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BEHAVIORAL and DEVELOPMENTAL SERVICES
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Lynn F. Duby
Commissioner

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RE: American with Disabilities Act Requirement – Effective Communication

The ADA mandates an equal opportunity for individuals with disabilities to participate in or benefit from the goods and services offered by a place of public accommodation (your agency). In order to provide this equal access, a public accommodation is required to make available appropriate auxiliary aids and services for individuals who are deaf or hard of hearing or speech impaired are TTY's (telecommunications device for the deaf) and TTY relay systems.

Maine Relay Services, also known as "Dual Party Relay", is a 24-hour-a-day, seven-day-a-week service, which provides a communication link between those who use a Telecommunications Device for the Deaf (TTY) and those who use a standard voice telephone. TTY's are special typewriter-style devices used by people who are hard of hearing, speech impaired or deaf to communicate over telephone.

Maine Relay Service communicates simultaneously with each party. When the hearing person speaks, the relay operator voices the typed information to the hearing person.

It is important that you educate your staff regarding the use of the TTY telephone relay system. It is not necessary to dial "1" before the relay numbers in the Augusta area. To access this service just dial: 995-3777 for voice originated calls; or 955-3323 for TTY originated calls.

Because the Maine Relay System eliminates many telephone system barriers to TTY users, ADA requirements relating to TTY's are limited in nature. Agencies with employees who are deaf or hard of hearing, may be required to provide TTY as a reasonable accommodation, particularly if that person's work involves communicating with the public. Also, TTY's must be provided when clients are permitted to make calls on "more than an incidental convenience basis".

If you have any question regarding the Maine Relay System or this requirement, do not hesitate to contact me at 287-4289.

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Fact Sheet 5: Alternatives to Barrier Removal

The Americans with Disabilities Act specifies that facilities and establishments that are "places of public accommodation," as defined under Title III, must remove architectural barriers, as well as communication barriers that are structural in nature, from existing facilities when such removal is "readily achievable."

The readily achievable standard is a key concept. It requires public accommodations to eliminate physical barriers whose removal is "easily accomplishable and able to be carried out without much difficulty or expense."

(Read [Fact Sheet 1](#) to determine whether your facility is subject to the "readily achievable" barrier removal requirement. The Checklist for Existing Facilities, a companion piece to this Fact Sheet series, is a useful guide to identifying barriers, planning structural modifications, and determining which modifications are readily achievable.)

The removal of barriers can often be achieved by making simple changes to the physical environment. However, the determination of what is readily achievable must be made on a case-by-case basis, taking into consideration such factors as the size, type, and overall financial resources of the facility, and the nature and cost of the access improvements needed. Readily achievable modifications might include ramping a few steps, raising or lowering handrails or grab bars, replacing doorknobs with lever handles, or rearranging furnishings to provide a clear path of travel.

Alternatives

When modifications are not readily achievable, an establishment is required to take alternative steps that can be accomplished without much difficulty or expense; in other words, to take steps other than physical barrier removal that are readily achievable. Alternative methods are not required if they are not readily achievable, or if they would fundamentally alter the operation of the establishment (i.e., alter the essential nature of the goods, services, facilities, privileges, advantages, or accommodations offered).

When programmatic alternatives are used in place of physical barrier removal, the availability of such accessible alternative services should be publicized through advertising and signage. Note that charging extra for services that are provided as alternatives to barrier removal is prohibited. Alternative methods are not to be considered additional services, merely accessible ones. Employees should be made aware of these services and trained in how to interact effectively with people with disabilities.

Alternative methods should be considered only after all options for removing barriers have been thoroughly examined and demonstrated not to be readily achievable.

The examples below illustrate alternative methods by which facilities can make their goods and services accessible to people with disabilities.

Providing service at an alternate, accessible location

Example: A restaurant with an inaccessible main entrance that offers take-out food sends an employee to provide service at an entrance or at the curb for customers who have disabilities that limit their mobility. A buzzer is installed in an accessible location by the main entrance with a sign stating "Ring for Assistance," in large, clear print.

Example: A theater sells tickets from a booth with a Plexiglass shield that prevents communication with people who have limited hearing. A manager is summoned when needed to sell tickets outside of the booth. A sign posted at the booth informs customers that this service is available.

Example: A bank has teller counters that are too high for access by people who use wheelchairs. A manager is summoned to conduct the transaction at a desk located elsewhere in the lobby.

Example: A restaurant has a flight of stairs leading down to the dining area. On an accessible level, there are several small tables for bar service and light fare. In order to serve people who are unable to use the stairs, a dining table is added to this area and full menu service is offered when needed. Adequate notice of the availability of this service is provided.

Example: A law firm with offices on the second floor of a building that has no elevator arranges to use an accessible meeting room in a nearby building to serve clients when necessary.

Example: A multi-screen cinema has inaccessible upstairs theaters and accessible first-floor theaters. It rotates its schedule so that each film has several showings in an accessible theater, and provides information on the accessible showings in its newspaper advertising and recorded phone information.

Offering home delivery and services

Example: An inaccessible pharmacy offers home delivery of orders of prescription medications and other products. Adequate notice of this service is provided.

Example: Several days a week, at the end of regular shop hours, an inaccessible salon provides haircutting and other services in patrons' homes. Adequate notice of this service is provided.

Retrieving merchandise from inaccessible shelves or inaccessible parts of a store

Example: A department store with a mezzanine reachable only by stairs places a directory on the accessible level describing the goods found on the mezzanine. A sign invites patrons who are unable to climb stairs to have a clerk bring them the items they wish to examine or purchase.

Example: A supermarket provides employee assistance to people who are unable to reach goods on upper shelves, and provides adequate notice of the availability of this service. The store suggests that, when possible, shoppers with disabilities make a list of unreachable items while shopping, so that an employee can retrieve all of the items at one time.