



SUPREME COURT OF THE VIRGIN ISLANDS
ADA-Transition Plan



Supreme Court of the Virgin Islands ADA Transition Team St. Thomas

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Attached and made a part of the Court’s 2013 Transition Plan are the following documents. The documents were used to document decisions about action steps in the Transition Plan.

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Part 1: Introduction and Purpose

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 Transition Plan 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 Transition Plan.

1.2 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 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)) and
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 relationship or association.

1.3 The Department's 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 Transition Plan.

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 does not receive federal funding; however, the Court will comply with the requirements of Section 504 and the ADA.

The ADA specifically states intent to apply lesser standards than are required under other federal, state, or local laws; therefore, the law which is the most stringent has precedence. This intent has particular application with respect to the Virgin Islands Code which in some cases exceeds ADA requirements. The Supreme Court of the Virgin Islands is responsible for familiarizing itself with the Virgin Islands Code as it pertains to persons with disabilities in the Territory.

Under Title II, public entities, including the Department, 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 USDOJ regulations require the Supreme Court of the Virgin Islands to prepare a Transition Plan, outlining the structural modifications it will implement to make its programs and services accessible to persons with disabilities. The USDOJ regulations also require that the Department prepare a Self-Evaluation, as described in a separate document to assess its programs, services, activities, communication, facilities and employment practices to assure that discriminatory practices are identified and removed. Those areas of the Department Self-Evaluation assessment which identifies architectural barriers to program accessibility, the Department must prepare a Transition Plan outlining the structural modifications the Department will implement to make its programs, services,

activities and facilities accessible to people 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).

1.4 Grievance Policies and 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 formal complaint and grievance procedures.

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 the Title II, including information about how Title II requirements apply to its particular programs, services and activities [28 C.F.R. §35.106].

The Supreme Court of the Virgin Islands is required to adopt grievance procedures for resolving complaints alleging ADA violations, including the presence of architectural barriers to accessibility. Such procedures may take into account the findings included in the Transition Plan but grievances must be evaluated on a case-by-case basis and could result in a re-evaluation of findings or recommendations included in the Court's Transition Plan.

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 grievance procedure must take into account resolution of complaints of architectural barriers violations. The purpose of this grievance procedure is to provide means for timely resolution of *all* problems or conflicts related to ADA compliance before they escalate to the point where the complainant feels it necessary to resort to the federal complaint process or litigation. This procedure must be just as accessible and appropriate for use by public citizens and the Court's employees.

The Court's procedures may take into account the data collected and made a part of the Transition Plan; however, it is best practice to evaluate grievances on a case-by-case basis and re-evaluate and include the outcomes of the violations into the Transition Plan.

Title II regulation also provides that public entities must adopt and publish grievance procedures, providing for prompt and equitable resolution of complaints [28 C.F.R. § 35.107 (b)]. The public entity may use a grievance procedure that is already in place; it is not necessary to design a separate process specifically for the ADA.

Title II requirements regarding grievance procedures have been in effect since January 26, 1992. There are similarities and differences between the Title II and Section 504 requirements concerning grievance procedures. Both regulations require that covered entities adopt and publish a grievance procedure providing for the prompt and equitable resolution of complaints [28 C.F.R. § 35.107 (b) and 34 C.F.R. § 104.7(b)].

Under both regulations, complainants are not required to exhaust grievance procedures before filing a complaint with any of the various agencies and entities. However, Section 504 requirements apply to recipients with fifteen or more employees, while the Title II requirements apply to public entities with 50 or more employees [28 C.F.R. § 35.107 (a) and 34 C.F.R. § 104.7(a)]. Also, unlike the Title II regulation, the Section 504 regulation

specifically states that grievance procedures must adopt due process standards [34 C.F.R. §104.7(b)]. Shown below is the grievance procedure for the Government of the Virgin Islands.



Government of the United States Virgin Islands Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, access to government facilities or benefits by The Government of the United States Virgin Islands. The Territory's Personnel Policy governs employment-related complaints of disability discrimination.

The complaints and appeals should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. 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 complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

*Stephanie E. Barnes - VI Territorial ADA Coordinator - Office of the Governor-ADA Office
Arthur Abel Complex - 315 Prince Street – Frederiksted - St. Croix Virgin Islands 00840
340-772-1000x4703(voice) 340-626-3330(mobile) 340-692-1592(TTY)
stephanie.barnes@go.vi.gov*

Within 15 calendar days after receipt of the complaint, *Stephanie E. Barnes, VI Territorial ADA Coordinator* or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, *Stephanie E. Barnes, VI Territorial ADA Coordinator* or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of The Government of the United States Virgin Islands and offer options for substantive resolution of the complaint.

If the response by *Stephanie E. Barnes, VI Territorial ADA Coordinator* or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to: **The United States Virgin Islands Department of Justice, Office of the Attorney General, US VI Attorney General, Vincent Frazer or his designee at 34-38 Kronprindsens Gade, GERS Complex, 2nd Floor, St. Thomas, VI 00802-5749 Voice (340)-774-5666. Please request alternative means of filing your appeal with the VI Territorial ADA Coordinator.**

Within 15 calendar days after receipt of the appeal, the US VI Attorney General, Vincent Frazer or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the US VI Attorney General, Vincent Frazer or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by *Stephanie E. Barnes, VI Territorial ADA Coordinator* or her designee, appeals to the US VI Attorney General, Vincent Frazer or his designee, and responses from these two offices will be retained by The Government of the United States Virgin Islands for a minimum of three years.

