



SUPREME COURT OF THE VIRGIN ISLANDS  
ADA Self Evaluation  
Plan



***At the time of this Self-Evaluation, the following individuals were in service to the:***

Supreme Court of the Virgin Islands

- Rhys S. Hodge, Chief Justice
- Regina deChabert Petersen, Acting Administrative Director
- Kevin A. Williams, Sr., ADA Coordinator-St. Croix
- Koya S. Ottley, ADA Coordinator-St. Thomas

Government of the Virgin Islands

- John P. deJongh, Governor
- Stephanie Emelia Barnes, Virgin Islands Territorial ADA Coordinator

***This plan will be located at the following Supreme Court of the Virgin Islands' locations:***

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#18 Strand Street  
Frederiksted  
St. Croix, VI 00840  
(340) 778-0613  
Contact Person: Mr. Kevin Williams  
Monday- Friday 8:00am-5:00pm

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Monday- Friday 8:00am- 5:00pm

November 22, 2013

The Honorable John P. deJongh, Jr.  
Governor of the United States Virgin Islands  
Government House  
21-22 Kongens Gade  
Charlotte Amalie  
St. Thomas, VI 00802

Dear Governor de Jongh:

The Americans with Disabilities Act (ADA) was enacted by Congress in 1990 to protect individuals with disabilities from discrimination in access to employment, governmental services and programs, public accommodations, transportation, and telecommunications. The need for accessible court facilities is enormous and the impact on individuals with disabilities who conduct business with the Court is immeasurable.

The Supreme Court of the Virgin Islands has a long-standing commitment to full compliance with the ADA. We are cognizant of the diverse clientele we serve and pledge to eliminate discrimination and any barriers to access our facility, services and programs.

To demonstrate our commitment we have formed a team of professionals and volunteers to assess our facilities, programs and services addressing deficiencies and areas of concern to our disabled community. While we already have eliminated several barriers and improved access to our facilities, we recognize that this will be an on-going process.

Our staff here at the Supreme Court of the Virgin Islands will work diligently to ensure all requirements are met as stated in the included Self Evaluation and Transition Plan (SETP). While the plan is finalized, implementation efforts will continue in the upcoming years.

Sincerely,

Rhys S. Hodge  
Chief Justice

xc: Honorable Maria M. Cabret, Associate Justice  
Honorable Ive Arlington Swan, Associate Justice  
Regina deChabert Petersen, Acting Administrative Director  
Kevin Williams Sr., Deputy Administrative Director of Technology Services/ADA Coordinator  
Koya S. Ottley, Director of Human Resources/ADA Coordinator  
Stephanie Barnes, VI Territorial ADA Coordinator

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## *Appendices*

Attached and made a part of the Court's 2013 Self-Evaluation are the following worksheets used in conducting the Court's ADA-504 Assessment. The worksheets were used to provide structure for organizing and managing the compliance planning process, gathering and analyzing information.

Appendix A: Self-Evaluation Questionnaires.....

A.1 Programs/Services

A.2 General Administrative Requirements

A.3 Employment Policies, Procedures, and Practices

Appendix B: ADA Checklist for Readily Achievable Barrier Removal (#18 Strand Street St. Croix).....

Appendix C: ADA Checklist for Readily Achievable Barrier Removal (#8174 Subbase St. Thomas).....

Appendix D: Website Accessibility Checklist.....

Appendix E: Meeting Minutes.....

# 1.0 Introduction

## 1.1 Overview of the ADA

### *Section Summary*

The Americans with Disabilities Act (ADA) was enacted on July 26, 1990. The ADA extended civil rights legislation to people with disabilities, and is companion to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. The ADA has broad application to public agencies and private businesses in its protections against discrimination for people with disabilities.

The Americans with Disabilities Act (ADA), provides comprehensive civil rights protections to persons with disabilities in the areas of employment, state and local government services, and access to public accommodations, transportation, and communications. The ADA is companion civil rights legislation with the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. With respect to public entities, the ADA mandates that qualified disabled individuals shall not be excluded from participation in, denied the benefit of, or be subjected to discrimination under any program or activity. The Act also provides disabled employees with certain protections and requires employers to make reasonable accommodation for disabled applicants and employees.

The ADA does not supersede or preempt local laws that offer equivalent or greater protection for individuals with disabilities. The Supreme Court of the Virgin Islands must evaluate the Title II requirements of the ADA in light of local laws to ensure the Court is in compliance with the stricter standard.

The ADA is divided into five parts, covering the following areas:

### **Title I: EMPLOYMENT**

Under this Title I, employers, including governmental agencies, must ensure that their practices do not discriminate against persons with disabilities in the application, hiring, advancement, training, compensation, or discharge of an employee, or in other terms and conditions of employment.

### **Title II: PUBLIC SERVICES**

Title II prohibits state and local governments from discriminating against persons with disabilities or from excluding participation in or denying benefits of programs, services, or activities to persons with disabilities. It is under Title II that this Self Evaluation is prepared. The Self Evaluation is intended to outline programs and services of the Supreme Court of the Virgin Islands and to evaluate what policies and procedures must be changed or implemented to effect the nondiscrimination policies described in Title II.

### **Title III: PUBLIC ACCOMMODATIONS**

Title III requires places of public accommodation to be accessible to and usable by persons with disabilities. The term "public accommodation" as used in the definition is

often misinterpreted as applying to public agencies, but the intent of the term is to refer to any privately funded and operated facility serving the public.

#### **Title IV: TELECOMMUNICATIONS**

Title IV covers regulations regarding private telephone companies and requires common carriers offering telephone services to the public to increase the availability of interstate and intrastate telecommunication relay services to individuals with hearing and speech impairments.

#### **Title V: MISCELLANEOUS PROVISIONS**

Title V contains several miscellaneous regulations, including construction standards and practices, provisions for attorney's fees, and technical assistance provisions.

The Department of Justice's ("USDOJ") regulations implementing Title II of the ADA dictate that a public entity must evaluate its services, programs, policies, and practices to determine whether they are in compliance with the nondiscrimination requirements of the ADA. The USDOJ regulations were issued in July 1991. These USDOJ regulations mandate that each public entity is required to examine activities and services and identify problems that may limit accessibility for persons with disabilities. The entity must then proceed to make the necessary changes resulting from the Self Evaluation. The USDOJ regulations implementing Title II of the ADA further require that a Transition Plan be prepared to describe any structural or physical changes required to make programs accessible. This report and certain documents incorporated by reference, establishes the Court's ADA Self-Evaluation Plan.

#### **Meaning of Disability: Who is covered under the ADA?**

Under all titles of the ADA, the term "disability" means, with respect to an individual:

- 1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- 2) a record of such an impairment; or
- 3) being regarded as having such an impairment.

If an individual meets any one of these three descriptions of a person with a disability, he or she is considered to be an individual with a disability for purposes of coverage under the Americans with Disabilities Act. The USDOJ regulations describe in greater detail the conditions included and excluded as disabilities under the ADA, and these rules should be referred to if more detailed descriptions of covered disabilities are desired.

Others who are covered:

1. Retaliation prohibited against non-disabled persons who oppose unlawful discrimination against the disabled. (42 USC 12204 (a))
2. Also those who associate with or who provide care to those with disabilities are protected by ADA from discrimination:

It is unlawful for a covered entity to exclude or deny equal jobs or benefits to, or to otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social or other relationships or association.

## 1.2 Supreme Court of the Virgin Islands' Responsibilities Under Title II of the ADA

### *Section Summary*

Title II of the ADA mandates that programs, services, and activities provided by government agencies to the public are offered equally to people with disabilities. This is the primary title which applies to the Supreme Court of the Virgin Islands, and the focus of the Self-Evaluation. Each government agency must demonstrate that its programs and activities are provided equally without discrimination.

The Supreme Court of the Virgin Islands has various obligations under Title II of the ADA. Title II of the ADA is similar to Section 504 of the Rehabilitation Act of 1973, but differs in that Section 504 applies only to programs that receive federal financial assistance. The purpose of Section 504 is to ensure that no otherwise qualified individual with disabilities shall, solely by reason of his or her disability, be discriminated against under any program or activity receiving federal financial assistance. The Supreme Court of the Virgin Islands has been subject to and operated under the requirements of Section 504 and the ADA.

Under Title II, public entities, including the Supreme Court of the Virgin Islands, may not establish eligibility criteria for participation in programs and activities that would screen persons with disabilities, unless such requirements are necessary for provision of the service or program. A public entity must reasonably modify its policies and procedures to avoid discrimination toward persons with disabilities. However, if the public entity can demonstrate that a modification would fundamentally alter the nature of its service, it would not be required to make that modification. Title II also discusses the use of auxiliary aids necessary to enable persons, who have visual, hearing, mobility, or similar impairments to access programs and activities provided by the public entity.

Another exception to the programmatic access requirements is undue hardship. "Undue hardship" is defined in the USDOJ regulations as an "action requiring significant difficulty or expense" when considering the nature and cost of the accommodation in relation to the size, resources, and structure of the specific operation. Undue hardship is determined on a case-by-case basis.

The Government of the Virgin Islands required the Supreme Court of the Virgin Islands to prepare a Self-Evaluation, as described in the next section, and to prepare a Transition Plan, outlining the structural modifications it will implement to make its programs and services accessible to persons with disabilities. The Supreme Court of the Virgin Islands is also required to designate a person (Departmental ADA Coordinator) to be responsible for coordinating the implementation of ADA requirements and for investigating complaints of alleged noncompliance within the Supreme Court of the Virgin Islands.

The Government of the Virgin Islands is responsible for appointing a person who is responsible for the overall compliance of the ADA (VI Territorial ADA Coordinator).

## 1.3 ADA Self-Evaluation and Transition Plan Requirements and Process

### ***Section Summary***

The Self Evaluation documents the actions being taken by the Supreme Court of the Virgin Islands to ensure that its programs, services, activities, communication and facilities are accessible to people with disabilities. It must list and include a review of all programs, services, or activities offered to the public by the Supreme Court of the Virgin Islands. The Self Evaluation should analyze the nature of each program, services, activities and facilities to determine if they are accessible and describe what measures are to be taken to provide access and continue to maintain accessibility.

A public entity is required to prepare a Self-Evaluation under USDOJ regulations implementing Title II of the ADA [28 C.F.R § 35.105 (a)]. The Self Evaluation identifies and corrects those policies and practices that are inconsistent with Title II requirements.

