

Sign Language Interpreters

**ADA & IT
Information Center**
(800) 949-4232 v / tty
(301) 217-0124 v / tty
www.adainfo.org

TITLE III of the ADA prohibits discrimination by "public accommodations" on the basis of disability.¹ Places of public accommodation include a wide range of entities, such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers.²

In order to provide equal access, a public accommodation is required to make available appropriate auxiliary aids and services where necessary to ensure effective communication. Examples of auxiliary aids and services ... include qualified interpreters, notetakers, written materials ... The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the length and complexity of the communication involved.³

EXAMPLES OF EFFECTIVE COMMUNICATION

- ▶ H, an individual who is deaf, uses sign language as his primary means of communication and also communicates by writing ... H stops by a new car showroom to look at the latest models. The car dealer would be able to communicate effectively general information about the models available by providing brochures and exchanging notes by pen and notepad, or perhaps by means of taking turns at a computer terminal keyboard. If H becomes serious about making a purchase, the services of a qualified interpreter may be necessary because of the complicated nature of the communication involved in buying a car.
- ▶ H goes to his doctor for a bi-weekly check-up, during which the nurse records H's blood pressure and weight. Exchanging notes and using gestures are likely to provide an effective means of communication at this type of check-up. But, upon experiencing symptoms of a mild stroke, H returns to his doctor for a thorough examination and battery of tests and requests that an interpreter be provided. H's doctor should arrange for the services of a qualified interpreter, as an interpreter is likely to be necessary for effective communication with H, given the length and complexity of the communication involved.³

PRACTICAL ISSUES: HOW DO YOU FIND AN INTERPRETER?

The national Registry of Interpreters for the Deaf (RID) hosts an online database: www.rid.org or 703.838.0030 voice or 703.838.0459 TTY. You can also seek referrals from your state office for the Deaf and Hard of Hearing, local chapter of the National Association of the Deaf, or the individual requesting the interpreter. *Start looking for an interpreter as soon as the need arises. It can be challenging to find a qualified interpreter on short notice.*

TAX CREDITS

Tax credits are available for small businesses to encourage compliance! Businesses with 30 or fewer employees OR with \$1 million or less in gross receipts for the preceding tax year can redeem tax credits for providing any type of auxiliary aids (including sign language interpreters).⁴

SURCHARGES

Although compliance may result in some additional cost, a public accommodation may not place a surcharge only on particular individuals with disabilities or groups of individuals with disabilities to cover these expenses.³

QUALIFIED INTERPRETERS

- ▶ A qualified interpreter is one "who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary." An individual does not have to be certified in order to meet this standard. A certified interpreter may not meet this standard in all situations, e.g., where the interpreter is not familiar with the specialized vocabulary involved in the communication at issue.³
- ▶ There are a number of sign language systems in use by persons who use sign language. (The most common systems of sign language are American Sign Language and signed English.) Individuals who use a particular system may not communicate effectively through an interpreter who uses another system.³
- ▶ Asking a family member to interpret for a person with a hearing impairment may be inappropriate because of factors such as emotional or personal involvement or considerations of confidentiality that may adversely affect the ability to interpret effectively.⁵

LIMITATIONS

A public accommodation is not required to provide any auxiliary aid or service that would fundamentally alter the nature of the goods or services offered or that would result in an undue burden. A fundamental alteration is a modification that is so significant that it alters the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered. "Undue burden" is defined as "significant difficulty or expense." Factors to consider whether something is an undue burden can be found in the Title III Technical Assistance Manual.³

Excerpts from U. S. Department of Justice documents: 1- Technical Assistance Letter #476 2- ADA Questions and Answers 3- Title III Technical Assistance Manual & Supplement 4- Tax Credit Packet 5- Technical Assistance Letter #102

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