1.5 Notice of Non-Discrimination Policy

Section Summary

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

The ADA and Section 504 requires that the Department must ensure that no qualified individual is, on the basis of disability, excluded from participation in or denied any benefit from the Department'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 Court has had a long-standing written policy statement of non-discrimination on the basis of disability. This information will be updated as administratively required by the ADA and Section 504 during the 3 years beginning November 2013 through November 2016.

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 notice requirements of Title II and Section 504 are somewhat different. Under the Section 504 regulation, a recipient of federal financial assistance that employs 15 or more people must provide a notice that states, where appropriate, that the recipient does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs or activities [34 C.F.R § 104.8 (a)]. Under Section 504, the notice must also include identification of the employee designated to coordinate Section 504 compliance efforts. A recipient of federal financial assistance that provides notice about coverage under the ADA must still meet the more specific notice requirements of Section 504, including identification of the 504 Coordinator, if the recipient has 15 or more employees.

In order to facilitate effective communication, the information must be presented in clear, straight-forward language, avoiding legal and bureaucratic idioms, and in alternative formats that are accessible to individuals with different disabilities. The Court must provide this information not just once but on an ongoing basis [28 C.F.R. § 35.106 and [34 C.F.R. § 104.8 (a)]. Appropriate methods of providing notice include publication of information in handbooks, manuals, and pamphlets that are distributed to the public to describe a public entity's programs and activities; the agendas of public meetings; the display of informative posters in public places; or the broadcast of information by television or radio.

The Government of the Virgin Islands' Statement of Non-Discrimination issued by the Office of the Governor- ADA Office and by the Virgin Islands Department of Justice is given below:



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.

1.6 Public Process and Input

Section Summary

The information in the Transition Plan 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 and Transition Plans 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 Transition Plan Requirements

Section Summary

The Transition Plan documents the actions being taken by the Court to ensure that its programs, services, activities, communication and facilities are accessible to people with disabilities. It is required when modifications and alterations are needed to remove architectural barriers at the Court's facilities where programs, activities and services are provided. The Transition Plan provides descriptions of areas in need of modifications and alterations, references the 2010 Standards for Accessible Designs and gives a timeline for completion of the work needed.

A public entity is required to prepare a Transition Plan under USDOJ regulations implementing Title II of the ADA (28 CFR 35.107(b) & 49 CFR 27.13(b)). The 1990 ADA stipulated that every public entity with more than 50 employees have an ADA Transition Plan completed by January 26, 1995. The ADA Transition Plan is the Court's document that identifies physical obstacles that limit the accessibility of facilities to people with disabilities and provides a schedule for the removal of those obstacles.

The ADA applies to all of the Court's facilities, including facilities built before and after 1990. As a necessary step to a program access plan to provide accessibility under the ADA, state and local government, public entities or agencies are required to perform self-evaluations of their current facilities, relative to the accessibility requirements of the ADA. The agencies are then required to develop a Program Access Plan, which can be called a Transition Plan, to address any deficiencies. The Plan is intended to achieve the following:

1. identify physical obstacles that limit the accessibility of facilities to individuals with disabilities;
2. describe the methods to be used to make the facilities accessible;
3. provide a schedule for making the access modifications; and
4. identify the public officials responsible for implementation of the Transition Plan.

The Plan is required to be updated periodically until all accessibility barriers are removed.

A comprehensive assessment was conducted of the Court's facilities and architectural barriers for ALL facilities owned and operated by the Court. The assessment (Self-Evaluation) is the survey process which leads to the Transition Plan. Data gathered in the Self-Evaluation is transferred and made a part of this Transition Plan and outlined in the 2013 Transition Plan Matrix-Excel spreadsheet and made a part of this Transition Plan (Attachment B).

The Transition Plan, as it relates to buildings and facilities owned, leased and operated by the Court is to document the barriers to persons with disabilities, that are present in the facilities, and to propose the structural modifications that will be undertaken to provide program accessibility. The Court utilized facility checklists which provided the identification of architectural barriers present at the Court's facilities.

The term "facilities" is intended to include buildings, structures, or any part of real property

that involves a specific use by persons including, the public, guests and employees.

The Court has made efforts prior to this Transition Plan to make accessibility improvements on a continual basis. Those physical accessibility improvements will be listed in detail in this Transition Plan including those improvements which are currently being undertaken during the Department's 2013 Self-Evaluation and Transition Plans. These improvements and the partially completed improvements will be outlined in this Transition Plan.