The USDOJ has determined that a Self-Evaluation requires the following areas of examination:

- 1) A public entity must examine each program, services and activities to determine whether any physical barriers to access exist. It should identify steps that need to be taken to enable these programs to be made accessible when viewed in their entirety. If structural changes are necessary, they should be included in the Transition Plan.
- 2) A public entity must review its policies and practices to determine whether any exclude or limit the participation of individuals with disabilities in its programs, activities, or services. Such policies or practices must be modified, unless they are necessary for the operation or provision of the program, service, or activity. The Self Evaluation should identify policy modifications to be implemented and include complete justifications for any exclusionary or limiting policies or practices that will not be modified.
- 3) A public entity must review its policies to ensure that it communicates with persons with disabilities in a manner that is as effective as its communication with others. If a public entity communicates with applicants and beneficiaries by phone, it should ensure that TTY's (also called text telephones or TDD's) or other equally effective telecommunication systems are used to communicate with individuals with impaired hearing or speech.
- 4) A public entity should review its policies to ensure that they include provisions for readers for individuals with visual impairments; interpreters or other alternative communication measures, as appropriate, for individuals with hearing impairments; and auxiliary aids for individuals with manual impairments. A method for securing these services should be developed, including guidance on when and where these services will be provided. Where equipment is used as part of a public entity's program, activity, or service, an assessment should be made to ensure that the equipment is usable by

individuals with disabilities, particularly individuals with hearing, visual, and manual impairments. In addition, a public entity should have policies that ensure that its equipment is maintained in operable working order.

- 5) A review should be conducted of a public entity's written and audio-visual materials to ensure that individuals with disabilities are not portrayed in an offensive or demeaning way.
- 6) A public entity should review its policies to ensure that its decisions concerning a fundamental alteration in the nature of a program, activity or service, or a decision that an undue financial and administrative burden will be imposed by Title II, are made properly and expeditiously.
- 7) A public entity should review its policies and procedures to ensure that individuals with mobility impairments are provided access to public meetings both in access to communication and structural/physical access.
- 8) A public entity should review its employment practices to ensure that they comply with other applicable nondiscrimination requirements, including Section 504 of the Rehabilitation Act of 1973 and the ADA regulations issued by the Equal Employment Opportunity Commission.
- 9) A public entity should review its building and construction policies to ensure that the construction of each new facility or part of a facility, or the alteration of existing facilities after January 26, 1992, conforms to the standards designated under the Title II regulation and as updated in the 2010 ADA Standards for Accessible Designs which went into effect on March 15, 2012.

Once a public entity has identified policies and practices that deny or limit the participation of individuals with disabilities in its programs, activities, and services, it should take immediate remedial action to eliminate the impediments to full equivalent participation. Structural modifications that are required for program accessibility should be made as expeditiously as possible. Public entities are required to accept comments from the public on the Self Evaluation and are strongly encouraged to consult with individuals with disabilities and organizations that represent them to assist in the Self Evaluation and Transition Plan process. Many individuals with disabilities have unique perspectives on a public entity's programs, activities, and services.

The ADA sets forth specific requirements for preparation of an acceptable Transition Plan. This plan includes:

- A list of the physical barriers in the Court's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;
- A detailed outline of the methods to be used to remove these barriers and make the facilities accessible;
- A schedule for taking the steps necessary to achieve compliance with the ADA,
- The name of the individual(s) responsible for the plan's implementation.

## 1.4 History and Organization of the Self Evaluation

### ***Section Summary***

The Supreme Court of the Virgin Islands commenced its first Self Evaluation process in 2013. The Supreme Court of the Virgin Islands used in-house staff and consultants from the disability community to gather and evaluate data on the programs and facilities. This document relies on that data in its analysis and recommendations, and is considered to be the culmination of the Supreme Court of the Virgin Islands' Self Evaluation efforts. The Self Evaluation contained in this document represents the culmination of the Court's extended procedure of evaluating its programs and services under Title II of the ADA. The Supreme Court of the Virgin Islands appointed a Self-Evaluation assessment team with representatives from various divisions within the Supreme Court of the Virgin Islands and individuals with disabilities. The assessment team's goal was to provide leadership and facilitate a collaborative planning process for the Self Evaluation with full representation within the Supreme Court of the Virgin Islands.

The Supreme Court of the Virgin Islands appointed Departmental ADA Coordinators in both St. Thomas/St. John and St. Croix to oversee the Court's compliance with the ADA and Section 504 of the Rehabilitation Act of 1973. The Supreme Court of the Virgin Islands' ADA Coordinators received ADA-504 training on Title II Self Evaluation and Transition Plan conducted by the Virgin Islands Territorial ADA Coordinator in June 2013.

The Self Evaluation assessment committee had eleven members, with five senior level managers, four employees and two consultants with disabilities. The group worked to plan the collection and documentation of Court's programs and services and to gather compliance and non-compliance information on all areas as required by law.

The names, titles, contact information and organization of the Court's Assessment Team are found below:

## Supreme Court of the Virgin Islands ADA Assessment Team St. Thomas

Name	Titles	Contact Info.
<b>Koya S. Ottley</b>	<b>Director of Human Resources/ ADA Coordinator</b>	<b>P.O. Box 590 St. Thomas, VI 00804 (340) 774-2237 <a href="mailto:Koya.Ottley@visupremecourt.org">Koya.Ottley@visupremecourt.org</a></b>
Regina Petersen	Acting Administrative Director	P.O. Box 590 St. Thomas, VI 00804 (340) 774-2237 <a href="mailto:Regina.Petersen@visupremecourt.org">Regina.Petersen@visupremecourt.org</a>
Veronica Handy, Esq.	Clerk of the Court	P.O. Box 590 St. Thomas, VI 00804 (340) 774-2237 <a href="mailto:Veronica.Handy@visupremecourt.org">Veronica.Handy@visupremecourt.org</a>
Natalie Thomas-Pickering	Procurement Manager	P.O. Box 590 St. Thomas, VI 00804 (340) 774-2237 <a href="mailto:Natalie.Thomas-Pickering@visupremecourt.org">Natalie.Thomas-Pickering@visupremecourt.org</a>
Cordell Connor	Building & Grounds Maintenance Worker	P.O. Box 590 St. Thomas, VI 00804 (340)774-2237 <a href="mailto:Cordell.Connor@visupremecourt.org">Cordell.Connor@visupremecourt.org</a>
Jossette Smith	Transition Team	P.O. Box 303305 St. Thomas, VI 00803-3305 (340) 777-4978 <a href="mailto:Im2qt4u@viaccess.net">Im2qt4u@viaccess.net</a>

## Supreme Court of the Virgin Islands ADA Assessment Team St. Croix

Name	Titles	Contact Info.
<b>Kevin Williams</b>	<b>Deputy Administrative Director for Technology Services /ADA Coordinator</b>	<b>P.O. Box 336 St. Croix, VI 00841 (340)778-0613 <a href="mailto:Kevin.Williams@visupremecourt.org">Kevin.Williams@visupremecourt.org</a></b>
Franklin Orr	Computer Support Technician	P.O. Box 336 St. Croix ,VI 00841 (340) 778-0613 <a href="mailto:Franklin.Orr@visupremecourt.org">Franklin.Orr@visupremecourt.org</a>
Michelle Gaskin	Administrative Officer I	P.O. Box 336 St. Croix, VI 00841 (340) 778-0613 <a href="mailto:Michelle.Gaskin@visupremecourt.org">Michelle.Gaskin@visupremecourt.org</a>
Kai James	Messenger	P.O. Box 336 St. Croix, VI 00841 (340) 778-0613 <a href="mailto:Kai.James@visupremecourt.org">Kai.James@visupremecourt.org</a>
Mark Vinzant	Transition Team (Volunteer for Board of Independent Living) Mobility Impairment: Wheelchair	P.O. Box 2671 St. Croix, VI 00851 (340) 715-3665 <a href="mailto:mvinzant3@yahoo.com">mvinzant3@yahoo.com</a>

## 1.5 Undue Burden

The Court is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity, would create a hazardous condition resulting in a direct threat to the participant or others, or would represent an undue financial and administrative burden.

The determination that an undue burden would result must be based on an evaluation of all resources available for use in the Court. For example, if a barrier removal action is judged unduly burdensome, the Court must consider other options for providing access to the benefits and services of the program or activity by individuals with disabilities.

## 1.6 Public Outreach

### ***Section Summary***

The information in the Self Evaluation must be available to the public. A public entity is required to provide an opportunity for public input in development of the self-evaluation.

A public entity that employs 50 or more people is also required to seek public input on its ADA Self Evaluation. Beyond the legal requirements, such input is vital in assuring that those affected by the Court's policies and procedures with respect to the treatment of persons with disabilities also understand the scope and nature of the Court's programs and services and its responsibilities for providing equal access.

During the completion of the Self Evaluation process, the Territorial ADA Coordinator will hold a public forum where the Court's Self Evaluation Plan and Transition Plan will be shared and discussed with the public. This method was selected to receive, on an informal basis, input from the public, including persons with disabilities, on opinions and experiences of those who have been recipients of the Court's programs and services. It was also important to encourage the public to share elicit unstructured comments and opinions regarding the Court's delivery of programs and services to persons with disabilities and the accessibility of the Court's facilities.

All public comments will be reviewed, analyzed, and incorporated into a revised Self Evaluation as deemed appropriate.

## 1.7 Compliance, Notices and Grievance Procedures

### ***Section Summary***

A government entity must assure that certain notices regarding the entity's compliance with the ADA are properly given. In addition, government entities are required to establish a formal complaint and grievance procedure.

The USDOJ regulations for Title II state that a public entity is required to make available to applicants, participants, residents, and other interested parties information regarding the Self Evaluation and its applicability to the services, programs, or activities of the public entity, and to apprise the public of the protections against discrimination afforded to them by Title II, including information about how Title II requirements apply to its particular programs, services and activities [28 C.F.R. §35.106]. A public entity that employs 50 or more persons is required by the ADA to adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II. The Court's compliance, noticing, and grievance procedures are further described in this Self Evaluation under Communication.

## 2.0 Self Evaluation Programs, Services, Activities

### 2.1 ADA Implementation and Enforcement

#### *Section Summary*

The ADA requires that all programs, services, and activities provided by a public entity must be available and accessible to people of all disabilities without discrimination. Complaints regarding the entity's failure to comply with these guidelines can be directed to the Virgin Islands Territorial ADA Coordinator according to the US Virgin Islands Government's complaint and grievance procedures or directly to the Department's Departmental ADA Coordinator.

