

# THE Colorado Independent

May-June 2008

*This newsletter is published by the Provider Relations Unit of the Colorado Division of Vocational Rehabilitation, and edited by Judy Neal, Independent Living Program Coordinator. The goal is to share information among the ten Colorado Centers for Independent Living, the Statewide Independent Living Council, and DVR staff. The submission of information or articles from all affiliated with these organizations is both encouraged and welcomed. Please e-mail any articles of interest to [judy.neal@state.co.us](mailto:judy.neal@state.co.us) If you have questions, please phone me at (303) 866-4645.*

## Barriers

### To Effective Communication

**By Faith Gross and Jennifer Pfau**

How many of us have read a book and thought, "I could have written that book." You're right. All of us, I believe, carry at least one barrier around in our heads or our hearts. Novelist Tony Robbins put it this way: "If there's a book you really want to read but haven't read yet, you must write it."<sup>1</sup>

Do you find it frustrating reading the paragraph above? Imagine sitting in a room with an unqualified auxiliary service provider<sup>1</sup> conveying the information and you are trying to put together the concept in order to understand the information. The information is distorted. How do you know if you have the correct information?

Communication is a key function in our daily lives. Deaf customers have often complained about the quality of sign language interpreters. Sometimes we forget that hearing individuals engaged in communication with deaf individuals are also customers of the interpreter. It can be a real dilemma for a deaf person handling the situation using unqualified interpreters when the hearing customers are often paying for the interpreting services. Why is that we do not hear complaints from hearing customers about the quality of effective communication?

**Continued on page 3**



## *From the Director*

**By  
Nancy Smith**

### Deaf Services and the IL Model

*Cliff, Jennifer, Ody Allen,  
SRC results, ASL class*

A number of recent encounters have gotten me to thinking about how people who are deaf, hard of hearing or late deafened fit into the independent living services scheme.

I have been taking an ASL course at the Community College of Aurora this semester. Although I still feel very awkward about my limited abilities, it has opened up a world to me. I took the course because I wanted to be able to communicate better with both staff and customers who are deaf. While the course will be over soon, I am looking for ways to continue to practice and increase my abilities. I recently had lunch with the deaf counselors at our Denver Metro Office. It was intense but very good for me.

At a potluck hosted by our class and teacher, Glory Randolph, I heard Ody Allen talk about her work at Denver CIL. She is deaf and available for

both hearing and deaf customers, from what I learned. This is an option for staffing that is working at DCIL.

The State Rehabilitation Council recently received the results of its customer satisfaction survey process. Every two years the SRC does a survey of customer satisfaction, as it is federally mandated to do. This one focused on services to people who are deaf. The recommendations based on the results included this one: DVR should create 10 deaf centers for independence in the State. While none of us, including several deaf advocates, believe this is reasonable, let alone plausible as a solution, it points to a need.

Are customers who are deaf, hard of hearing or late deafened really getting the service they need in Colorado's independent living centers? Perhaps the group most likely to be excluded is those who are deaf. If independent living centers are charged with serving a multiplicity of disability groups, why not this one? How can centers bridge the communications gap for the deaf community?

In the past few weeks I have met with Cliff Moers, Director of the Colorado Commission on the Deaf and Hard of

Hearing and Jennifer Pfau, President of the Colorado Association of the Deaf. Both people asked me about the CILs and wondered how they and their organizations might be able to help make centers more accessible to the deaf. This sounds like two resources for the Centers.

Some of the DVR offices now have Videophones. This has made communication much easier for deaf counselors and customers. We are looking at getting them in more offices, so we are more ready to serve customers who are deaf. VPs would be useful in ILs as well. Technology is beginning to make communication much easier and we are learning to be savvy about what to use and how to use it. Our customers also need to be educated at times, but more often they teach us.

What can the centers, no matter what their size, do to make their services truly accessible to all people with disabilities? How can centers be responsive to the needs of deaf customers? We need to keep asking this question until it is easy to answer.