ADA Improvements completed thus far are as follows:

St. Thomas

- Accessible courtroom, spaces, and elevators
- Installation of alarm systems for the hearing and visually impaired
- Designation of ADA Coordinator and provided training
- Installation of Braille signs
- Creation of policies and rules to accommodate individuals with disabilities
- Met with landlord to request installation of appropriate signage for accessible parking spaces
- Relocated furniture that impeded access to services
- Trained staff on American Sign Language
- Installed assistive listening devices for individual with difficulty hearing in our Courtroom
- Installed compliant light switches and faucet handles
- Installed elevator to improve access and maintain a regular maintenance schedule
- Purchased TTY Phones
- Posted required notices on bulletin board

St. Croix

- Made accommodations for ADA Restroom
- Designation of ADA Coordinator and provided training
- Installed compliant ADA signs that include Braille
- Installation of a LULA Elevator to get to 2nd floor
- Purchased TTY Phones
- Trained staff on American Sign Language
- Posted required notices on bulletin board
- Established a maintenance schedule for the LULA Elevator every six (6) months.

The assessment has made it probable that the Court will continue to undertake some structural modifications as part of capital improvement projects, and that there will be one or more "specialized" projects focusing solely on disabled access improvements at the highest priority. See Attachment B.

There are seven steps to meeting USDOJ-ADA requirements for completing the Court's Transition Plan:

1. Designate an ADA Coordinator;

2. Provide public notice of ADA requirements;
3. Establish a grievance procedure;
4. Develop internal design standards, specifications, and details;
5. Assign personnel for the development of the Transition Plan and completing it;
6. Approve a schedule and budget for the Transition Plan;
7. Monitor the progress on the implementation of the Transition Plan.

The completed Transition Plan for the Department will be maintained and made available during normal business hours or by appointment for public inspection at the following locations:

Supreme Court of the Virgin Islands
Office of the Administrative Director
#18 Strand Street
Frederiksted St. Croix, VI 00840
(340) 778-0613
Contact Person: Mr. Kevin Williams
Monday- Friday 8:00 am - 5:00 pm

Supreme Court of the Virgin Islands
Office of the Administrative Director
#161B Crown Bay
St. Thomas, VI 00802
(340) 774-2237
Contact Person: Koya Ottley
Monday- Friday 8:00 am - 5:00 pm

1.8 Relationship of Self- Evaluation & Transition Plan

Section Summary

The self-evaluation and transition plan are interdependent documents. The self-evaluation describes the Department's programs, services and activities and how they will be made accessible to individuals covered under the ADA and Section 504. The Transition Plan describes the architectural- structural modifications that will be made to meet the self-evaluation commitments. Information contained in the two separate documents provides all the information regarding compliance to Title II of the ADA and Section 504.

The Court's Self-Evaluation describes and provides a list of all the programs, services and activities and explains the measures by which the Court will use to implement policies and procedures to meet the USDOJ's Title II administrative requirements. The Self-Evaluation shows how those programs, services and activities will be made accessible.

As outlined in the Department's Self-Evaluation, programs can be made accessible in three ways:

Reasonable Accommodations:

1. Minor programmatic changes, such as providing test material in alternate formats;
2. Moving the program to an accessible site;
3. Making facility upgrades, "structural modifications", to the program site

NOTE: It is not uncommon that most facilities built before 1990 are fully accessible or that most Departments can locate accessible facilities to re-locate programs, services or activities to accessible locations. Most Departments must make some modifications to provide reasonable access to their programs, services or activities. The Court's Transition Plan documents all facility accessibility deficiencies and provides an outlined plan of action for making the necessary modifications or alterations to provide access for individuals with various disabilities.

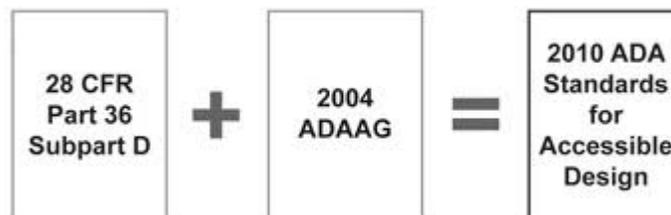
The Court's Transition Plan will also clearly identify the facility location, areas of non-compliance at the facility's location and the corrective measures that will be implemented and the time of completion of the modification or alteration. The Transition Plan will document the Court's facilities which provide programs, services and activities to the public and will list the Court's interim plan for reasonable accommodations during the corrective measure phase and completion of the deficiency(s).

1.9 Description of Facility Accessibility

Section Summary

Under the ADA facilities must meet the requirements and comply with certain regulations published by the USDOJ. The standards and regulations which the Department will use to measure facility accessibility are contained in detail in the architectural requirements titled the 2010 ADA Standards for Accessible Designs (ADASAD).

State and local government facilities must follow the requirements of the 2010 Standards, including both the Title II regulations at 28 CFR 35.151; and the 2004 ADAAG at 36 CFR part 1191.



The ADASAD is designed to ensure accessibility for individuals with a wide variety of different disabilities, such as persons who are blind or have low vision, people who are deaf or hard of hearing, persons with limited use of hands or arms, individuals with mobility impairments who use canes, crutches, braces or walkers, persons who use wheelchairs, and people who have combinations of disabilities.

Thus, the ADASAD includes architectural requirements that address the different needs of persons with each of these types of disabilities. For example, the ADASAD includes requirements for braille and raised letter signs and cane-detectable warnings of safety hazards for persons who are blind or have low vision. The ADASAD requires Title II entities' facilities to install fire alarms in bathrooms and meeting rooms specifically for persons who are deaf or hard of hearing.