In order to achieve this basic goal, the Supreme Court of the Virgin Islands will implement policies and procedures intended not only to remove any discriminatory practices toward persons with disabilities but also to bring about conditions that comply with policies that have become common practice, either due to specific legislation and regulation, applicable legal precedent and case law, or generally accepted standards for providing programs and services.

Section 2 of the Self Evaluation describes specific policies and procedures the Supreme Court of the Virgin Islands has implemented or will implement to comply with the specific requirements and intent of Title II of the ADA. Implementation consists of policies and procedures that the Supreme Court of the Virgin Islands is committed to following. Some items contained in this section describe specific actions the Supreme Court of the Virgin Islands will take to ensure compliance with the ADA; other items describe more general procedures the Supreme Court of the Virgin Islands will utilize to reach long-term goals with respect to ADA compliance.

### 2.2 ADA Coordinator and Duties

#### *Section Summary*

The Departmental ADA Coordinator is the point person for the public to contact with respect to program accessibility issues and complaints within the Supreme Court of the Virgin Islands. The VI Territorial ADA Coordinator is the compliance officer and the point person who processes complaints for the entire Government of the Virgin Islands (GVI).

Under Title II, any public entity with fifty or more employees must designate at least one employee to coordinate ADA compliance [28 C.F.R. § 35.107 (a)]. The regulations refer to this person, or persons, as the "responsible employee or employees"; this Self Evaluation uses the terms Departmental ADA Coordinator and the VI Territorial ADA Coordinator.

The Departmental ADA Coordinators can coordinate ADA and Section 504 compliance activities within the Court. Due to the topography of the US Virgin Islands, the GVI has identified ADA Coordinators in the St. Thomas/St. John District and the St. Croix District

for every entity who has facilities, programs and services on all three islands. The Departmental ADA Coordinator's role includes planning and coordinating overall compliance efforts, ensuring that the implementation is completed, and receiving and investigating complaints related to discrimination on the basis of disability. Departmental ADA Coordinators must have the support from the Agency Head to ensure Section 504 and ADA compliance within the Court.

The Virgin Islands Territorial ADA Coordinator is the key player in ensuring ADA compliance. To fulfill the job, the Virgin Islands Territorial ADA Coordinator must have the authority, knowledge, skills and motivation to implement the regulations effectively.

One purpose of this requirement is to ensure the members of the public who need to interface with the Department can readily identify a person who is familiar with ADA and Section 504 requirements and can communicate those requirements to other key staff within the Department. With the approval of the Administrative Director and/or Chief Justice, the Court's ADA Coordinators have the authority to take whatever action is needed to correct infractions. It is also required, however, that the Court makes an effort to prevent violations by ensuring that all of its employees and agents are thoroughly familiar with their obligations under the ADA and Section 504.

At the time of the writing of the 2013 Self Evaluation, the Departmental ADA Coordinators are:

Name:	Kevin A. Williams
Office Address:	#18 Strand Street Frederiksted St. Croix, VI 00841
District:	St. Croix
Telephone:	(340) 778-0613

Name:	Koya S. Ottley
Office Address:	8174 Subbase St. Thomas, VI 00802
District:	St. Thomas
Telephone:	(340) 774-2237

At the time of the writing of the 2013 Self Evaluation, the Virgin Islands Territorial ADA Coordinator is:

Name:	Stephanie Emelia Barnes
Office Address:	Office of the Governor-ADA Office Arthur Abel Complex 315 Prince Street Frederiksted, St. Croix 000841
Telephone:	(340) 772-1000 x 4703
TTY:	(340) 692-1592

## 2.3 Non- Discrimination Policy

### **Section Summary**

The Government of the Virgin Islands has established a Notice of Non-discrimination and the Court intends to post this notice in all facilities.

The ADA and Section 504 requires that the Court must ensure that no qualified individual is, on the basis of disability, excluded from participation in or denied any benefit from the Court's programs, services, or activities, or subjected to any other discrimination [28 CFR, Par.35.130 (a)]. This basic policy of non-discrimination is one that must be formally worded and adopted by the applicable regulatory body for all public entities.

The Supreme Court has had a long-standing written policy statement of non-discrimination on the basis of disability. This current version of this policy was adopted in 2013 and included in this self-evaluation.

The Statement of Non-Discrimination as recommended for further use by the Office of the Governor- ADA Office and by the Virgin Islands Department of Justice, is given below: At the time of this self-evaluation the VI Territorial ADA Coordinator is: Stephanie Emelia Barnes and the VI Attorney General is Vincent Franklin Frazer. This information will be updated as administratively required by the ADA and Section 504 during the 3 years beginning November 2013 through November 2016.



## NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), **The Government of the United States Virgin Islands will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.**

**Employment:** The Government of the United States Virgin Islands does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

**Effective Communication:** The Government of the United States Virgin Islands will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in **The Government of the United States Virgin Islands** activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments. **The Government of the United States Virgin Islands** will make certain all government websites are made accessible to people with disabilities.

**Modifications to Policies and Procedures:** The Government of the United States Virgin Islands will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in **The Government of the United States Virgin Islands** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of **The Government of the United States Virgin Islands**, should contact the office of as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require **The Government of the United States Virgin Islands** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, facility or an activity of **The Government of the United States Virgin Islands** is not accessible or discriminates against individuals with disabilities, these complaints should be directed to *Stephanie E. Barnes, VI Territorial ADA Coordinator Office of the Governor Arthur Abel Complex 315 Prince Street, Frederiksted, St. Croix Virgin Islands 00840. (340)-772-1000x4703(voice) (340)-692-1592(TTY) (340) 626-3330 (mobile)*. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

**The Government of the United States Virgin Islands** will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs or mobility devices.

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## 2.4 Grievance Procedure

### **Section Summary**

The ADA requires that specific and well-documented grievance procedures be implemented so that the public can have immediate resolution of problems or complaints.

The Supreme Court of the Virgin Islands has not yet adopted a Grievance Policy. A policy has been drafted and circulated for feedback. It will be transmitted for approval and implemented once approved by the Chief Justice.

## 2.5 Notices

### **Section Summary**

All government entities are required to provide certain notices regarding the entity's provisions for ADA compliance. The information contained in these notices should be updated regularly.

All public entities, regardless of size, must provide information to applicants, participants, beneficiaries, employees, and other interested persons regarding the rights and protections afforded by Title II of the ADA, including information about how the Title II requirements apply to its particular programs, services, and activities [28 C.F.R § 35.106].

***The Supreme Court of the Virgin Islands will undertake a continuous effort to provide notice of the Notice of Non-Discrimination and notice of the adoption of the ADA Self Evaluation and Transition Plan in publication, media sources, and on the Court's website.***

## 2.6 Effective Communication

### **Section Summary**

The Department is required to provide appropriate public forms of effective communication to persons of all disabilities.

Under Title II of the ADA, the Court is required to ensure that members of the general public, employees and all applicable participants in programs and activities of the Department with disabilities are able to experience communication methods that are as effective as that provided to people without disabilities [28 C.F.R. § 35.160 (a)].

People with visual, hearing, and speech disabilities must all have the opportunity to receive communications in a manner that is appropriate and effective [28 C.F.R § 35.160 (a)]. Communication support must be provided in a manner that enables people with disabilities to participate on an equal basis with all others, unless the result would cause a fundamental alternation in the nature of a service, program, or activity or create an "undue" financial or administrative burden [28 C.F.R § 35.164].

## 2.7 Auxiliary Aids And Services

### **Section Summary**

A public entity is required to provide auxiliary aids and services to persons with disabilities in order to ensure equal access to public services.

In order to provide equal access to public services, the Court is required by Title II to make appropriate auxiliary or related aids and services available when they are necessary to ensure effective communication [28 C.F.R. § 35.160(B)(1)], as described in Section 2.6. Furthermore, auxiliary aids and services are often required to provide equally effective programmatic accessibility in areas not specifically related to communications. Upon the request of a qualified person with a disability, the Departments must provide access to programs and communication through appropriate auxiliary aids and services. Auxiliary aids and services include a wide range of services, equipment, and devices that provide effective accommodation to people with mobility, visual, hearing, or speech disabilities.

Providing a qualified sign language interpreter for an individual who is deaf is an example of an auxiliary service under Title II. Other examples of auxiliary aids and services for people who are hearing impaired include note-takers, computer-aided real-time transcription services (CART), amplified and hearing-aid compatible telephones, assistive listening systems, open or closed captioning and caption decoders, text telephones or telecommunication devices for the deaf (TTY's), and flashing alarms.

Auxiliary aids and services for people with visual disabilities include providing access to printed information through audiotape cassettes, computer diskettes, Braille or large print materials, or through the use of qualified readers; providing verbal descriptions of action and visual information to enhance the accessibility of performances and presentations; and making a staff member available as a guide to enable a person with limited vision to find his or her way along an unfamiliar route.

The Court must give each person with a disability an opportunity to request the auxiliary aid or service of his or her choice. The Court should honor this request unless the Court can demonstrate that another aid or service will be effective for the individual requesting the service, the proposed action would fundamentally alter the service, program, or activity, or that the action would result in undue financial and administrative burdens [28 C.F.R. § 35.164]. Where the Court can demonstrate a fundamental alteration or an undue burden, the Court must take other measures to ensure that it does not discriminate against an individual with a disability. Deference to the request of the individual with a disability is crucial because of the range of disabilities, the variety of auxiliary aids and services, and the various circumstances requiring effective communication. It is important to consult with the individual to determine the most appropriate auxiliary aid or service because the individual with a disability is most familiar with his or her disability and is in the best position to determine what type of aid or service will be effective.

**Policies and Procedures**

1. *Alternative formats: The Department should institute a stated 10 working days advance time period for requests for alternative formats (for example, Braille, large print, audio cassettes, sign language interpreters, captioning, or computer-aided real-time reporting) or auxiliary aids and services required by a person with a disability.*

2. *Reasonable accommodations: Make reasonable accommodations for inclusion of members of the public with disabilities, in public meetings or special programs, by providing auxiliary aids and services, including providing sign language interpreters, upon a 10 working days advance request.*

## 2.8 Contracted Programs And Services

### **Section Summary**

A public entity is responsible for ensuring that all contracted programs and services comply with ADA regulations and are free from discriminatory practices.

