

TEXAS WORKFORCE COMMISSION LETTER

ID/No:	WD 57-07
Date:	October 9, 2007
Keyword:	All Programs
Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Staff
Integrated Service Area Managers



From: Laurence M. Jones, Director, Workforce Development Division

Subject: **Interpreter Services for Deaf and Hard of Hearing Individuals**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with information and guidance on:

- the transition of funding for interpreter services for deaf and hard of hearing individuals from the state level to the Boards; and
- the coordination and provision of interpreter services for deaf and hard of hearing individuals needing or requesting employment assistance in Texas Workforce Centers.

BACKGROUND:

The Americans with Disabilities Act, Title II, State and Local Governments, and Title III, Public Accommodations, require that auxiliary aids and services be furnished when necessary to ensure effective communication with deaf and hard of hearing individuals.

Historically, funding for certified interpreters to assist in the delivery of employment services to individuals who are deaf and hard of hearing has been provided through an Interagency Cooperation Agreement between the Texas Workforce Commission (Commission) and the Texas Department of Assistive and Rehabilitative Services, Office for Deaf and Hard of Hearing Services (DHHS).

The arrangement for payment of interpreter services was appropriate when the Commission was responsible for the direct day-to-day oversight of Employment Service (ES) staff. However, with the transition of ES staff oversight to the Boards, it is no longer appropriate.

PROCEDURES:

Boards must be aware that the cost of providing interpreter services (in-person or electronically) to deaf and hard of hearing individuals will be incurred by Boards. By January 1, 2008, Boards must arrange for the continued availability and provision of qualified interpreter services for deaf and hard of hearing individuals by providing interpreter services for individuals who receive workforce services.

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To provide effective communication with deaf and hard of hearing individuals, Boards may secure interpreter services by:

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- contracting with a Communication Services for State Agencies* (CSSA) contractor. A list of CSSA contractors is available at <http://www.dars.state.tx.us/services/cssacontractors.asp?orderby=region>; or
- procuring one of the following:
 - a local interpreting agency or qualified interpreter in those local workforce development areas not covered by a CSSA; or
 - a video remote interpreting provider.

* For this purpose, Boards are considered state agencies when contracting services with other state entities under the Interagency Cooperation Act, as defined in Texas Government Code §771.002.

Boards must determine the most effective and appropriate interpreter service provider when providing services to deaf and hard of hearing individuals.

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Boards may receive technical assistance on serving deaf and hard of hearing individuals, free of charge, through their nearest DHHS Deafness Resource Specialist available at <http://www.dars.state.tx.us/dhhs/specialistlist.shtml#1>.

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Boards must ensure that:

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- costs incurred for the coordination and provision of interpreter services are in compliance with the cost principles set forth in Office of Management and Budget Circular A-87 or A-122 (as applicable), as supplemented by the Uniform Grant Management Standards;
- contracted interpreter services are in compliance with the procurement of goods and services set forth in the Commission's Financial Manual for Grants and Contracts, Chapter 14, Procurement; and
- costs of interpreter services do not exceed the rates listed on the U.S. Department of Health and Human Services' Communication Access Maximum Rates for Fiscal Year 2007–FY 2008 at <http://www.dars.state.tx.us/services/casrates.shtml>.

To the extent possible, Boards must ensure that on-site interpreters are available, as needed, in Texas Workforce Centers, to minimize communication barriers for deaf and hard of hearing individuals.

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INQUIRIES:

Direct inquiries regarding this WD Letter to the assigned contract manager for your local workforce development area.

RESCISSIONS:

TA Bulletin 76

TA Bulletin 84

REFERENCE:

Americans with Disabilities Act (Title 42, U.S.C., Chapter 126, §12101 et seq.), Titles II and III
Office of Management and Budget Circular A-87, issued May 10, 2004, and entitled “Cost Principles for State, Local, and Indian Tribal Governments”

Office of Management and Budget Circular A-122, issued May 10, 2004, and entitled “Cost Principles for Non-Profit Organizations”

Texas Government Code, Chapter 771 and Chapter 2308

Texas Labor Code §301.061 and §302.002(c)

Uniform Grant Management Standards, adopted June 2004

Texas Workforce Commission’s Financial Manual for Grants and Contracts, Chapter 14

FLEXIBILITY RATINGS:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”