The ADASAD requires door hardware, heating and air conditioning controls, and faucet controls that do not require tight pinching, twisting, or grasping for persons with limited use of hands or arms. For persons who use mobility aids because they cannot walk or have problems walking or climbing stairs, the ADASAD requires there to be ways of traveling throughout the facility that do not have steps, stairs, or other abrupt level changes. .

The Department's facilities must comply with all of the requirements in the ADASAD that are applicable. And, because a difference of inches or, in some cases, a difference of a fraction of an inch can pose a serious safety hazard or result in the denial of access for persons with disabilities, full compliance with the ADASAD is essential.

All contracted consultants, architects, or construction companies must adhere to the facility regulations contained in ADASAD and it is the responsibility of the Title II entity to ensure compliance with the ADASAD. Where the Department undertakes new construction or

renovations to a facility the Department is also required to reference the local building codes prior to commencing on any improvement project.

1.10 Undue Hardship

Section Summary

Any particular change or adjustment would not be required if, under the circumstances involved, it would result in an undue hardship by the Department.

"Undue hardship" means significant difficulty or expense relative to the operation of a public entity's program. Where a particular accommodation would result in an undue hardship, the public entity must determine if another accommodation is available that would not result in an undue hardship. The Department must thoroughly investigate and prove that the Department exhausted all measures to accommodate the individual with a disability in order to claim undue hardship.

In providing program access, city governments are not required to take any action that would result in a fundamental alteration to the nature of the service, program, or activity in question or that would result in undue financial and administrative burdens. This determination can only be made by the Chief Justice or a designee and must be accompanied by a written statement of the reasons for reaching that conclusion. The determination that undue burden would result must be based on all resources available for use in a program. If an action would result in such an alteration or such burdens, the Department must take any other action that it can to ensure that people with disabilities receive the benefits and services of the program or activity. 28 C.F.R. § 35.150(a)(3).

In general

The term "undue hardship" means an action requiring significant difficulty or expense, when considered in light of the factors to be considered:

Factors to be considered

In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include—

- i. the nature and cost of the accommodation needed under this chapter;
- ii. the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- iii. the overall financial resources of the covered entity; the overall size of the Department of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and
- iv. the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

The Court must produce evidence and demonstrate undue hardship to the USDOJ and must be prepared to demonstrate the nature and cost of the accommodation or cost of compliance alternatives. The Department and the Government of the Virgin must be prepared to also provide overall financial resources as required to demonstrated undue hardship.

1.11 Removal of Structural Barriers

Section Summary

Recognizing that the Department may have limited funds and cannot immediately make all building and facilities fully accessible, the Department will remove architectural barriers and communication barriers that are structural in nature in existing facilities, when it is readily achievable to do so.

Architectural barriers are physical elements of a facility that impede access by people with disabilities. These barriers include more than obvious impediments such as steps and curbs that prevent access by people who use wheelchairs.

The Department facilities assessed—telephones, drinking fountains, mirrors, and paper towel dispensers—will be mounted at a height that makes them accessible to people using wheelchairs. Conventional doorknobs and operating controls which impede access by people who have limited manual dexterity will be replaced. Uneven floors, or worn uneven carpet and unpaved exterior ground surfaces will be addressed in Part II of the Transition Plan if found to be barriers preventing access to people who use wheelchairs and people who use other mobility aids, such as crutches. Impediments caused by the location of temporary or movable structures, such as furniture, equipment, and display racks, are also considered architectural barriers and are addressed in Part II of this document.

1.12 Transition Plan Priorities

Section Summary

The ADA required all local and state governments to remove architectural barriers in existing buildings and make sure that newly built or altered facilities are constructed to be accessible to individuals with disabilities. "Grandfather Provisions" often found in local building codes do not exempt government facilities from their obligations under the ADA. Title II entities deadline for compliance started March 15, 2011. Local and state governments must comply with the ADA's general nondiscrimination requirements, including provisions related to policies and procedures and effective communication. The deadline for complying with the 2010 Standards, which detail the technical rules for building accessibility, was March 15, 2012.

The Department will produce a list of Architectural Barrier Removal Projects, which will include those buildings and facilities that receive a high level of use by the public, provide programs and/or services that are unique and cannot occur in another location, and are distributed throughout the Department's other facilities thereby providing maximum access for all residents. The list will include those buildings and facilities that are considered by the Department as being its highest priorities for addressing the removal of architectural barriers.

The Court has the right to change the barrier removal priorities on an ongoing basis in order to allow flexibility in accommodating community requests, petitions for reasonable modifications from persons with disabilities, and changes in Court programs and services.

It is the intent of the Court to have its Departmental ADA Coordinators work together with department heads and budget staff to determine the funding sources for architectural barrier removal projects. Once funding is identified, the Administrative Director will coordinate the placement of the projects in the Court's Capital Improvement Budget to be addressed on a fiscal year basis.

1.13 Transition Team

Section Summary

A team approach is key to achieving successful compliance for several reasons. First, the Transition 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, the Transition Plan requires various expertise and skills unique to the Department.

The names and contact information of all the Court's Transition Team members are provided below. The Departmental ADA Coordinator is the Department compliance team's liaison between the staff and the Department Head.