It is unlawful for the Department to participate in a contractual or other arrangement or relationship that has the effect of subjecting the covered entity's own qualified applicant or employee with a disability to the discrimination prohibited by this part.

**(b) Contractual or other arrangement defined.** The phrase *contractual or other arrangement or relationship* includes, but is not limited to, a relationship with an employment or referral agency; labor union, including collective bargaining agreements; an organization providing fringe benefits to an employee of the Department; or an organization providing training and apprenticeship programs.

**(c) Application.** This section applies to the Department, with respect to its own applicants or employees, whether the entity offered the contract or initiated the relationship, or whether the entity accepted the contract or acceded to the relationship. A Department is not liable for the actions of the other party or parties to the contract which only affects that other party's employees or applicants. [29 C.F.R. § 1630.6(a)]

As part of the Self Evaluation process and of future reviews conducted to ensure continued compliance with the ADA and Section 504, the Court should examine the practices of contractors, consultants, or any other parties that conduct programs or services on behalf of the Court. Particular attention should be given to the methods contractors use to recruit or screen participants. In addition, any apprenticeship and job-training programs with which the Court is associated must also be free from discrimination in their treatment of participants. The Court must inform contractors that they must maintain their mutual obligation to comply with the ADA. Labor unions are covered by the ADA and have the same obligation as the Department to comply with its requirements. The Court cannot take any action through a labor union contract that would be impermissible for it to take directly. For example, if a union contract contained physical requirements for a particular job that screened out people with disabilities who were qualified to perform the job, and these requirements were not job-related and consistent with business necessity, they could be challenged as discriminatory by a qualified individual with a disability.

### **Policies and Procedures:**

*The Department will require all contractors and consultants to comply fully with all applicable portions of the ADA by including an ADA compliance clause in all Department contracts.*

### *Sample verbiage is given below:*

*Compliance with Americans with Disabilities Act (Contractor) (Consultant) acknowledges that, pursuant to the Americans with Disabilities Act (ADA), programs, services, and other activities provided by a public entity to the public, whether directly or through a contractor, must be accessible to persons with disabilities. (Contractor) (Consultant) agrees not to discriminate against persons with disabilities in the provision of services, products, benefits, or activities provided in this Contract or Agreement, and further agree that any violation of this prohibition on the part of the (Contractor) (Consultant) shall constitute a material breach of this Contract or Agreement.*

## 2.9 Maintenance Of Accessible Features

### **Section Summary**

All accessible facility elements, equipment, and alternate services required under the ADA must be maintained in good working order.

Under the Title II regulations of the ADA, the Court must maintain in working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities under the ADA [28 C.F.R § 35.133(a)]. Inoperable elevators or wheelchair lifts, locked accessible doors, or accessible routes that are obstructed by furniture, filing cabinets, or potted plants are neither “accessible to” nor “usable by” individuals with disabilities [28 C.F.R. § 35.133 (Preamble)].

Section 504 regulations do not contain a comparable provision concerning the maintenance of accessible features. This particular ADA requirement would also apply to alternative programs and services that are enacted to provide programmatic accessibility in lieu to physical accessibility. For example, programs and services that provide effective communications under the ADA must be maintained in operation as required to continue the services so that they may be used by someone in the future.

It should be noted that Title II requirements regarding the maintenance of accessible features do not prohibit temporary obstructions or isolated instances of mechanical failure [28 C.F.R. § 35.133(b) (Preamble)]. Isolated or temporary interruptions in service or access due to maintenance or repairs are also not prohibited [28 C.F.R. § 35.133(b)].

However, allowing obstructions or “out of service” equipment to persist beyond a reasonable period of time where timely repair or removal is possible would violate this requirement, as would repeat mechanical failures due to improper or inadequate maintenance [28 C.F.R. § 35.133 (Preamble)].

The Court should maintain a system of monitoring standard accessibility improvements at all its facilities to assure continuing compliance with the 2010 ADA Standards for Accessible Designs and to take all reasonable steps to provide both programmatic and physical access for persons with disabilities.

Programmatic requirements, such as the provision of TTY’s, sign language interpreters, and alternative written formats, should be monitored by the ADA Coordinator (see Section 2.2). Certain technical requirements, such as the maintenance of telephone lines to accommodate TTY’s, would probably need to be delegated to those responsible for such systems within the Court. While physical access items should be reviewed and monitored at a general level by the Departmental ADA Coordinator, detailed monitoring of such items should be delegated to the Department’s Maintenance Department who would ultimately be responsible for maintenance and repairs. The Maintenance Department should designate a supervisor to oversee accessibility-related improvements at the various facilities, train personnel on how to keep systems in working order, and resolve details of potential or reported problems.

## ***Policies and Procedures***

1. Appoint a person within the Maintenance Department to work with the Departmental ADA Coordinator and who will be responsible for maintenance and repairs of accessibility related improvements at the Court's various facilities and locations, train personnel, order parts, and resolve details of potential or reported problems. Specific conditions that should be maintained to provide physical accessibility include, but are not necessarily limited to, the following items:
  - 1) Maintain exterior pathways and repair any surface irregularities that may become greater than 1/2" due to wear or cracking, and make other repairs to keep pathways from causing hazardous conditions.
  - 2) Maintain disabled parking spaces to have all appropriate signage and to keep access aisles to the spaces and to the main entrances they serve clear and usable.
  - 3) Maintain and replace, as required, all building signage that would direct persons with disabilities to the accessible paths of travel.
  - 4) Maintain all doors providing primary accessibility to be fully operable during normal hours of operation of the facility, and during all public functions.
  - 5) Maintain all door pressures required to open doors to be as low as possible, but in no case more than 5 pounds for interior hinged, sliding, or folding doors. Fire doors should meet the minimum opening force allowable by the appropriate administrative authority.
  - 6) Maintain all elevators in proper working condition. Set up and monitor yearly maintenance inspections by contracted elevator maintenance companies and the Local Elevator Safety Unit for all elevators.
  - 7) Maintain all wheelchair lifts in proper working condition, with keys prominently displayed at Department's facility's main offices (see also section 2.11). Set up and monitor yearly maintenance inspections by contracted lift maintenance companies and Local Elevator Safety Unit for all lifts.
  - 8) Maintain all accessible plumbing fixtures, including toilets, urinals, lavatories, sinks, faucets, showers, and drinking fountains, to be fully operational and in compliance with accessibility codes.
  - 9) Maintain all toilet accessories to be fully operational and mounted no more than 48" (a height of 43" to the operable control is preferred for all fixtures and dispensers) above the floor at all accessible restrooms. Maintain all grab bars to be tight and structurally sound.
  - 10) Maintain and monitor objects mounted on walls to protrude no more than 4" into paths of travel. Objects mounted above the finished floor, shall

protrude no more than 4 in. (100 mm) into walks, halls, corridors, passageways, or aisles.

11) Maintain audible and visual fire alarms and pull stations to be fully operational.

12) Maintain all phone lines serving TTY's to be fully operational. Trains staff how to answer and handle incoming calls over the TTY's.

2. Appoint a supervisory-level person within the Court to be responsible for the design of replacement, repair, or modification of accessibility-related improvements. Such person shall coordinate proposed and completed accessibility improvements with the Departmental ADA Coordinator.

## 2.10 Accessible Meeting Locations

### **Section Summary**

All meetings that serve the general public must be held at locations that are accessible, both physically and programmatically, to persons with disabilities.

When the Supreme Court holds meetings open to the public, meetings are organized to ensure accommodations for people with disabilities. Meetings are held in the most accessible sites which are usually at the Court's facilities, the District Court of the Virgin Islands, or the University of the Virgin Islands.

The term "accessible" would apply not only to the physical facility location, but also to the programmatic requirements of the particular event, such as communications and assistive devices, as these are described in other portions of this Self Evaluation.

At a minimum, meeting participants should expect the following, in terms of physical accessibility:

1. Accessible parking, if on-site parking is provided for attendees,
2. An accessible path of travel from the public right-of-way and parking area (if provided) to the meeting location,
3. Accessible separate-gender restrooms (if separate-gender restrooms are provided for other attendees) or an accessible unisex restroom (if a unisex restroom only is provided to other attendees), within reasonable proximity to the meeting location.
4. An accessible drinking fountain, if provided to other attendees.
5. Accessible seating at an integrated location within the meeting area.
6. Access to all ancillary spaces, such as stages or pits.
7. Access to Auxiliary aids and services.

### **Policies and Procedures:**

*Institute procedures to assure that all public meetings are held at accessible locations within all sites where such meetings are held. An "accessible location" is a location at which elements relating to the specific meeting area are accessible, including parking and loading zones, path of travel to the meeting location, restrooms and drinking fountains serving the meeting location, and all assembly room elements, such as seating areas, space wide enough for mobility devices to maneuver in the room (furniture should be accessible) and assistive listening systems.*

## 2.11 Use Of Elevators And Wheelchair Lifts

### **Section Summary**

Elevators and wheelchair lifts should allow for independent and efficient use by persons with disabilities. Such equipment should be continually inspected and maintained to be in working order at all times.

In most cases and at most locations, elevators and wheelchair lifts are necessary for persons with disabilities to have primary access to all floors of a building, or to various levels within a particular story. The Court's elevators and wheelchair lifts all have current and ongoing maintenance contracts to ensure they are operable, maintained, and serviced on a regular basis. Staff members are aware of the location of the keys and knowledgeable on how to use the lift.

In the cases where there is no access to locations above the first floor reasonable accommodations will be made.

### **Policies and Procedures:**

*Institute the following policies for the use of elevators and wheelchair lifts:*

- 1) *If key(s) for elevators or lifts are required, individual with disabilities, must be provided with a key, upon written request.*
- 2) *There must be a prominent sign, both at the main entrance and in the main entrance of the Department stating the location of any elevator or lift at the site, and describing the policy for its use.*
- 3) *Keys must be kept in a prominent and permanent location, with staff knowledgeable of its location and with instructions for elevator or lift use.*
- 4) *Appropriate staff should take part in training on operation of the lift and remain knowledgeable on its proper operation and use.*
- 5) *Continue to maintain serviced agreements on a yearly contract.*

## 2.12 Department-Wide Program Policies And Procedures

### ***Section Summary***

This section contains a number of specific programmatic policies that are recommended for implementation by the Department.

