

CITY OF OAKLAND

ADA PROGRAMS DIVISION

Subject: **ADA Effective Communications Policy**
Effective Date: September 1, 2017
Supersedes: City Web Site Access Policy, July 1, 2009
Responsible Departments: ADA Programs Division
Chief Information Officer
Citywide Communications Director

I. Policy

The City of Oakland shall ensure that it complies with all applicable provisions of Title II of the Americans with Disabilities Act of 1990 (ADA) protecting the civil rights of persons with disabilities in state and local government services, and that all its programs, activities and services, when viewed in their entirety, are readily accessible to and usable by individuals with disabilities. Consistent with this policy, all City communications shall be as effective for individuals with disabilities so that they derive the same result, benefit, or level of achievement in City programs, activities, and services as provided to persons without disabilities. All communications, web and non-web based, shall be designed to be accessible to users with disabilities in conformance with the Web Content Accessibility Guidelines 2.0, Level AA or above (WCAG 2.0 AA+) and so that that all people, regardless of their physical, sensory, or cognitive differences, shall have access to the City's electronic and other communications and related services.

II. Definitions

- A. Communications is to be defined broadly for purposes of this Policy to include but not be limited to the following:
1. Web content
 2. Non-web content and software
 3. Electronic and paper documents
 4. In-person and virtual meetings
 5. Phone and in-person communications
 6. Special events
 7. E-mail
 8. Video
 9. Audio
 10. Text
 11. Images
 12. Signage
- B. Effective Communications as provided by the Americans with Disabilities Act is defined as communications that allow individuals with disabilities to receive an equal opportunity to derive the same result, benefit, or level of achievement when

participating in City programs, activities, and services as provided to persons without disabilities, and includes the provision of information in alternative formats and Auxiliary Aids and Services.

C. Alternative Formats include but are not limited to the following:

1. Large Print
2. Braille
3. Recorded audio in lieu of print materials
4. Captioning of live or recorded video
5. Sign Language for meetings, in-person or phone communications
6. Video transcripts
7. Print in lieu of electronic versions of forms
8. Electronic in lieu of print versions of forms
9. Text to describe images
10. Images to describe text content

D. Auxiliary Aids and Services are services, equipment, devices, and actions that are required to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a service, program, or activity of the City. Includes but is not limited to provision of qualified interpreters in person or via Video Remote Interpreting, assistive listening devices, captioning, qualified readers, and information in alternative formats. The ADA Programs Division administers a centralized Auxiliary Aids and Services Program that arranges for sign language interpreters, captioning, Braille, and text to audio transcription upon request by City Departments for programs, activities, and services offered to the public.

E. Video Remote Interpreting (VRI) is a service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images pursuant to Title 28 of the Code of Federal Regulations section 35.160(d). VRI services are available at select high in-person public contact locations Citywide and are administered via the ADA Programs Division's centralized Auxiliary Aids and Services Program. VRI is not a substitute for in-person sign language interpretation services and is used only for brief, routine, non-complex and emergency communications when an in-person interpreter cannot be timely secured.

F. California Relay Service is also known as the Telecommunications Relay Service (TRS) and is funded by the Federal Communications Commission. It is accessed by dialing "711." TRS uses operators, called communications assistants (CAs), to facilitate telephone calls between people with hearing and speech disabilities and other individuals. A TRS call may be initiated by either a person with a hearing or speech disability, or a person without such disability. When a person with a hearing or speech disability initiates a TRS call, the person uses a teletypewriter (TTY) or other text input device to call the TRS relay center, and gives a CA the number of the party that he or she wants to call. The CA places an outbound traditional voice call to that person, then serves as a link for the call, relaying the text of the calling party in voice to the called party, and converting to text what the called party voices back to the calling party.

The CA will generally begin the call with "Hello. This is the relay service..." The ADA and this Policy require that such calls are answered in the same manner as any other phone call.

- G. WCAG 2.0 AA+ refers to the Web Content Accessibility Guidelines (WCAG) 2.0 developed by the Worldwide Web Consortium's Web Access Initiative, and covers a wide range of recommendations for making Web content more accessible. Levels of conformance range from A to AAA, with AA being the generally accepted standard for municipalities for purposes of complying with Title II of the Americans with Disabilities Act. The higher the conformance level the higher the number of WCAG success criteria that is met. This Policy adopts conformance level AA or above for the City of Oakland.

