdays, and company outings).	Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act "Reasonable Accommodation Related to the Benefits and Privileges of Employment."
A public entity is required to provide	Americans with Disabilities Act Title II

"program access", that is, the entity is required to operate each service, program, or activity it provides so that, when viewed in its entirety, the service, program, or activity is readily accessible to and usable by individuals with disabilities.	Regulations: Part 35 Nondiscrimination on the Basis of Disability in State and Local Government Services (as amended by the final rule published on September 15, 2010) § 35.150 Existing facilities (b) Methods.
Agency is required to make health and wellness and work life balance programs and services convenient and available to all employees	Office of Personnel Management: Employee Health Services Handbook: Chapter 1: Administering Employee Health Programs (What are the Agency's Responsibilities?)
An agency is required to provide a certified interpreter at Employee Assistant Program meetings and disciplinary discussions.	Dardis v. Runyon, EEOC Appeal No. 01924524 (Aug. 1993).