The various programs, services, and activities of the Court pose a number of requirements related to programmatic accessibility for persons with disabilities. While it has been a focus of this Self Evaluation to analyze the characteristic of each program and to evaluate the methods each program utilizes to include persons with disabilities, the overall responsibility is an on-going one that requires the development of policies and procedures on the part of the various departments.

The detailed program evaluations included in Part 3 include a number of recommended policies and procedures for implementation by each specific program. However, these can be summarized and classified by the general types of programs, as listed below.

### ***Policies and Procedures***

#### **Department-wide Administrative and Regulatory Programs:**

1. Hold all public meetings at accessible locations.
2. Locate all unique programs at accessible locations within the Department.
3. Make reasonable accommodations for members of the public with disabilities in public meetings or special programs.
4. At all public meetings and special activities, provide sign language interpreters upon a 10 working day advance request.
5. Purchase departmental TTY (text telephone) phones for the main offices of the Department and advertise (including listing number on Department stationary and business cards) the availability of TTY.
6. Include notice of availability of alternative formats in all written materials.
7. Ensure that each Department's and programs' informational materials are available in alternative formats for distribution upon 10 working days request.

## **3.0 Communication-Website and Telephone**

### **3.1 Supreme Court of the Virgin Islands Website**

As people turn to the Internet as their primary source of information regarding services, programs, activities, and facilities, the Court's website ([www.visupremecourt.org](http://www.visupremecourt.org)) takes on increased importance as a communications tool.

Providing public access to Court publications on-line is an effective means of reaching persons with disabilities. New accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendments of 1998 have set forth the technical and functional performance criteria necessary for such technology to be accessible.

The Court is subject to and must comply with both Title II of the ADA and Section 508 of the Rehabilitation Act. Court web sites are hosted either internally by the Court's Information Technology Division (ITD), or externally, by a contracted service provider. To the extent that there are inconsistencies between Title II and Section 508 regarding website compliance, the Court must comply with the more stringent standards between the two. ITD is responsible for ensuring that all information posted to the website complies with accessibility standards, or that it makes provisions to supply the material in an alternate format. If website services are contracted, the contractor must meet accessibility standards and such standards must be addressed within the contract.

The Supreme Court of the Virgin Islands is currently working on the process of enhancing and upgrading the website with an anticipated completion date during June 2014.

### **3.2 Oral Arguments**

All of the content for Oral Arguments is streamed live over the internet and archived by the ITD. This means of communicating Court information and programming to the public can be particularly effective in reaching persons with disabilities who may be prevented from attending Court meetings and Oral Arguments.

Listed below are some actions the Court will review and implement:

1. Use closed captioning or other alternatives to audio presentations produced by the Court (including Oral Arguments, Bar Admissions, Disciplinary Counsel hearings) in order to ensure that persons with hearing impairments can benefit from these presentations.

### **3.3 Telephones and Communication Devices**

The Supreme Court of the Virgin Islands does not provide a public telephone for use by our customers.

The Court also does not have a text telephone or (TDD/TTY) telephone. As part of the Transition Plan, a TDD/TTY phone will be purchased. Information regarding the availability and location of the Court's Telephone Communication Devices for the Deaf (TDD/TTY) will be widely disseminated. Staff members will be trained on the use of TDD/TTY equipment or other means of communicating over the telephone with a person with a hearing or speech disability.

## 4.0 Employment

The Court's Human Resources Division provides services in the form of recruitment, development, training and retention. The Supreme Court of the Virgin Islands' Personnel Policies and Procedures manual was established and contains several policies, procedures, and statements to comply with the Americans with Disabilities Act. This manual contains an Equal Employment Opportunity Statement, policies and procedures relative to requests for accommodations for applicants and employees, and non-discrimination and retaliation policies.

As it relates to recruitment, the Court's Application for Employment contains language stating our non-discrimination on disability. It specifically states, "The Supreme Court does not discriminate in hiring based on age, race, creed, color, national origin, sex, or disability." The policy also contains the timeframe and process for applicants requesting accommodations. Job postings and advertising materials do not include information about the availability of modifications provided for persons with disabilities.

Staff members are trained on the Court's policies and practices during orientation and periodically. American Sign Language courses have been taught to some employees to be able to better serve hearing impaired individuals who participate in and benefit from Court programs and services.

The Supreme Court of the Virgin Islands is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive. The Court's policies and procedures state the process for filing complaints, investigations, and penalties for retaliation.

## 5.0 Facilities: Structural Barriers

In 2013, the Court formed an Assessment team who conducted a physical assessment of Court facilities to identify facility barriers and identify recommendations and alterations in order to meet the federal accessibility standards. The list of facilities surveyed included:

- #18 Strand Street, Frederiksted, St. Croix, Virgin Islands
- 8174 Subbase, St. Thomas, Virgin Islands

Each assessment team used the ADA Checklist for Readily Achievable Barrier Removal created by the Institute for Human Centered Design to evaluate the Court's facilities. The results of the assessment are found within the applicable appendices. The architectural barriers discovered will be remedied by the Transition Team and included in the Court's Transition Plan.

## 6.0 Evacuation Plan

Emergency evacuation plans exist for all Court buildings and include procedures to safely evacuate persons with disabilities who may need special assistance in an emergency. The procedures are found within the Supreme Court of the Virgin Islands' Emergency Procedures and Natural Disaster Preparedness Manual in Section 5.6.

The manual includes procedures for various types of emergency situations. It addresses what to do when an alarm is triggered, the established meeting locations and places the responsibility on all staff and managers to provide assistance to the disabled.

Court staff on both islands was trained by the Judicial Security staff on evacuation procedures including those relative to disabled persons on September 25, 2013. Annual training and periodic drills (announced and unannounced) will be scheduled. Existing emergency procedures will be continually reviewed and updated.

The Court's facility on the island of St. Thomas has both audible and visual alarms to alert individuals with hearing and visual disabilities of an activated alarm. The audible alarms can be heard throughout all occupied spaces in the Court, including bathrooms, and judicial chambers. Visible alarms are also present in public and common areas, including corridors and restrooms. The notifications are rapid, redundant and include public address system announcements. Upgrades to the St. Croix facility will be addressed in the Court's Transition Plan.

The Court will also provide the evacuation policies and procedures in alternative formats when requested. Work with disability organizations will commence to explore the use of other technologies.

## 7.0 Self-Evaluation

In 2013, the Supreme Court of the Virgin Islands undertook several steps to receive input on the programs and services provided by the Supreme Court of the Virgin Islands. The assessment team also used checklists to collect data on access to programs, services, activities, employment, communication and physical barriers within the Supreme Court of the Virgin Islands. The original signed checklists are made a part of this Self Evaluation and can be found in appendices under the applicable assessment area.

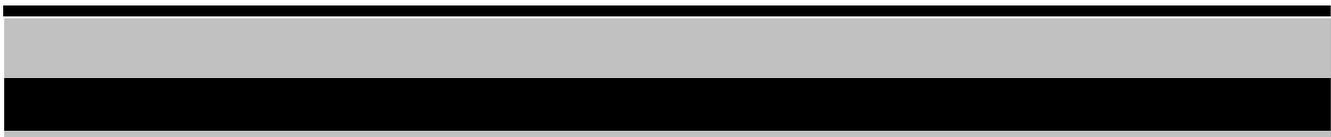
A questionnaire was distributed to division heads to supply information on the nature of their program, forms and methods used to advertise the program's services and activities, a profile of current participants, the types of equipment and materials used, testing and entrance requirements, the level of staff training, and any special modifications provided.

Information provided in the completed questionnaires that revealed barriers to accessibility for people with disabilities in the Court's existing policies, programs, and procedures are found in the appendices. It is the intent of the Court to address the programmatic accessibility barriers. Programs offered by the Court to the public must be accessible. Accessibility includes advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

The Court intends to achieve program accessibility by a number of methods:

- Structural methods such as altering an existing facility;
- Acquisition or redesign of equipment;
- Assignment of aides; and
- Providing services at alternate accessible sites.

# SUPREME COURT OF THE VIRGIN ISLANDS



Court unit responsible for review:

**Human Resources Division**

Staff responsible for evaluation (Name and title):

**Koya S. Ottley, Director of Human Resources**

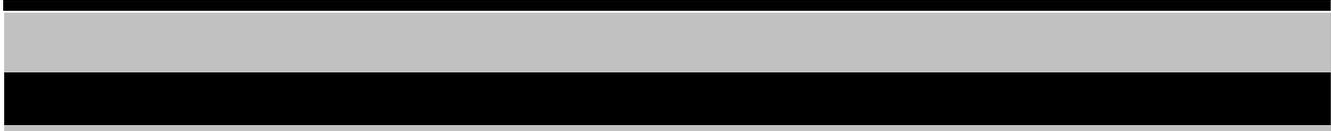
Date(s) evaluation conducted:

**November 15, 2013**

#	ISSUE	RESPONSE
1	Does a personnel policy manual exist for the Court? a. Does the personnel policy include statements addressing discrimination on the basis of disability and the commitment to provide reasonable accommodations to employees and applicants with disabilities? b. Does the personnel policy define disability according to the three conditions provided in the ADA? c. Does the personnel policy protect individuals from discrimination, coercion, intimidation, threats, or interference when filing ADA complaints or testifying about alleged ADA violations? d. If the personnel policy does not provide protection when filing complaints or testifying about alleged ADA violations, is this protection provided elsewhere? Where? e. If personnel policies are found in other documents, please identify those documents.	Yes a. Yes b. No c. Yes d. N/A e. N/A
2	Describe the steps taken to ensure effective oral communication (telephone and in-person) with individuals who have a hearing-impairment.	The Court as assistive listening devices in operation. It is normally used for the Courtroom but can be used elsewhere.
3	Is there a written policy statement describing the Court's commitment to provide reasonable accommodation to employees and applicants with disabilities? a. What is the process to determine whether to make "reasonable accommodations" to the known limitations of applicants and employees? b. What process is used to determine how an employee should be accommodated? c. Is there a process to advise applicants and employees of their rights regarding job accommodations if they have a disability? d. Is this process of making "reasonable accommodations" written? If yes, where is it located? e. How is the process of making "reasonable accommodations" communicated to employees or applicants.	Yes a. See Rule 6.3 of the Supreme Court of the Virgin Islands Personnel Policies and Procedures. b. See Rule 6.3 c. No d. Yes e. In Personnel Policy
4	Identify any policy or procedure used to determine whether an individual with a disability poses a significant risk of substantial harm to the health and safety of himself/herself or others.	See Rule 6.3 of policy
5	Describe the training provided to staff to enhance their awareness of the ADA requirements and sensitivity to the	None provided;