## **From Page 1**

### Barriers

It is important to understand the meaning of *expressive* and *receptive* when using sign language interpreters to communicate with the customers. Whatever is written or spoken must be clear and understandable between the parties. According to the ADA definition of *Effective Communication*, *expressive* communication is the ability to produce dialogue. *Receptive* communication is the ability to understand the dialogue.

### **Barriers Due to Myths and Misconceptions:**

- Anyone who has been trained as an interpreter would be considered qualified for ANY deaf or hearing customers.

There is a need to understand the function of the person who bears the burden of making communication a reality—the interpreter. Within the system, interpreters and their profession are often as misunderstood as deafness itself.

Perhaps the most fundamental misconception about interpreting is that it is rather like mathematics—that there is such a thing as a right answer and that one interpreter's rendering will be pretty much like that of another.

We cannot assume that an interpreter is an interpreter is an

interpreter—or that an interpretation is an interpretation is an interpretation—because that is not true. One of the most common misconceptions is that anyone who knows two languages is competent to interpret. This has led to service providers' use of neighbors, children, spouses, social workers (who had taken a couple of sign language classes) as interpreters. It is important to recognize the circumstances under which the communication is taking place, the number of people involved, and whether the information being communicated is complex or lengthy. A family member or friend may not be qualified to interpret because of factors such as emotional or personal involvement or considerations of confidentiality. The Department of Justice suggested avoiding using family member or friend in complex situations.<sup>i</sup>

Another common misconception: One language can be interpreted word for word into another. There are NO two languages in the world that can be interpreted word for word. Any attempt to do so will distort the meaning of what is being said and make even the most articulate speaker sound foolish.

For example:

Put into word for word English, the French for “how are you” (Comment allez-vous?) translates into “how go you?” The ASL for “I have been to

Chicago” would be voiced as “touch finish Chicago”.

The definition of a hearing consumer means a person who is using the auxiliary service provider to communicate with a deaf consumer. Often, the hearing party would assume that the interpreter is conveying accurate information. What happens if the hearing consumer is unable to receive effective communication and is paying for the services? How should hearing customers handle the manner? As a hearing customer, how do you know if the interpreter is not conveying accurate information? It is a good idea to look for cues and congruence. Does the response you are getting match the content of your side of the communication? Observe the body language and the deaf individual's facial expression. You may want to avoid the patronizing approach but repeat the information what you receive to ensure the information is accurate.

### **More Myths**

- Using written communication is just as effective as using sign language interpreters and it is cheaper!

What happens if the person prefers to use American Sign Language (ASL)<sup>ii</sup> as his/her primary means of communication? Does providing written communication meet the

requirement of the ADA's definitions in this kind of situation?

Service providers may wonder why the exchange of written notes might not be an acceptable method of communication with deaf customers. It is important to recognize there is a distinction between English and American Sign Language. Written communications, or interpreters not skilled in ASL, will not be sufficient as effective communication services for deaf persons who utilize ASL.

- Service providers have the discretion to determine the reasonable accommodations for communication access.

In many circumstances, the deaf or hard of hearing customer is in the best position to determine which method of communication is necessary to ensure an equal opportunity to benefit from the services. Therefore, the customer's judgment regarding what means of communication is necessary to ensure effective communication must be given great deference. This is called "*primary consideration*" under the ADA.

- The deaf person did not show up for the appointment and he will have to pay for the interpreting services next time for our next appointment.

The ADA does not allow passing on the costs of auxiliary aids and

services to the person with a disability. Therefore, deaf and hard of hearing people must not be charged for the interpreter fees. A best practice is to provide the deaf person with appropriate contact information if s/he needs to cancel the appointment within 72 hours. This allows the hearing customer to contact the interpreting agency in time to cancel the appointment without incurring the fees. However, keep in mind there are circumstances that are beyond the deaf person's control such as becoming ill. Deaf people have the responsibility to request accommodations in a timely manner, and also have the responsibility to timely notify the hearing customer of the cancellation unless unforeseeable circumstances arise.