III. Responsible Parties

- A. The City Administrator ultimately enforces citywide compliance with this policy, and as consistent with Administrative Instruction 123.
- B. The Citywide Communications Director is responsible for establishing and implementing workflows for reviewing website design and content, electronic content management standards (web and non-web based), style guidance, tools, and templates to assist content authors comply with this Policy. Workflows will at a minimum be designed to ensure all Citywide electronic communications and applications are routinely reviewed for conformance to this policy before going live.

The Citywide Communications Director shall designate one or more Departmental Access Coordinators pursuant to Administrative Instruction 123 as responsible for conducting or coordinating this review. In addition to these routine reviews, the Citywide Communications Director, in coordination with the City ADA Coordinator and the Mayor's Commission on Persons with Disabilities, is required to conduct an annual audit of the City website and applications for conformance with this policy and report on progress towards full compliance, as described under VI. Procedures, below.

- C. The City Clerk is responsible for establishing and implementing workflows for providing documents, KTOP broadcast and archived video, legislative information, board and commission applications and web content, and other communications with the public in conformance with the policy, including the provision of captioning for televised Council and board and commission meetings.
- D. The City ADA Coordinator in the ADA Programs Division, under the direction of the City Administrator is responsible for developing and updating this policy, supporting staff training efforts, administering a centralized Auxiliary Aids and Services Program, and reviewing grievances by the public about failure to conform to this Policy.
- E. Departmental Access Coordinators (DACs) are responsible for providing technical assistance and facilitating staff training to ensure effective implementation of this Policy.

- F. The City Attorney, City Auditor, Oakland Public Library, and Oakland Animal Services independently manage their web site content. These departments and any other City agency or entity that chooses to independently manage their web content are responsible to ensure that they comply with all provisions of this policy.
- G. The Chief Information Officer is responsible for ensuring that software and applications that are developed or procured by the City for delivery of public services or use by members of the public comply with Section 508 of the Rehabilitation Act and the most current Information and Communication Technology (ICT) Standards and Guidelines. 36 C.F.R. Parts 1193, 1194.

III. Background

This Policy arises from the ADA requirement that State and local governments provide individuals with disabilities equal access to their programs, services, or activities, (28 C.F.R. §35.149, 28 C.F.R. §35.150), and communicate with individuals with disability in a manner that is equally effective as communication with others. 28 C.F.R. § 35.160. This Policy explains how the City will fulfill this effective communication mandate in both digital and non-digital formats.

In 2009, the City adopted an ADA Web Access Policy, which exclusively addressed the design standards applicable to web-based communications for purposes of complying with the Americans with Disabilities Act of 1990. The 2009 policy is now amended and superseded to recognize the broad range of communications, electronic and non-electronic, web-based and non-web based, to which accessible design principles should apply. In addition to the City's web-based communications, the ADA's effective communication mandate requires that the City also ensure that its non-web based and non-digital communications are provided in alternative formats, that all communications are compatible with the range of assistive technologies used by individuals with disabilities, and that auxiliary aids and services are provided as needed to facilitate communications, enabling individuals with disabilities to enjoy full and equal access to the City's programs, activities, and services. To this end, the principles for making electronic content accessible to persons with disabilities can and should be applied to other types of communications whenever possible.

This Policy also memorializes the City's adoption of WCAG 2.0 AA+ as the City's standards for disability access compliance in its web and other electronic information communications technologies. This Policy increases the level of conformance from Level A (as was provided by the 2009 policy) to Level AA or above. This updated policy also recognizes the emergence of applications and other non-web information communication technologies, and as described in the paragraph above, the applicability of WCAG 2.0 principles to virtually all types of communications.

Raising the required level of conformance in the City's electronic communications is consistent with the Department of Justice's course towards adoption of final technical regulations for web content subject to Title II of the ADA. In response to its 2010 Advance Notice of Proposed Rulemaking seeking comments on whether or not to adopt the WCAG 2.0 as the technical requirements for Title II website accessibility, and if so, at what conformance level, the DOJ acknowledged that majority of comments overwhelmingly supported adopting

WCAG 2.0 Level AA conformance. In its 2016 Supplemental Advance Notice of Proposed Rulemaking, the DOJ indicated that it is now indeed considering proposing WCAG 2.0 Level AA as the technical standard for public entity Web sites.¹

Furthermore, the Access Board, the federal agency charged with drafting regulations for the implementation of Section 508 of the Rehabilitation Act, governing federal agency information and communications technologies, published a proposed rule in 2015 adopting WCAG 2.0 Level AA as the technical standards for any electronic and information communications technologies developed, procured, maintained, or used by federal agencies. Both of these proposed rules, once finalized and adopted by the DOJ, will result in federal, state, and local government entities being required to conform to WCAG 2.0 AA standards in order to avoid violation of Section 508 and/or Title II of the ADA. Meanwhile, the DOJ's more recent settlement agreements in response to finding state and local government website accessibility violations explicitly reference WCAG 2.0 Level AA as the standard for settlement compliance.²