	needs of individuals with disabilities.	
6	Identify the specific employment policies that are subject to review for this assessment. a. Identify any unwritten practices that may have direct impact on the employment process. b. Do any employment policies have an adverse impact on the career of an employee with a disability by inadvertently limiting or preventing opportunities for promotion and training?	Entire Supreme Court of the Virgin Islands Personnel Policies and Procedures manual. a. None b. No
7	Do current practices result in discrimination against individuals on the basis of disability during the pre-employment stage of the hiring process? a. Are locations used for receipt of job applications, applicant testing, and applicant interviewing accessible to individuals with physical disabilities? If not, what accommodations are necessary to ensure accessibility? b. Have written instructions, forms, and guidelines used in the recruitment, interviewing, and testing been reviewed for compliance with ADA? c. Are written instructions, forms, and guidelines used in the recruitment, interviewing, and testing process available in alternate formats (ie. Braille, large print)? d. How are applicants made aware that auxiliary aids or services are available? e. Is there a policy describing the circumstances under which auxiliary aids or services are made available to applicants with disabilities? f. Does the standard applicant interview include a predetermined set of questions? Have these questions been reviewed in light of the ADA?	No. a. Yes b. Yes; need to be amended c. No. d. They aren't aware ahead of time; only when they inquire e. No f. Yes, yes
8	During the new employee orientation, are there any modifications necessary to the practices and procedures regarding discrimination?	No.
9	Do written position descriptions exist for jobs in the Court? a. Describe the procedure that is used to identify the essential functions for jobs in the Court. b. Are jobs held by individuals with disabilities classified differently from those held by other employees who perform essentially the same function? c. Do employees with disabilities enjoy the same benefits (insurance, leave, compensation) as other employees in the same job classification?	Yes a. See Rule1 of the Supreme Court of the Virgin Islands Personnel Policies and Procedures manual b. No c. Yes

# SUPREME COURT OF THE VIRGIN ISLANDS



Program, service, or activity reviewed:	<b>Disciplinary Counsel</b>
Court unit responsible for review:	<b>Office of Disciplinary Counsel</b>
Staff responsible for evaluation (Name and title):	<b>Delphine Janey, Esq.</b>
Date(s) evaluation conducted:	<b>November 15, 2013</b>

Please give a brief description of the program(s):

Receiving, screening, investigating and prosecuting the complaints made against attorneys and judges. Directing and supervising the day to day operations for the disciplinary system in the United States Virgin Islands consistent with the Supreme Court of the Virgin Islands rules and the Commission on Judicial Conduct policies.

#	ISSUE	RESPONSE
1	Has a review been conducted regarding the selection criteria used to determine who participates in and benefits from the (program/service/activity) to see if individuals with disabilities are excluded?	N/A. There are no selection criteria.
2	Are there eligibility requirements that have direct or indirect effect of excluding or limiting the participation of individuals with disabilities? (ie. testing requirements, interviews, income requirements, educational requirements, disability requirements)	No
3	Do you have a process for determining whether a specific modification, to include a person with disabilities, would fundamentally alter the nature of the program you offer? <ul style="list-style-type: none"> <li>a. If yes, please briefly describe this process.</li> <li>b. Do you keep a record of the modifications that have been previously offered?</li> <li>c. Describe the modifications you have provided.</li> <li>d. Does your division have a formal process for responding to requests for modifications that would allow people with disabilities to participate in your programs?</li> </ul>	No
	Has the location where the (program/service/activity) is (offered/provided/conducted) been reviewed to determine whether physical barriers exist that could impede access by individuals with disabilities? <ul style="list-style-type: none"> <li>a. List locations where the program/service/activity has been held.</li> <li>b. If barriers exist, what arrangements are available to provide program access?</li> <li>c. How do you notify all persons that your meetings, hearings, interviews, and conferences will be held in accessible locations and that adaptive/auxiliary aids (such as assistive listening devices, readers for the blind, pen and paper) will be provided, upon request, to participants with disabilities?</li> </ul>	My facility is within the Supreme Court building. I am unaware of whether a review has been conducted.
5	Is there a formal policy or procedure that instructs staff regarding accommodations for individuals with disabilities participating in programs, services, or activities? <ul style="list-style-type: none"> <li>a. How is the above policy communicated to staff?</li> <li>b. Is there a policy or procedure which indicates who staff should contact if unable to accommodate an individual with a disability?</li> </ul>	No

<p><b>6</b> How does telephone communication occur with individuals with disabilities who wish to participate in or benefit from this program/service/activity?</p>	<p>Many disabled persons are able to communicate on the phone, and I am therefore unaware of whether a person is disabled when I speak with them by phone in most instances. However, I am aware of two hearing impaired persons who I have spoken with on the phone, including one of the adjudicators I work with on a regular basis. Each of these persons has equipment to facilitate speaking on the phone.</p>
<p><b>7</b> Describe the in-person communication techniques used by staff to enable an individual with a disability to fully participate in the program, service or activity. (</p>	<p>None.</p>
<p><b>8</b> Are there any written documents, forms, instructions, or guidelines regarding the program, service, or activity?</p> <ol style="list-style-type: none"> <li>List the names of the documents that you publish. (i.e. brochures, rules and regulations, applications, press releases, etc.)</li> <li>Does the above contain a notice that your program/service discriminate against people with disabilities?</li> <li>How are these written documents, forms, instructions, or guidelines distributed?</li> <li>Are these written documents, forms, instructions, or guidelines available in alternate formats (audio tape, large print, etc.)?</li> <li>If written material is not available in alternate formats, what steps are taken to ensure that individuals with disabilities have access to the written material?</li> <li>Do you portray individuals with disabilities in your documents and publications?</li> <li>Do you make the content of documents and publications available in simple, easy-to-understand language for individuals with learning disabilities?</li> </ol>	<p>Yes.</p> <ol style="list-style-type: none"> <li>The Supreme Court Rules and the pamphlets that summarize the attorney disciplinary process and the judicial discipline process. Also the two approved complaint forms.</li> <li>No.</li> <li>Electronically, in person, or by mail if there is a request.</li> <li>No. But because they are available in an editable format, they can be enlarged upon request.</li> <li>None</li> <li>N/A. I do not portray any individuals.</li> <li>N/A. The information is presented in simple language for the public.</li> </ol>
<p><b>9</b> Are any audiovisual presentations used in this program, service, or activity?</p> <ol style="list-style-type: none"> <li>If yes, are these presentations captioned and accessible to disabled individuals (captioning, alternative formats, documents that can be converted with screen readers)?</li> <li>If not captioned, indicate what steps are taken to ensure that individuals with a disability can benefit from the presentation.</li> </ol>	<p>No</p>
<p><b>10</b> Are there staff members who have contact with the public and need to be aware of your division's obligations and policies that enable people with disabilities to participate in department programs or activities?</p> <ol style="list-style-type: none"> <li>How are these staff members informed/trained regarding the obligations of accessible service delivery?</li> <li>Does any staff member have experience working with people with disabilities?</li> </ol>	<p>Maybe. There is one person in the office, and that individual has contact with the public. However, we have no formal polices.</p> <ol style="list-style-type: none"> <li>There are no such policies</li> <li>Yes. Disciplinary Counsel with the disabled.</li> </ol>

# SUPREME COURT OF THE VIRGIN ISLANDS

Court unit responsible for review:

**Office of the Administrative Director**

Staff responsible for evaluation (Name and title):

**Regina deChabert Petersen,  
Acting Administrative Director**

Date(s) evaluation conducted:

**November 15, 2013**

#	ISSUE	RESPONSE
1	<p>Does the court have a nondiscrimination policy?</p> <p style="margin-left: 20px;">a. Does the existing nondiscrimination policy or any other policy address requirements of the ADA?</p> <p style="margin-left: 20px;">b. How is the nondiscrimination policy communicated to Court staff and the public?</p>	<p>Yes; communicated to staff in personnel Policy; no notification to public</p>
2	<p>Identify the individual responsible for coordinating ADA compliance activity for the Court.</p>	<p>ADA Coordinators (Kevin Williams and Koya Ottley)</p>
3	<p>Identify the individual of the Court responsible for receiving and processing complaints that arise under the ADA.</p> <p style="margin-left: 20px;">a. Describe the complaint procedure.</p> <p style="margin-left: 20px;">b. How are Court staff and the public notified about the complaint process?</p>	<p>ADA Coordinators (Kevin Williams and Koya Ottley); No complaint procedure; no notification to public; Staff notification in Personnel Policies</p>
4	<p>Describe the steps taken to ensure staff fully understand the policy of nondiscrimination against individuals with disabilities in Court programs, services, and activities in employment.</p>	<p>The Court will re-orient staff with the personnel policy section on nondiscrimination against individuals with disabilities, and conduct the necessary sensitivity training in this regard.</p>
5	<p>Describe the steps staff take to ensure access to Court programs, services, and activities by individuals with disabilities.</p> <p style="margin-left: 20px;">a. Describe the means adopted by the Court (system) to communicate effectively by telephone with individuals with speech and hearing impairments.</p> <p style="margin-left: 20px;">b. Describe any arrangements made with a TDD relay service to facilitate communication with hearing-impaired individuals.</p>	<p>The Court recently identified and enrolled two employees, (one in each district), in sign language courses at the University of the Virgin Islands for facilitation of in-person communication with the hearing and/or speech impaired. As it relates to telephone communication, the Court has identified a TTY solution for integration with the current telephone system and is in the process of procuring the necessary equipment for ADA compliance.</p>
6	<p>List Court publication and documents that are available to the public (eg. annual report, magazines, etc.) Exclude program-specific publications that will be addressed during review of the program, service, or activity.</p> <p style="margin-left: 20px;">a. Identify the publications and documents, listed above, that are available in alternate formats (audiotape, large print, etc.).</p> <p style="margin-left: 20px;">b. Identify the process by which someone could obtain a publication in an alternate format.</p>	<p>Currently, in general, court publications are available in PDF on our website. While the Court explores options available for alternative formats as part of a comprehensive solution, individual requests for publications in an alternate format will be processed through our ADA Coordinators.</p>
7	<p>List all Court activities where auxiliary aids or services, including sign language and/or oral interpreter may be needed.</p> <p style="margin-left: 20px;">a. List all Court activities where readers and writers may be needed.</p> <p style="margin-left: 20px;">b. Is there a policy/procedure for determining that an interpreter, reader, or writer is needed? What is the policy/procedure?</p> <p style="margin-left: 20px;">c. Is computer-assisted transcription available for individuals with severely impaired hearing who do not use sign language?</p> <p style="margin-left: 20px;">d. Who determines when an interpreter, reader, or</p>	<p>Court Administration supports the general administrative functions of all divisions of the Court, and/or assists in the direction of customers to other divisions/service areas within the court. In this regard the following responses apply:</p> <p style="margin-left: 20px;">a. N/A</p> <p style="margin-left: 20px;">b. There is currently no policy/procedure for determining when an interpreter, reader or writer is needed. Requests are generally made at the time service is being rendered. If there is someone available on staff to provide the</p>