### **Conclusion:**

In order to eliminate or reduce communication barriers it is necessary to recognize the value of communication and understanding for all parties.

Keep in mind:

- ❖ The deaf customer is the best resource regarding preferred mode of communication. Consult with the customer prior to appointments to determine which means of communication is best.
- ❖ Consider the qualification of an interpreter or auxiliary service provider.

- ❖ Request sign language interpreters as soon as you receive the request. It is the best practice to enter a request for sign language interpreters at least two weeks in advance.
- ❖ Develop guidelines for case managers on providing effective communication.

We must remember that providing **effective communication access** will lead to **effective service delivery!**

## Deaf Services and Barriers in the IL System

I invited the directors of our 10 centers for independent living to let me know what they are currently offering to deaf consumers. Replies were received from the following three centers.

**Independent Life Center, Craig**  
Evelyn Tileston, Executive Director

PROBLEM ONE: SHORTAGE OF INTERPRETERS AND SHORTAGE OF MONEY TO PAY THEM EVEN IF WE HAD THEM.

Serving consumers who are deaf is extremely difficult here. Right now,

things are a bit better because we have a job coach who is fluent in ASL, though not a certified interpreter.

We won't have her after October 1 because she will go to work for the Division of Wild Life testing elk carcasses for chronic wasting disease. It pays better. She is a good job coach and good interpreter; but ILC cannot pay what DOW pays; at least, not at this point.

She is assisting to teach a sign language class at our local community college.

We have a deaf consumer who works independently for a trucking company here but is teaching a sign language class at the college;, partnering with the person described above.

There is only one certified interpreter in this part of the state, and he is in Steamboat working as a case worker for the Department of Social Services.

We have no interpreter services for public meetings or for deaf consumers who may walk in. We thought we were going to be connected to one of those services that uses the internet to provide real-time typing of meetings or sign language interpretation; but I found it so expensive and the number of consumers so few, that we just couldn't do it.

One of my staff, Rhonda Corveau, is seriously studying ASL and participates in the sign language class at the college as well as in a volunteer group that meets at a local church. She can, at least, carry on simple communication with deaf consumers, but certainly does not think of herself as a competent interpreter, only a stop-gap to provide minimal communication. She helps to job coach a deaf consumer.

### **Disabled Resource Services, Fort Collins**

Jenny Miller, Case Manager for the Deaf

In my job, I do a lot of information and referral with deaf and hard of hearing consumers. This connects them to our CIL's services as well as to those in the community that are provided by other agencies.

I do a lot of document translation for my consumers and help individuals navigate through the Social Services system.

I also inform already established peer support groups for deaf people about DRS' services, and give consumers I'm working with information about these peer support groups.

If I can't answer a question, I ask for help from another case manager, and they rely on me for translation services at times with individuals they're working with.

I would like to have more space in the building where DRS is located to install a video phone booth. It will require high speed internet which is currently being explored with the facility manager. United Way owns the building where DRS is located.

### **Disability Center for Independent Living, Denver**

Carol Jean Reynolds, Executive Director

Ody Allen joined DCIL as an independent living coordinator who provides independent living services to the deaf/hard of hearing community. The majority of individual requests regard housing, advocacy for interpreters and for the rights of individuals who are deaf/hard of hearing. Special projects include spearheading an advocacy effort aimed at providing appropriate schooling for children of deaf adults (CODA).

DCIL has also been working with the Denver Mission and Colorado Aids Project to train these organizations in the use of video relay phone and how to obtain this service. We have also been asked to provide an individual who is deaf/hard of hearing to work with individuals who are deaf and in the criminal justice system. We have one video relay system that the coordinator uses, and we are in the process of installing an additional video relay for use by our consumers.

Future plans include providing English lessons for consumers who are deaf, providing the financial management program we have developed, working with seniors in nursing home who are deaf, and having focus groups to determine what type of independent living services the deaf community would like to have.

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Other independent living centers have video relay services and staff who work with deaf consumers. Several have staff who are deaf or hard of hearing. All centers provide cross-disability services and can make arrangements to serve deaf consumers.