The Transition committee had twelve members comprising five senior level managers, five employees and two persons 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.

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

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

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

The Court's Transition Team will measure the success of the ADA Transition Plan. As stated in our Commitment Notice, Transition Team meetings will be held every six months and periodically thereafter at the Court's facilities on both islands to address the status of the Transition Plan and make updates as necessary. The Transition Committee will evaluate the progress of the work being conducted at the Department's facilities, update the transition plan matrix, evaluate and update the Transition Plan for improvement to access to any new programs and adjust and include any newly found violations of the ADA or Section 504. The meetings held to date and the accompanying minutes can be found within Appendix A.

The success of the Transition Plan will be determined by:

- Measuring the level of public participation in programs.
- Soliciting feedback on how adequately special needs were met.
- Tracking the number of people with disabilities who participate in selected programs.
- Tracking the number of requests for programs that are accessible to people with disabilities.

Part 2: Facilities Compliance Plan

2:1 Facilities Compliance Plan

Section Summary

The Department's Self-Evaluation forms the backbone of the Transition Plan. The primary purpose of the Transition Plan is to document facility changes necessary to provide program access. Part 2, Facilities Compliance Plan of this Transition Plan establishes the Department's compliance work necessary to achieve district-wide program access, as described in the Department's Self-Evaluation. The Department will provide the public with details of the process by which the Department will accomplish Facilities Access Compliance with Section 504 and the ADA. The Department will provide the public with the categorization denoting the priority level of accessibility to be obtained. The categorizations of priorities establish the specific work to be accomplished at each facility. The priority of categorization will be determined by Department Head with input from the Department's Transition Team.

Title II of the ADA requires that public entities having responsibility for or authority over facilities meant for public use develop a Transition Plan to make their facilities meet the standards for Program Accessibility. Program Accessibility means that a program, activity and/or service are accessible when viewed in its entirety. The Transition Plan transforms inaccessible facilities into environments that are accessible to and functional for individuals with disabilities.

This Transition Plan combines the findings of the facility surveys, policy assessments, and program evaluations. Specific policy and program recommendations can be found in Section 2. The specific architectural modifications required to make programs accessible are listed in Appendix B. Each facility report contains a complete list of architectural barriers and barrier removal actions. Not all of these barriers must be removed in order to provide program access.

In compliance with the requirements of the ADA, the Court will maintain in working order equipment and features that are required to provide access to individuals with disabilities.

2.2 Categorization of Facilities

The Supreme Court of the Virgin Islands has created a Matrix spreadsheet which categorized the work that needs to be accomplished at our facilities. This spreadsheet is located in Appendix B. It is intended that all identified barriers that are not complying with the 2010 Standards for Accessible Designs be removed at these sites.

The Department's facilities are scheduled to be made accessible for all programs, services and activities located at the site. Work for these facilities will be on the earliest possible schedule as funding is available. The work will include items listed under three priorities. It is intended that all Priority 1 and 2 barriers would be removed or addressed. Other priority work would be undertaken as modification projects are initiated and accessibility upgrades are triggered. Over time, all the accessibility work will be completed. Work for these facilities will be according to the following schedule:

Priority 1: High - Immediate (work will be accomplished in less than one year)

Priority # 1 for both STX & STT												
1.49	SCT-STX	Room 101	Carpet in front of metal detector not secured		Photo DSCF4083	Will secure carpet edges	H	M	M	\$25.00		11/25/14
2.38	SCT-STX	Building	Signs throughout building are not mounted on latch side of all doors		Photo DSCF4122	Will adjust signs to accommodate	H	M	M	\$50.00		11/25/2015
2.38	SCT-STX	Building	Signs designating permanent rooms throughout building are not mounted higher		Photo DSCF4122	Will adjust signs to accommodate	H	M	M	\$50.00		11/25/2015
2.39	SCT-STX	Building	No signs that provide direction or information about interior spaces		Photo DSCF4123	Will add directional signs	H	M	M	\$200.00		11/25/2015
2.49	SCT-STX	Room 119	In Administration area rug is not secured along edges, posing tripping hazard		Photo DSCF4167	Will secure carpet edges	M	L	L	\$25.00		11/25/2014
3.2	SCT-STX	First Floor	No signs indicating directions to ADA restrooms on first floor non-ADA restrooms		Photo DSCF4013	Will add directional signs	H	M	M	\$200.00		11/25/2015
3.5	SCT-STX	Building	Signs designating permanent rooms throughout building are not mounted higher		Photo DSCF4122	Will adjust signs to accommodate	H	M	M	\$250.00		11/25/2015
3.2	SCT-STX	Room 209	No signs indicating directions to ADA restrooms on second floor non-ADA		Photo DSCF4170	Will add directional signs	M	M	L	\$200.00		11/25/2016
3.5	SCT-STX	Building	Signs designating permanent rooms throughout building are mounted higher than		Photo DSCF4128	Will adjust signs to accommodate	M	M	M	\$250.00		11/25/2015
3.28	SCT-STX	Room 209	Hand sanitizer in Room 209 is 57 ½ inches above floor should be 48 inches max		Photo DSCF4141	Will adjust height to accommodate	M	M	M	\$250.00		11/25/2016
4.14 - 4.19	SCT-STX	Room 101	NO ADA compliant public telephone		Photo DSCF4155	Procure TTY Device	H	M	M	\$1,500.00		11/25/2014
2.31 (Page 12)	SCT-STT	Elevators	There are no signs on the door jamb at every floor identifying the floor		407 & 408	Have staff assist in the elevator; install signs	1	H	H	\$500		11/25/14
2.31 (Page 12)	SCT-STT	Elevators	There is no tactile star on the door jamb at the main entry level		407 & 408	Have staff assist in the elevator; install signs	1	H	H	\$500		11/25/14
Priority # 1 Total										\$4,000.00		