<p>writer is needed and how is the decision made?</p> <p>e. How are the services of interpreters, readers, and writers secured?</p> <p>f. Does the Court have provisions for use of assistive listening devices (ALD)?</p> <p>g. If ALD's are used, describe how decisions regarding their availability are made.</p> <p>h. Is there a policy/procedure which describes the conditions under which the Court makes an ALD available? What is the policy/procedure?</p>	<p>necessary assistance, it is rendered immediately. If not, alternate arrangements must be made.</p> <p>c. No.</p> <p>d. The person rendering assistance, and based on the type of assistance requested.</p> <p>e. Services are secured through the use of bilingual personnel, administrative assistance for reading or writing, and employees who are currently being trained in sign language.</p> <p>f. No.</p> <p>g. N/A</p> <p>h. No.</p>
<p><b>8</b> Does the Court use audio-visual presentations in any of its programs, services, or activities? Which programs, services or activities?</p> <p>a. If audio-visual presentations are used, describe the steps taken to ensure that hearing-impaired individuals can benefit from these presentations.</p>	<p>The Court offers web based live streaming of its Oral Arguments, closed captioning is not currently provided with these services, but we are exploring how it can be integrated and made available upon request.</p>
<p><b>9</b> Describe how the Court notifies employees and others in the Court of an emergency.</p> <p>a. Describe how the Court notifies individuals with disabilities of an emergency.</p> <p>b. Describe any policies/procedures for assisting persons with disabilities in an emergency situation.</p>	<p>In the event of fire or other emergency requiring evacuation, the court has established emergency response procedures to include evacuation routes. In terms of notification, there is a fully integrated fire alarm system, court PA system, and security walk through by the Marshals and the Emergency Response Team,(ERT). In the event the elevator is not functioning or disabled according to emergency protocols, any individual requiring physical assistance to exit via stairway is carried, guided and/or otherwise assisted to safety by the Marshals and/or members of the ERT.</p>
<p><b>10</b> Are public meetings, hearings, and conferences held in accessible locations?</p>	<p>Yes, Conference rooms and the Court Room are both accessible.</p>
<p><b>11</b> Are interpreters, readers, and/or adaptive equipment provided when requested, for meetings, interviews, conferences, and for public appearances by and with officials and public hearings?</p> <p>a. If yes, how much advance notice do you request?</p>	<p>The Court has not had any requests for adaptive equipment or readers. Interpreter services are provided upon request whenever available. There is currently no policy in place that requires or otherwise specifies advance notification to the court for such services.</p>
<p><b>12</b> Are tours of the Court facilities provided or organized for members of the public?</p> <p>a. Describe how the Court provides accessible tours to persons with disabilities (visual, hearing, mobility, learning).</p>	<p>Not as a matter of practice. Requests are handled on an individual basis, and needs are assessed at the time of the request to best accommodate the visit or tour.</p>
<p><b>13</b> Does the Court allow the public to use electronic equipment (i.e. copying machines, personal computers, etc.)</p> <p>a. Describe how electronic equipment is accessible to and usable by individuals with disabilities.</p>	<p>There is a self help kiosk located on the first floor of the Court, where computer access and printing is available for public use. The workspace provided is ADA compliant. Surface height and clearance accommodates wheel chair access. All other services are made available by and through staff assistance.</p>

# SUPREME COURT OF THE VIRGIN ISLANDS

Program, service, or activity reviewed:	<b>Bar Admissions</b>
Court unit responsible for review:	<b>Office of Bar Admissions</b>
Staff responsible for evaluation (Name and title):	<b>Elsie Mae King, Director of Bar Admissions</b>
Date(s) evaluation conducted:	<b>November 15, 2013</b>

Please give a brief description of the program(s):

The administration of the semi-annual Virgin Islands Bar Examinations, admission ceremonies, management of the grading process for the requisite bar exams, determining eligibility to the Virgin Islands Bar, the management and processing of all petitions that affect the status of the members in the Virgin Islands Bar.

#	ISSUE	RESPONSE
1	Has a review been conducted regarding the selection criteria used to determine who participates in and benefits from the (program/service/activity) to see if individuals with disabilities are excluded?	A formal review has not been conducted.
2	Are there eligibility requirements that have direct or indirect effect of excluding or limiting the participation of individuals with disabilities? (ie. testing requirements, interviews, income requirements, educational requirements, disability requirements)	Yes.
3	Do you have a process for determining whether a specific modification, to include a person with disabilities, would fundamentally alter the nature of the program you offer? e. If yes, please briefly describe this process. f. Do you keep a record of the modifications that have been previously offered? g. Describe the modifications you have provided. h. Does your division have a formal process for responding to requests for modifications that would allow people with disabilities to participate in your programs?	Yes, applicants are required to file their request for special testing accommodations on the deadline with their application for taking the bar examination.
4	Has the location where the (program/service/activity) is (offered/provided/conducted) been reviewed to determine whether physical barriers exist that could impede access by individuals with disabilities? d. List locations where the program/service/activity has been held. e. If barriers exist, what arrangements are available to provide program access? f. How do you notify all persons that your meetings, hearings, interviews, and conferences will be held in accessible locations and that adaptive/auxiliary aids (such as assistive listening devices, readers for the blind, pen and paper) will be provided, upon request, to participants with disabilities?	Supreme Court of the Virgin Islands: Presently under review  University of the Virgin Islands: I don't know. I assume so.
5	Is there a formal policy or procedure that instructs staff regarding accommodations for individuals with disabilities participating in programs, services, or activities? c. How is the above policy communicated to staff? d. Is there a policy or procedure which indicates who staff should contact if unable to accommodate an individual with a disability?	No.
6	How does telephone communication occur with	Upon request by the applicant or in response

	individuals with disabilities who wish to participate in or benefit from this program/service/activity?	to an applicant's inquiry.
<b>7</b>	Describe the in-person communication techniques used by staff to enable an individual with a disability to fully participate in the program, service or activity. (	Test taking: Increase font-size, use of computer, additional time for testing.
<b>8</b>	Are there any written documents, forms, instructions, or guidelines regarding the program, service, or activity?	No
	h. List the names of the documents that you publish. (i.e. brochures, rules and regulations, applications, press releases, etc.)	
	i. Does the above contain a notice that your program/service discriminate against people with disabilities?	
	j. How are these written documents, forms, instructions, or guidelines distributed?	
	k. Are these written documents, forms, instructions, or guidelines available in alternate formats (audio tape, large print, etc.)?	
	l. If written material is not available in alternate formats, what steps are taken to ensure that individuals with disabilities have access to the written material?	
	m. Do you portray individuals with disabilities in your documents and publications?	
	n. Do you make the content of documents and publications available in simple, easy-to-understand language for individuals with learning disabilities?	
<b>9</b>	Are any audiovisual presentations used in this program, service, or activity?	No
	c. If yes, are these presentations captioned and accessible to disabled individuals (captioning, alternative formats, documents that can be converted with screen readers)?	
	d. If not captioned, indicate what steps are taken to ensure that individuals with a disability can benefit from the presentation.	
<b>10</b>	Are there staff members who have contact with the public and need to be aware of your division's obligations and policies that enable people with disabilities to participate in department programs or activities?	Yes
	c. How are these staff members informed/trained regarding the obligations of accessible service delivery?	
	d. Does any staff member have experience working with people with disabilities?	

## 8.0 Assessment Team

### **Section Summary**

A team approach is key achieving successful compliance for several reasons. First, the self-evaluation plan requires the collecting of information from all programs, services and activities of the Department. The data collection process is too large a task for one person. Second, it requires various expertise and skills unique to the Department.

The Departmental ADA Coordinator is the Department compliance team's liaison between the staff and the Department Head.

The Department will make certain that if an ADA/504 Consultant is contracted to complete the self-evaluation and transition plan that the consultant has the appropriate credentials required to conduct the assessment. The contracted consultants will adhere to the guidelines to the established, "ADA-related Consultant/Contractor Guidelines".

The consultant's assessment does not preclude the Department from adhering to the USDOJ requirements for completion of the Title II self-evaluation and transition plan.

The team should be representative of people with various disabilities. Having a disability does not, in and of itself, qualify an individual to participate on the ADA team. People chosen to participate should be knowledgeable of the ADA and have the disability expertise needed for the review process when completing the Department transition plan. The participants should be effective and should be able to represent not just his/her disability but also be able to speak for the disability community at large.