Colorado CIL Websites

[www.atlantiscommunity.net](http://www.atlantiscommunity.net)

[www.cfigj.org](http://www.cfigj.org)

[www.cpwd-ilc.org](http://www.cpwd-ilc.org)

[www.fortnet.org/drs](http://www.fortnet.org/drs)

[www.swcidur.org](http://www.swcidur.org)

## Building Relationships

The compliance reviews for re-certification of our ten independent living centers is nearly complete. For each center, I have attempted to create a team that includes the SILC and DVR, giving both entities an opportunity to gain a better understanding of how an IL center operates. Here are comments from two DVR staff who participated in the reviews.

### Eye Opening

By Terri Carlson

My visit to Connections was an eye opener as to the breadth and extent of services that the IL provides to the community. The variety and creativity of assistance is amazing. It was refreshing to see that the consumers were able to meet with board members and board members participating comfortably among those present. What a great effort towards independent living for everyone involved in the process that makes it work for so many people.

### People I am Proud to Know

By Jane Berry

When Judy Neal asked me to join her in visiting the Colorado Springs Independence Center for their

Recertification Review, my first thought was, “do I really have time for this?” I am so glad that I made the time.

While I have been acquainted with the CSIC and many of their staff for a long time, our visit was an opportunity for me to get to know newer staff, their board of directors, meet a large group of their consumers, and find out about their programs on a new level. I have to say that I was very impressed by all that I saw. It was clear that the CSIC staff is an amazing group of professionals who have a great passion for the work that they do. I had the opportunity to observe one of their staff teach a cooking class. Now normally I would say, cooking--not my favorite subject. I was impressed at the creativity of the instructor--she made a class about basic cooking and safety an enjoyable experience while being attentive to the individual needs of all of the students, who were at very different ability levels. Each of their staff truly brings a unique skill and perspective to their jobs, but they all have a common strength: a passion for their work.

I have known our center to be responsive to the needs of the Colorado Springs office, but I never knew about the depth of their passion. They are people that I am proud to know.

## WINE FEST XXVI A 26 Year Tradition

Wine Fest is Northern Colorado’s oldest, largest and finest wine tasting event! According to the Wine Industry, it is the second largest and best-received wine tasting event in Colorado and has the reputation as one of the best-organized and executed wine tastings in the state. In its 26th year,

Wine Fest XXVI will be held on Friday, May 23rd from 6:30 pm to 10:00 pm at the Hilton Fort Collins, 425 West Prospect Road in Fort Collins, Colorado. Over 500 domestic and imported wines from 200 wineries will be poured. A wide array of fresh food will be provided by local businesses to pair with your favorite wine. Festivities also include a silent auction of rare and fine wines, artwork by local artists, jewelry, dining certificates and a variety of merchandise and services.

Wine Fest is Disabled Resource Services’ annual fundraising event with proceeds providing a wide range of services to people with disabilities. For more information call (970) 482-2700 or visit the website at [www.fortnet.org/winefest](http://www.fortnet.org/winefest).

# ADAPT Celebrates 25 Years of Direct Action

By Tim Wheat

The goal of equality was always the objective of Rev. Wade Blank as he moved people with disabilities out of institutions and built the Atlantis Community. The necessary role of direct action came later as people with disabilities worked to create their own place in an inaccessible community. Twenty-five years later, ADAPT is still filling that essential role using direct action to show that people with disabilities demand equality and will not have their civil rights dictated by the kindness or the paternalism of others.

The last week of April 2008 found ADAPT again in the Nation's Capitol to demand the Department of Health and Human Services end restrictions that prevent people with disabilities from remaining in their own home.



ADAPT also supports federal legislation to assist people living in their own home and moving out of expensive and undesirable institutions and nursing homes.

The Community Choice Act (S 799 and HR 1621) is the next logical step to "Money Follows the Person," and will help reform the antiquated Medicaid program that has a built-in bias for institutions.