Priority 2: Medium - Moderate (work will begin and completed within one – three years)

Priority #2 for both STX & STT												
1.42	SCT-STX	Entrance	Floor in front of main entrance security door is not level		Photo DSCF4080	Will install assistance call button and proper signs so Marshals will provide assistance to ADA visitors	H	M	L	\$6,000.00		11/25/14
2.15	SCT-STX	Room 103	In Clerks' office ramp has only one handrail on right hand side		Photo DSCF4108	Will install second hand rail	H	M	M	\$800.00		11/25/15
2.4	SCT-STX	Room 103	Doorway in Clerks' Office leading to Room 109 is 34 inches in width		Photo DSCF4109	Remove wooden trim to meet 36 inch requirement	M	M	L	\$300.00		11/25/2014
2.32	SCT-STX	Lift Area	Platform lift cannot be operated without assistance from others	Security key required to utilize lift. Key must be present in one of 3 keyholes to activate lift.	Photo DSCF4121	Add a flap onto gate to Security entrance/exit to second floor	H	M	L	\$1,500.00		11/25/2014
2.67	SCT-STX	Room 101	In first floor lobby area Kiosk table is not at ADA compliant height		Photo DSCF4064	Will replace desk with complaint furniture	H	M	M	\$2,000.00		11/25/2015
3.20	SCT-STX	Room 110	No coat rack provided in ADA restroom		Photo DSCF4136	Will add coat rack if deemed necessary	M	M	L	\$250.00		11/25/2015
3.20	SCT-STX	Room 209	No coat rack provided in ADA restroom		Photo DSCF4132	Will add coat rack if deemed necessary	M	M	L	\$250.00		11/25/2016
3.30 (Page 3)	SCT-STT	Toilet Room (Room 221)	Accessible toilet room on the second floor closest to the Courtroom and Receptionist does not have the International Symbol of Accessibility sign			Have staff direct persons to accessible restroom; install sign	3	M	M	\$300		11/25/15
3.19 (Page 9)	SCT-STT	In the Toilet Room	Mirror over the countertop by the accessible toilet room on the second floor closest to the Courtroom and Receptionist is higher than 40 inches above the floor; it is 42 inches			Lower the mirror	3	M	M	\$400		11/25/15
3.24 (Page 10)	SCT-STT	Lavatories	Accessible toilet room on the second floor closest to the Courtroom and Receptionist does not have at least 27 inches of clearance from the floor to the bottom of the lavatory extending at least 8 inches under the lavatory for knee clearance		606	Alter or replace lavatory	3	M	M	\$800		11/25/15
3.33 (Page 14)	SCT-STT	Water Closets in Single User Toilet Rooms & Compartments	Accessible toilet room on the second floor closest to the Courtroom and Receptionist does not have a grab bar at least 42 inches long on the side wall		603 & 609	Install longer grab bar	3	M	M	\$300		11/25/15
3.33 (Page 14)	SCT-STT	Water Closets in Single User Toilet Rooms & Compartments	Accessible toilet room on the second floor closest to the Courtroom and Receptionist does not have a grab bar that extends at least 54 inches from the rear wall		603 & 609	Install longer grab bar (See above)	3	M	M	\$300		11/25/15
Priority # 1 Total										\$13,200.00		

Category 3: Low - Complex Projects (undetermined completion date: updated quarterly)