IV. Procedures

A. Web Accessibility Standards. Effective August 1, 2017, all new or modified City web site content, at a minimum, will conform to World Wide Web Consortium (W3C) / Web Accessibility Initiative (WAI) Web Content Accessibility Guidelines (WCAG) 2.0, Conformance Level AA or above.³ Consistent with WCAG 2.0, the following are the general principles that are to govern the creation and maintenance of the City's web site content:

1. Information and user interface components must be presentable to users in ways they can perceive, including but not limited to the provision of text alternatives for non-text content; appropriate color contrast; user audio and text sizing controls; live captioning of streaming content; captioning, transcription, and sign language interpretation for pre-recorded content; and instructions that do not rely upon sensory characteristics such as shape, size, color, or sound.
2. User interface components and navigation must be operable, including but not limited to ensuring all functionality is available using a keyboard interface without requiring specific timing for individual keystrokes; providing sufficient time for users to read and use content; not designing content in a manner that is known to cause seizures; titling web pages and links to describe their purpose; and using section headings to describe content.
3. Information and the operation of user interface must be understandable, including but not limited to providing readable and understandable text content; identifying jargon, abbreviations, and pronunciation to describe text content that may otherwise be ambiguous or idiomatic; providing text content that does not exceed the lower secondary education level or providing a non-text alternative if the text content cannot be otherwise presented; and providing opportunities for users to review and correct input errors.

¹ [Supplemental Advance Notice of Proposed Rulemaking, Nondiscrimination on the Basis of Disability: Accessibility of Web Information and Services of State and Local Government Entities.](#)

² See, e.g., [Project Civic Access Agreement with Cedar Rapids, Iowa](#) (2015).

³ [Web Content Accessibility Guidelines \(WCAG\) 2.0](#)

4. Content must be robust enough that it can be interpreted reliably by a wide variety of user agents (browsers, software, etc.), including assistive technologies, and future user agents and assistive technologies.

It is the responsibility of City departments that independently manage web site content (those that use a content management system or tools other from those selected for citywide use by the City Administrator), to implement WCAG 2.0 conformance level AA+ requirements consistent with this Policy in the design and function of all web pages within their control.

- B. Notification.** All City web pages shall include an access button directing users to accessibility instructions. The international symbol for accessibility shall be used as the access button with appropriate alternative text. The following instructions, at a minimum, must be available to users who click on the accessibility icon:

Access Instructions for Users with Disabilities:

Welcome to the City of Oakland website. The City is working towards full Web Accessibility Initiative (WAI) Web Content Accessibility Guidelines (WCAG) 2.0, Conformance Level AA or above on all its pages. If you have any suggestions for improving the accessibility features of our website, please contact the City ADA Coordinator at adaprograms@oaklandnet.com.

Additional accessibility instructions may also be provided and updated as needed to provide more specific instructions to users of different operating systems, browsers, and assistive technologies.

Use of this notification shall not relieve departments of the responsibility to ensure that newly created or modified web content complies with WCAG 2.0 AA+, and shall only be applicable to content that cannot be readily provided in conformance with all WCAG AA success criteria.

- C. Staff Training.** Web content contributors shall be provided with annual training in the application of WCAG 2.0 principles within the content management system. Trainings will be coordinated by the Citywide Communications Director, and shall aim to provide the knowledge and tools to contributors to ensure maximum compliance with WCAG 2.0 Level AA guidelines or above.

- D. Annual Accessibility Audit; Approvals for New or Modified Web Page Content.** The Citywide Communications Director will facilitate an annual user review of selected web pages for conformance with this Policy. Factors for selecting pages for this annual accessibility audit will include, but not be limited to, user analytics, recent complaints or feedback, substantial modifications to a page or pages in last year, and time since last page audit. Testers shall include individuals from the disability community who will employ a full array of known assistive technologies and formats that are used by persons with disabilities to access online content, and the Mayor's Commission on Persons with Disabilities.

E. Annual Report to Mayor’s Commission on Persons with Disabilities. The Citywide Communications Director or designee shall present an annual report regarding the status of the implementation of this Policy and specifically what progress was made towards full WCAG 2.0 AA+ compliance in the City’s web content and use or development of other information and communications technologies.