Listed below are the Dates, Locations, Time and Attendees of ALL the Department's ADA-504 Training:

#### **Mr. Kevin Williams**

**Deputy Administrative Director for Technology Service/ADA Coordinator (STX)**

Date: **June 18, 2013**

Time: **9:00 am-12:00 pm**

Location: **Government House, Frederiksted**

#### **Mrs. Koya S. Ottley**

**Director of Human Resources/ADA Coordinator (STT)**

Date: **June 21, 2013**

Time: **9:00 am-12:00 pm**

Location: **Licensing and Consumer Affairs Conference Room**

Listed below are the **Dates, Locations, Times and Attendees of ALL the Department Team Meetings:**

Date: Tuesday, August 27, 2013

Time: 10:05 am - 10:56 am

Attendees: Kevin Williams, Franklin Orr, Kai James, Michelle Gaskin, Koya Ottley, Regina Petersen, Cordell Connor, Veronica Handy

Location: Supreme Court of the Virgin Islands' St. Thomas and St. Croix Conference Rooms (Via Video Conference)

Date: Thursday, September 12, 2013

Time: 3:05 pm-4:10 pm

Attendees: Kevin Williams, Franklin Orr, Kai James, Michelle Gaskin, Koya Ottley, Regina Petersen, Cordell Connor, Veronica Handy

Location: Supreme Court of the Virgin Islands' St. Thomas and St. Croix Conference Rooms (Via Video Conference)

**2013 ADA-Section 504 Assessment Team**

Supreme Court of the Virgin Islands ADA Assessment Team St. Thomas		
Name	Titles	Contact Info.
Koya S. Ottley	Director of Human Resources/ ADA Coordinator	P.O. Box 590 St. Thomas, VI 00804 (340) 774-2237 <a href="mailto:Koya.Ottley@visupremecourt.org">Koya.Ottley@visupremecourt.org</a>
Regina Petersen	Acting Administrative Director	P.O. Box 590 St. Thomas, VI 00804 (340) 774-2237 <a href="mailto:Regina.Petersen@visupremecourt.org">Regina.Petersen@visupremecourt.org</a>
Veronica Handy, Esq.	Clerk of the Court	P.O. Box 590 St. Thomas, VI 00804 (340) 774-2237 <a href="mailto:Veronica.Handy@visupremecourt.org">Veronica.Handy@visupremecourt.org</a>
Natalie Thomas-Pickering	Procurement Manager	P.O. Box 590 St. Thomas, VI 00804 (340) 774-2237 <a href="mailto:Natalie.Thomas-Pickering@visupremecourt.org">Natalie.Thomas-Pickering@visupremecourt.org</a>
Cordell Connor	Building & Grounds Maintenance Worker	P.O. Box 590 St. Thomas, VI 00804 (340)774-2237 <a href="mailto:Cordell.Connor@visupremecourt.org">Cordell.Connor@visupremecourt.org</a>
Jossette Smith	Transition Team	P.O. Box 303305 St. Thomas, VI 00803-3305 (340) 777-4978 <a href="mailto:lm2qt4u@viaccess.net">lm2qt4u@viaccess.net</a>

Supreme Court of the Virgin Islands ADA Assessment Team St. Croix

Name	Titles	Contact Info.
Kevin Williams	Deputy Administrative Director for Technology Services /ADA Coordinator	P.O. Box 336 St. Croix, VI 00841 (340)778-0613 <a href="mailto:Kevin.Williams@visupremecourt.org">Kevin.Williams@visupremecourt.org</a>
Franklin Orr	Computer Support Technician	P.O. Box 336 St. Croix ,VI 00841 (340) 778-0613 <a href="mailto:Franklin.Orr@visupremecourt.org">Franklin.Orr@visupremecourt.org</a>
Michelle Gaskin	Administrative Officer I	P.O. Box 336 St. Croix, VI 00841 (340) 778-0613 <a href="mailto:Michelle.Gaskin@visupremecourt.org">Michelle.Gaskin@visupremecourt.org</a>
Kai James	Messenger	P.O. Box 336 St. Croix, VI 00841 (340) 778-0613 <a href="mailto:Kai.James@visupremecourt.org">Kai.James@visupremecourt.org</a>
Mark Vinzant	Transition Team (Volunteer for Board of Independent Living) Mobility Impairment: Wheelchair	P.O. Box 2671 St. Croix, VI 00851 (340) 715-3665 <a href="mailto:mvinzant3@yahoo.com">mvinzant3@yahoo.com</a>

## 9.0 Self-Evaluation Work Sheets and File Compliance

Attached and made a part of the Department's 2013 Self-Evaluation are the following documents used in conducting the Department's ADA-504 Assessment for Employment, Communication (website included), Facilities and Programs, Activities, Goods and Services and all other applicable areas unique to the Department:

Appendix A: Self-Evaluation Questionnaires.....	
A.1 Programs/Services	
A.2 General Administrative Requirements	
A.3 Employment Policies, Procedures, and Practices	
Appendix B: ADA Checklist for Readily Achievable Barrier Removal (#18 Strand Street St. Croix).....	
Appendix C: ADA Checklist for Readily Achievable Barrier Removal (#8174 Subbase St. Thomas).....	
Appendix D: Website Accessibility Checklist.....	
Appendix E: Meeting Minutes.....	

The documents were used to provide structure for organizing and managing the compliance planning process, gathering and analyzing information and documenting decisions about action steps in the Transition Plan.

Title II of the ADA requires that the Department keep the Self-Evaluation and Transition Plan on file for public inspection for three years and immediate action that involves nonstructural change should be taken to eliminate all impediments to full and equivalent participation that are identified in the Department's Assessment Phase.

All structural modifications needed are listed in the Transition Plan and must be done expeditiously as possible and a time line provided for public review.

The Court has ensured that the 2013 Assessment has covered the areas outlined below, assuring that the Department is in compliance with the Americans with Disabilities Act and Section 504 the Rehabilitation Act of 1973. The Department will on a continuous bases, update this self-evaluation as changes occur in the Court.

The Court shall select Departmental ADA Coordinators to attend trainings to ensure the Department's ADA-504 Compliance and the Department's Understanding and Responsibilities in the following areas:

1. Notice of Non-discrimination Policy
2. Complaint and Grievance Procedure
3. Employment - Equal Opportunity
4. Integrated Programs, Services and Activities
5. Procurement Process – Selection Process-(non-discriminatory contracts)
6. Licensing and Certification Process
7. Policy on: Service Animals, Identification Requirements (ex. driver's license from a seeing impaired individual)
8. Eligibility Criteria: participation stipulations which screen out people with disabilities
9. Effective Communication (auxiliary aid and services)
10. Website Compliance
11. Public Television (Access-closed captioning for the hearing impaired)
12. Telephone Communication (TTY-VI Relay Service-Video Relay Service)
13. Emergency Evacuation Plan (includes individuals with various disabilities)
14. Access to Facilities (modifications identified in Transition Plan)
15. ADA-504 Training
16. Employment Reasonable Accommodation
17. Understanding of Pre-employment and medical inquires
18. Confidentiality
19. Understanding of the Federal Enforcement Process

## 10.0 Evaluted Programs- Services- Activites

The programs, services, and activities evaluated by the Court are listed below:

### 1. Programs

- a. Summer Employment Program

### 2. Services

- a. Oral Arguments
  - i. Assistive Listening devices are available upon requests
- b. E-Filing C-Track
  - i. Mandatory to file cases, responses, etc. using an electronic system
  - ii. Rule 40.2 (a) (3) states

#### **40.2. VISCEFS Filing of Documents**

(a) Scope of Electronic Filing; Exemptions.

(1) For all appeals and original proceedings in the Supreme Court, parties represented by an attorney must e-file all briefs, motions, petitions, and other documents electronically in accordance with the procedures of these Rules **unless an exemption has been obtained pursuant to Rule 40.2(a)(3) or the Supreme Court has ordered that e-filing be disallowed in a particular case.**

(2) Parties proceeding *pro se* who are not members of the Virgin Islands Bar may, but are not required to, e-file documents.

(3) Notwithstanding Rule 40.2(a)(1), **the Clerk of the Supreme Court may, upon motion showing extraordinary circumstances, exempt an attorney from mandatory electronic filing or registration as a Filing User, either for purposes of a particular document or for an entire case.** Motions for exemption from electronic filing in all cases shall be docketed as a separate original proceeding and assigned a miscellaneous case number, while motions for exemption from electronic filing in a particular case or with respect to a particular document shall be docketed as part of the case in which the exemption is being sought.

(4) Notwithstanding Rule 40.2(a)(1), all ex parte motions, such as motions to file a document under seal, must only be conventionally filed.

- c. Public Access Computer with Printer
- d. Attorney Discipline
  - i. Public Reprimands
  - ii. Filing of Grievances
- e. Bar Admissions Testing
  - i. Candidates must notify Bar Admissions of any disability and alternative format can be provided (Braille, Audio CDs, Large Print)
- f. Bar Admissions Ceremony
- g. Access to Virgin Islands Code Online

### 3. Activities

- a. Moot Court
- b. Unveiling Ceremony
- c. Virgin Islands Commission on Judicial Conduct meetings
- d. Board of Governors for the Virgin Islands Bar Association meetings
- e. Judicial Council Meetings

### 4. Employment-Policy and Procedures

- Rule 5.8i (Personal Conduct, Safety and Security, Sexual and Other Unlawful Harassment)
  - i. **Sexual and Other Unlawful Harassment. The Supreme Court of the Virgin Islands is committed to providing a work environment that is free from all forms of discrimination** and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, printed or electronic material, jokes, or comments **based on an individual's** sex, race, color, national origin, age, religion, **disability**, sexual orientation, or any other legally protected characteristic will not be tolerated.
- Rule 2.2d (Appointments of Employees, Appointment and Recruitment, Requests for Accommodation)

**Requests for Accommodation.** Any employee or applicant who needs a reasonable accommodation as part of the hiring, promotion or transfer process shall advise the Administrative Director of this need at least three (3) days prior to any examination or interview. Additional information or discussion may be necessary to determine how such a request will be handled.
- Rule 6.3 (Employee Evaluations and Discipline, Accommodation for Physical or Mental Disabilities)

**Accommodation for Physical or Mental Disabilities.** An employee requesting an accommodation for a disability shall provide the administrative authority with a medical certification of any physical or mental impairment and the nature of any limitations the employee may have in performing job duties. The administrative authority shall engage in an interactive process with the employee to:

- a. Analyze and define the essential duties and responsibilities of the employee's position.
- b. Obtain information from the employee's medical treatment provider or from an independent medical examiner in order to determine the extent of the disability and how the disability limits the employee's ability to perform the essential functions of the position.
- c. Consider any reasonable accommodations that would enable the

- employee to continue to perform the essential functions of the job without presenting any undue hardship to the Supreme Court.
- d. Determine which accommodations can and will be used, if any. If no reasonable accommodation can be made in the employee's current position, the administrative authority shall consider reassignment to a vacant position for which the employee is qualified, with or without reasonable accommodations.
  - e. Within thirty (30) days after meeting with the employee, or at a later date with the agreement of the employee, the administrative authority shall notify the employee whether an approved reasonable accommodation can be made that will allow the employee to continue to work for the Supreme Court. If no reasonable accommodation is available or if the accommodation cannot be made without undue hardship to the Supreme Court, the administrative authority may consider termination of the employee in accordance with the procedures of Rule 6.2 (e).
  - f. If the employee is terminated, the employee may appeal the decision in accordance with Rule 8.2.
- Employment Application has statement that reads:  
"The Supreme Court of the Virgin Islands is an equal opportunity employer. The Supreme Court does not discriminate in hiring based on age, race, creed, color, national origin, sex, or disability."