In support of CCA, ADAPT released a list of the top ten best states providing alternatives to institutions. These states allow Medicaid funds to be used by people with disabilities for Home and Community-Based Services (HCBS) that allow them to remain at home. On the contrary, ADAPT also noted the bottom ten states, who channel Medicaid funds to facilities often forcing people with disabilities into undesirable institutions and nursing homes.

Also to support CCA, ADAPT demonstrated at Sen. John McCain's office, and the Republican National Headquarters. Senator McCain is the only major candidate for President

that is not a co-sponsor of the bipartisan CCA legislation. ADAPT's Celebration ended with a look back at their history. The Discovery Ballroom at the Holiday Inn Capitol was decorated with 50 colorful ADAPT t-shirts from the 25 years of action. ADAPT activists wrote narratives of personal memories of each ADAPT gathering and they were augmented by large black-and-white photos, and color video of the many actions. ADAPT activists took a day to enjoy a barbecue in the afternoon, and in the evening, ADAPT members produced a show titled "I Am ADAPT." The show highlighted direct action past, present and future; with people young and old joining together to say "I am ADAPT!"

Visit [www.adapt25.org](http://www.adapt25.org)

## SILC Update

The SILC is still looking for members to round out our statewide and cross-disability perspective. We are looking for representatives of people with physical disabilities other than mobility. Ideally candidates would reside outside the Denver Metro area, represent racial minorities, and be familiar with the independent living philosophy. Applications that do not fit our current needs can still be submitted, and considered when the SILC has filled the other vacant seats. For more information, contact: [Judy.neal@state.co.us](mailto:Judy.neal@state.co.us).

## Employment Opportunity

Association of Colorado Centers for Independent Living (ACCIL)

### **Association Coordinator**

Under the direction of the executive committee of the Association of Colorado Centers for Independent Living (ACCIL), the Coordinator communicates the vision, mission and goals of the ACCIL to legislators and public policy makers as well as other organizations. Promotes full participation of Independent Living Centers in the activities of the ACCIL. Ensures effective flow of communication between all members, and facilitates the achievement of annual goals.

The requirements listed below are representative of the knowledge, skills and ability desired. Reasonable Accommodations will be made to enable qualified individuals with disabilities to perform the essential functions of the position.

Bachelor degree required; prefer experience in disability or management-related field and experience with a board-governed non-profit disability organization. Commitment to the empowerment of Independent Living Centers and persons with disabilities. Must have demonstrated fundraising skills.

For full job description or to apply, please contact Nancy Jackson at **(970) 482-2700**.



## Employment and the ADA

*By Cindy Powell*

(800)949-4232

[www.adainformation.org](http://www.adainformation.org)

Title I of the Americans with Disabilities Act (ADA) protects people with disabilities from employment discrimination. Private employers with 15 or more employees, including part-time employees, employment agencies, labor unions and state and local governments, regardless of number of employees, must comply with Title I of the ADA.

Covered entities must ensure that their employment practices and policies do not discriminate on the basis of disability against **qualified individuals with disabilities**. Every aspect of employment is covered, including recruitment, hiring,

promotion, demotion, layoff and return from layoff, compensation, job assignments, job classifications, paid or unpaid leave, fringe benefits, training, and employer-sponsored activities, including recreational or social programs.

Private employers with fewer than 15 employees, corporations owned by the federal government, Indian tribes, and private membership clubs that are not labor organizations are exempt from Title I. Federal government agencies are covered by nondiscrimination and affirmative employment requirements under Section 501 of the Rehabilitation Act of 1973.

The Equal Employment Opportunity Commission (EEOC) enforces Title I of the ADA. The employment provisions for state and local governments with fewer than 15 employees are enforced by the Department of Justice.

The ADA is applied on a "case-by-case" basis. An employer is not required to provide an accommodation if it will impose an **undue hardship** on the operation of its business. As defined by the ADA, an undue hardship is an action that is unduly costly, extensive, substantial, or disruptive, or would **fundamentally alter** the nature or operation of the business. In determining undue hardship, factors to be considered include the nature and cost of the accommodation, overall financial resources and number of persons employed.