F. Updates to WCAG. The City recognizes that the Web Content Accessibility Guidelines (WCAG) are subject to periodic modifications and updates. As modifications to WCAG or new recommendations from W3C WAI or the Department of Justice become available to the public regarding web site or other information communications technology accessibility, the City ADA Coordinator and the Citywide Communications Director shall review this policy and determine appropriate changes.

G. Other Communications. Whenever possible, the WCAG 2.0 shall be applied to non-web communications and technologies.⁴ At a minimum, the ADA and this Policy requires that all communications with individuals with disabilities be as effective as with other members of the public. The following is a non-exhaustive list of examples of communications that may not be web-based but nevertheless require conformance with this Policy:

1. Audio and Video (live and pre-recorded): All original audio and video for the public shall be provided with captioning, unless the audio is provided as an alternative to visual elements.
2. Forms: shall be furnished in alternative formats to members of the public upon request; electronic versions posted online or available through an application must be usable by persons with disabilities in conformance with this Policy.
3. Portable Document Format (PDF) Documents: PDF documents for public use shall be created in conformance with this Policy; scanned documents that just create images of text will be in violation of this Policy. This policy encourages the use of HTML in lieu of or in addition to PDF format for online posting.
4. E-mail: E-mail communications shall be designed in conformance with this Policy.
5. Software & Applications: Software and applications that are acquired or developed by the City to be used by the public to access City programs, activities, and services must be usable by persons with disabilities in conformance with this Policy.
6. Images: Alternative text for images shall be provided unless the image is provided as a text alternative.
7. Meetings and Special Events: Auxiliary aids and services to allow full and equal participation by persons with disabilities shall be made available as needed as per this Policy and Administrative Instruction 123; meeting notices and event marketing materials shall provide information for members of the public to make disability-related inquiries and accommodations requests in advance.

⁴ [Guidance on Applying WCAG 2.0 to Non-Web Information and Communications Technologies](#) (WCAG2ICT)

- a. Assistive listening systems: In assembly areas that can accommodate at least 50 people or contain an audio-amplification system, and that provide for fixed seating, the City shall maintain a permanently installed assistive listening system. For other assembly areas, a permanently installed assistive listening system, or an adequate number of electrical outlets or other supplementary wiring necessary to support a portable assistive listening system shall be provided.

The minimum number of receivers to be provided shall be equal to 4 percent of the total number of seats, but in no case less than two. The City shall install signage to notify individuals of the availability of a listening system.

8. Telephone: Communications by telephone shall be as effective for callers who are Deaf, hard of hearing, or who have speech impairments as with other callers. Telephone numbers on websites and other communications shall always be accompanied by the California Relay Service (711) number for use by persons who are Deaf, hard of hearing, or who have speech impairments.

Telephone emergency services, including 911 services, shall provide direct access to individuals who use TTY's and computer modems.

H. **Effective Communication with Persons who are Deaf or Hard of Hearing.**

1. Sign Language Interpretation: It is the Policy of the City of Oakland to arrange for in-person sign language interpretation services upon request for members of the public who are Deaf or hard of hearing and require such services to participate in City programs, activities, and services. The City shall not require an individual with a disability to bring another individual to interpret for him or her.
 - a. The City shall not rely on an adult accompanying an individual with a disability to interpret or facilitate communication except –
 - i. In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or
 - ii. Where the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.
 - iii. The City shall not rely on a minor child to interpret or facilitate communication except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.
2. Video Remote Interpreting: Only in emergencies or for brief, non-complex transactions can staff use Video Remote Interpreting (VRI) services to effectively communicate with individuals who are Deaf or hard of hearing. When using VRI services the City shall insure that it provides –

2. Video Remote Interpreting: Only in emergencies or for brief, non-complex transactions can staff use Video Remote Interpreting (VRI) services in order to effectively communicate with individuals who are Deaf or hard of hearing. When using VRI services the City shall insure that it provides –
 - a. Real time, full motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;
 - b. A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating individual's face, arms, hands, and fingers, regardless of his or her body position;
 - c. A clear, audible transmission of voices; and
 - d. Adequate training to City staff and other users of the technology so that they may quickly and efficiently set up and operate the VRI.

Please direct all questions regarding this policy and its administration to:

ADA Programs Division
c/o City Administrator's Office
1 Frank H. Ogawa Plaza, 3rd Floor
Oakland, CA 94612
(510) 238-5219 (Voice)
(510) 238-2007 (TTY)

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CITY ADA COORDINATOR