Priority #3 for both STX & STT												
2.50	SCT-STX	Building	Light switches are mounted higher than 48 inches above the floor	Switches are embedded in concrete structure	Photo DSCF4062 , 4063		M	M	M	\$1,000.00		11/25/2015
2.50	SCT-STX	Room 101, 200	Security panels are mounted higher than 48 inches above the floor	Switches are embedded in concrete structure	Photo DSCF4061		M	L	M	\$3,000.00		11/25/2015
2.51	SCT-STX	Second Floor	Second floor light switch hardware should be changed to be ADA compliant		Photo DSCF4175	Will replace switch hardware to comply	M	M	M	\$800.00		11/25/2015
3.4	SCT-STX	Room 109	Doorway in Room 109 leading to ADA restroom is 34 inches wide, should be 36 inches		Photo DSCF4013 , 4014, 4015	Remove wooden trim to meet 36 inch requirement	H	M	M	\$250.00		11/25/2014
3.33	SCT-STX	Room 110	Grab bars in ADA bathroom is too short		Photo DSCF4053	Will replace grab bars	M	M	M	\$1,000.00		11/25/2015
3.1	SCT-STX	Room 209	Restrooms on second floor are not ADA accessible		Photo DSCF4129	Will modify Male restroom into Unisex ADA compliant restroom to accommodate	M	M	L	\$8,000.00		11/25/2016
3.4	SCT-STX	Room 200	Restrooms not accessible from Law Clerk Offices and Law Library due to stairs		Photo DSCF4130 , 4131, 4170	Will add movable ramp to provide ADA access	L	L	L	\$1,500.00		11/25/2016
3.6	SCT-STX	Room 209	Door opening width in Room 209 is 29 inches		Photo DSCF4129	Will modify doorway	M	M	L	\$1,000.00		11/25/2016
3.16	SCT-STX	Room 209	In Room 209, path to toilet is 33 inches not 36		Photo DSCF4136	Will correct during ADA update of restroom	M	M	L	\$600.00		11/25/2016
3.17	SCT-STX	Room 209	In Room 209, not enough floor space for wheelchair to turnaround		Photo DSCF4136	Will correct during ADA update of restroom	M	M	L	\$2,000.00		11/25/2016
3.19	SCT-STX	Room 209	Mirror in Room 209 is 41 ¼ inches above the floor, not 40 inches		Photo DSCF4137	Will correct during ADA update of restroom	M	M	L	\$250.00		11/25/2016
3.21	SCT-STX	Room 209	Space for forward approach to sink should be 30 inches by 48 inches, currently 30 inches by 45		Photo DSCF4138	Will correct during ADA update of restroom	M	M	L	\$800.00		11/25/2016
3.23	SCT-STX	Room 209	Sink in Room 209 is 36 inches above the floor		Photo DSCF4139	Will correct during ADA update of restroom	M	M	L	\$1,000.00		11/25/2016
3.26	SCT-STX	Room 209	Sink in Room 209 has piping exposed		Photo DSCF4139	Will correct during ADA update of restroom	M	M	L	\$800.00		11/25/2016
3.33	SCT-STX	Room 209	Grab bar in Room 209 does not extend to 54 inches due to wall obstruction		Photo DSCF4146	Will replace grab bars	M	M	L	\$1,000.00		11/25/2016
4.20	SCT-STX	Building	Fire alarms do not have flashing lights		Photo DSCF4159	Install device with strobe lights and audible alarm	H	M	M	\$8,000.00		11/25/2016
Priority # 3 Total										\$31,000.00		

2.3 Definition of Facility Elements

Facility data and proposed accessibility improvements are separated into facility elements. These elements are used within the Transition Plan database to help organize the checklists data for each facility, and are used in discussing proposed work in the Facilities Compliance Plan, Part 2 of the Transition Plan. Numbers for elements are assigned in order of the way a person arriving at a site will experience the accessibility elements. These elements are defined below:

1. Approach and Entry
2. Access to Goods and Services
3. Toilet Rooms
4. Additional Access

The Department's programs and services were identified and listed in the Department's Self-Evaluation. The programs have been included in the Self-Evaluation are not otherwise addressed in the Transition Plan.

2.4 Prioritization of Facility Elements

Accessibility barriers are labeled as Priority 1, 2, or 3 in order to ensure a consistent comparison between facilities. The numeric designation does not necessarily establish a level of importance relative to other work. The prioritization of facility elements should not be interpreted to mean that some work is more important than other work without regard to the facility. All work is equally important because these facilities should be fully accessible to meet ADA Title II requirements.

- **Priority One:** The highest priority is placed on those barrier removal items that provide accessibility at the main entrance of the facility or improve a path of travel to the portion of the facility where program activities take place. (Examples: parking and passenger loading, entrance walks, entrance ramps, entrance stairs, entrance doors)
- **Priority Two:** A second level priority is placed on those barrier removal items that improve or enhance access to programs and services use areas. (Examples: transaction counters, conference and meeting rooms, public restrooms)
- **Priority Three:** A third level priority is placed on those barrier removal items that improve access to amenities serving program areas. (Examples: drinking fountains, restrooms)
- **Priority Four:** A fourth level of priority is assigned to areas or features that are not required to be modified.

2.5 Required Work by Priority

This section identifies which elements are required to be accessible for each priority. The standard for accessibility for the each element shall be the most restrictive of the Virgin Islands Building Code or the 2010 Standards for Accessible Designs.

1. Approach and Entry

Priority 1:

St. Thomas

- Accessible Parking space signs are not installed
- Van Accessible Signs are not installed
- Entrance carpet has to be secured or removed

St. Croix:

- Carpet in front of metal detector not secured
- Floor in front of main entrance security door is not level

2. Access to Goods and Services

Priority 2:

St. Thomas:

- Route is not slip resistant
- Entrance carpet needs to be secured, represents a hazard
- There are no signs on the door jamb of the elevator door identifying the floor
- There is no tactical star on the elevator door jamb at the main entry level
- Doors (Receptionist, Courtroom, Conference Room) cannot be opened with five pounds of maximum force

St. Croix:

- Signs throughout building are not mounted on latch side of all doors
- Signs designating permanent rooms throughout building are not mounted higher than 48 inches from floor to lowest character on sign
- No signs that provide direction or information about interior spaces
- In Administration, area rug is not secured along edges, posing a trip hazard
- In Clerks' office ramp has only one handrail on right hand side
- Doorway in Clerks' Office leading to Room 109 is 34 inches in width
- Platform lift cannot be operated without assistance from others
- In first floor lobby area Kiosk table is not at ADA compliant height
- Light switches are mounted higher than 48 inches above the floor
- Security panels are mounted higher than 48 inches above the floor
- Second floor light switch hardware should be changed to be ADA compliant

3. Toilet Rooms

Priority 3:

St. Thomas

- Accessible toilet room on the second floor close to the Courtroom and

Receptionist does not have International Symbol of Accessibility sign installed

- Mirror over the countertop by the accessible toilet room on the second floor closest to the Courtroom and Receptionist is higher than 40 inches above the floor
- Accessible toilet room on the second floor closest to the Courtroom and Receptionist does not have at least 27 inches of clearance from the floor to the bottom of the lavatory extending at least 8 inches under the lavatory for knee clearance
- Accessible toilet room on the second floor closest to the Courtroom and Receptionist does not have a grab bar at least 42 inches long on the side wall
- Accessible toilet room on the second floor closest to the Courtroom and Receptionist does not have a grab bar that extends at least 54 inches from the rear wall

St. Croix:

- No signs indicating directions to ADA restrooms on first floor—non-ADA restrooms
- No signs indicating directions to ADA restrooms on second floor—non-ADA restrooms
- Signs designating permanent rooms throughout building are mounted higher than 48 inches from floor to lowest character on sign
- Hand sanitizer in Room 209 is 57 ½ inches above floor should be 48 inches max
- No coat rack provided in ADA restroom
- Doorway in Room 109 leading to ADA restroom is 34 inches wide, should be 36 inches
- Grab bars in ADA bathroom are too short
- Restrooms on second floor are not ADA accessible
- Restrooms not accessible from Law Clerk Offices and Law Library due to stairs
- Door opening width in Room 209 is 29 inches
- In Room 209, path to toilet is 33 inches not 36
- In Room 209, not enough floor space for wheelchair to turnaround
- Mirror in Room 209 is 41 ¾ inches above the floor, not 40 inches
- Space for forward approach to sink should be 30 inches by 48 inches, currently 30 inches by 45
- Sink in Room 209 is 36 inches above the floor
- Sink in Room 209 has piping exposed
- Grab bar in Room 209 does not extend to 54 inches due to wall obstruction

4. Additional Access

Priority 4

St. Croix:

- NO ADA compliant public telephone
- Fire alarms do not have flashing lights

2.6 Department's Survey Interpretation: Summary Report

Title II regulations require the Court to inform the public of the rights and protections provided by the ADA.

Public notification regarding Court programs, events and registration often does not include information about available program modifications or non-discrimination language, nor does it identify a contact person for those persons with disabilities who may request program modifications.

Listed below are recommended actions the Court will consider:

1. Increase outreach to persons with disabilities and the organizations that serve them. The Court should inform the public of the possible modifications that can be provided to make services, programs, and activities accessible.
2. Include the following notice (or a similar notice) regarding the Court's commitment to providing accessible services in all Court publications that provide information about Court services, programs, or activities. The notice should also be placed in all Court facilities in a location that will maximize public exposure.

In accordance with the Americans with Disabilities Act, it is the policy of the Supreme Court of the Virgin Islands to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator.

Advance notification within this guideline will enable the Court to make reasonable arrangements to ensure accessibility.

The Court ADA Coordinator can be reached at (340) 774-2237 or (340) 778-0613.

E-mail: ada@visupremecourt.org

3. There are occasions where non-discrimination language is not included on printed agendas, including web documents. Non-discrimination language should appear on both hard copies and documents posted on the web. Include the following notice (or a similar notice) regarding the Court's non-discrimination policy in all Court publications that provide general information about Court services, programs, or activities.

POLICY ON NON-DISCRIMINATION ON THE BASIS OF DISABILITY

The Supreme Court of the Virgin Islands does not discriminate on the basis of disability or in the admissions or access to its programs or activities.

An ADA Coordinator has been designated to coordinate compliance with the non-

discrimination requirements contained in the Department of Justice regulations implementing Subtitle A of Title II of the Americans with Disabilities Act (42 U.S.C. 12131), which prohibits discrimination on the basis on disability by public agencies.

Supreme Court of the Virgin Islands
ADA Coordinator Kevin Williams
#18 Strand Street
St. Croix, VI 00820
Phone :(340) 778-0613 Fax: (340) 772-0004
Email: kevin.williams@visupremecourt.org

Or

Supreme Court of the Virgin Islands
ADA Coordinator Koya S. Ottley
#161B Crown Bay
St. Thomas, VI 00802
Phone :(340) 774-2237 Fax: (340) 693-4109
Email: koya.ottley@visupremecourt.org

4. Develop a statement regarding accessible locations and the availability of auxiliary aids upon request that is included on all public announcements, postings for Court programs, and applications, including:
 - The notice of non-discrimination;
 - Information regarding site accessibility, including the accessible bus route serving the program, facility, or event;
 - The Court's text telephone (TDD/TTY) number and the phone number and email address of the person who can provide assistance in meeting special needs; and
 - A notice that information is available in alternative formats within 10 working days.