An employer may require that an individual not pose a "**direct threat**" to the health or safety of self or others. A health or safety risk can only be considered if it is a **significant risk of substantial harm**. The risk must be based on valid medical analyses or other objective evidence, rather than speculation.

Employers cannot deny a qualified applicant with a disability an employment opportunity merely because of a slightly increased health or safety risk to self or others. If an individual appears to pose a direct threat because of a disability, the employer must first try to eliminate or reduce the risk with reasonable accommodation. If an effective accommodation cannot be found, the employer may refuse to hire an applicant or discharge an employee who poses a direct threat.

If an applicant or employee believes that he or she has experienced employment discrimination because of a disability, he or she may file a charge of discrimination with the U.S. Equal Employment Opportunity Commission (EEOC) within 180 days of the alleged discriminatory act. When charges or complaints are filed after 180 days, individuals may not be able to obtain resolution.

**For informal ADA guidance, information or materials, please contact DBTAC Rocky Mountain ADA Center at (800) 949-4232 between 8 am to 5 pm weekdays.**

**3630 Sinton Road, #103, Colorado Springs, CO 80907;**  
[www.adainformation.org](http://www.adainformation.org)

*Disability and Business Technical Assistance Center (DBTAC) - Rocky Mountain ADA Center is one of ten regional "one-stop" comprehensive Americans with Disabilities Act (ADA) resource centers. Located in Colorado Springs, DBTAC - Rocky Mountain ADA Center serves a six state region: Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.*

*DBTAC - Rocky Mountain ADA Center provides*

- *technical assistance,*
- *education and training,*
- *public awareness,*
- *materials dissemination, and*
- *information and referral*

*to employers, businesses, state and local government agencies, disability and rehabilitation programs, people with disabilities, architects, code officials, schools and many other entities with rights and responsibilities under the ADA.*



Cindy Powell is on staff at DBTAC, and she will be a regular contributor to the Colorado Independent.

# Coming Up Soon . . .

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## Collaborative Assistive Technology Conference of the Rockies

June 12-14, 2008  
Hyatt Regency Denver Tech Center

The 2008 Collaborative Assistive Technology Conference is right around the corner and you don't want to miss this opportunity to explore state-of-the-art Assistive Technology (AT) solutions! Come see how AT can enhance the quality of life for individuals with disabilities through the thoughtful integration and appropriate application of AT.

Visit [www.AssistiveTechnologyPartners.org](http://www.AssistiveTechnologyPartners.org) for complete, up-to-date conference information including session descriptions, the full conference brochure and on-line registration

## CPWD 2008 Fiesta and Garden Party

**DATE:** Friday, June 6, 2008

**TIME:** 4:00 pm to 7:00 pm

**LOCATION:** CPWD Community  
Garden  
1675 Range Street, Boulder, CO  
80301

**COST:** \$20.00 per ticket - adult  
\$10 per ticket - children under 12

LIVE MUSIC  
FOOD FROM AUNT ALICE'S  
RESTAURANT  
FUN FOR ALL!

TO PURCHASE TICKETS, please email Elaine Senko [elaine@cpwd-ilc.org](mailto:elaine@cpwd-ilc.org) or call 303-442-8662 x 123 with your ticket requests. To purchase tickets online please email Elaine Senko with the number of tickets that you purchased through our online donation. Click here to go to our secure online donation page (online donation). Enter the amount due (\$20 x number of tickets) into the donation amount and complete the form.

## "Tap Into Independence"

The Center for People With Disabilities will present a Vendor and Resource Fair for seniors who are blind or visually impaired on June 26 from 8:30 until noon. Speakers include Marjorie West from Jan's Happy Tappers, Debra Johnson from the Northland Chorale, and Dick Coulson, a low vision photographer. The Fair is free to seniors and their friends and families. For more information, contact [debra@cpwd-ilc.org](mailto:debra@cpwd-ilc.org) or 303 442-8662, ext. 125.