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Ms. Kris Anne Monteith
Acting Bureau Chief
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 Twelfth Street S.W.
Washington, D.C. 20554

Ex Parte. CG Docket No. 10-51. In the Matter of Structure and Practices of the Video Relay Service Program. CG Docket No. 03-123. Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities. Video Relay Service provider Requests for Temporary Waiver of the Speed-of-Answer Rule

Via Fax and ECFS

Dear Ms. Monteith:

The Communications Workers of America (CWA) and our affiliate, the American Sign Language Interpreters United (ASLIU), submit this letter in response to the Commission's invitation for parties to provide information that will help improve the quality of video relay interpreter service (VRS) by alleviating problems related to the supply of skilled, trained VRS interpreters.¹

In its June 24, 2014 *VRS Speed-of-Answer Temporary Waiver Order*, the Commission granted video relay service (VRS) providers a six-month delay until December 31, 2014 for implementation of the new 30-second speed-of-answer standard.² In granting the delay, the Commission acknowledged that implementation of the rule "may require some providers to increase staffing substantially," and cited information submitted by VRS providers regarding an

¹ See *In the Matter of Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51, and Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Video Relay Service Provider Requests for Temporary Waiver of the Speed-of-Answer Rules, Order*, CG Docket No. 03-123, June 24, 2014 (rel) ("*VRS Speed-of-Answer Temporary Waiver Order*").

² In June 2013, the Commission adopted strengthened speed-of-answer standards for VRS, including, among other provisions, a reduction in the previous 120-second time interval with shorter time intervals to be phased in over a two-step transition period. The current 60-second criterion became effective January 1, 2014. See *VRS Speed-of-Answer Temporary Waiver Order*, para 1.

inadequate supply of skilled, trained VRS interpreters.³ In that *Order*, the Commission invited parties to submit additional information regarding factors that contribute to the short supply of VRS interpreters. Specifically, the Commission invited parties to provide information “on the extent to which other factors, such as changes in providers’ work rules, are affecting the supply of interpreters and whether improvements in working conditions and employment practices could alleviate some of the problems reported by providers in maintain staffing levels.”⁴

The American Sign Language Interpreters United, an affiliate of the Communications Workers of America (CWA/ASLIU), is particularly well situated to provide this information. ASLIU/CWA represents frontline VRS interpreters at four Purple Communications call centers located in San Diego CA, Oakland CA, Tempe AZ, and Denver CO.⁵ CWA represents 700,000 workers in communications, media, airlines, manufacturing, and public service.

CWA/ASLIU knows from direct experience that VRS providers’ work rules and employment practices have a direct and profound impact upon the supply of skilled, trained VRS interpreters. Simply put, VRS interpreter quit rates and substitution of part-time for full-time work in response to unhealthy, stressful working conditions is a significant cause of what the Commission identifies as “problems affecting the supply of interpreters.” The “interpreter supply problem” is not simply a result of inadequate entry of newly trained interpreters into the VRS pipeline.⁶ It is also a result of employment practices in the call centers that are driving experienced interpreters out of the profession, or substituting part-time for full-time employment. Improvements in working conditions and employment practices would most certainly alleviate some of the problems reported by providers in maintaining staffing levels. As we outline below, the Commission must take concrete steps to ensure that lower speed-of-answer benchmarks do not have the unintended consequence of driving more skilled interpreters to leave the field.

As we have explained in previous comments, VRS providers have responded to tighter speed-of-answer benchmarks – as well as lower reimbursement rates -- by imposing unrealistic and harmful “work speed-up” that requires the existing pool of video interpreters to meet ever more demanding schedules. Rather than hire an adequate number of interpreters, VRS providers require interpreters to meet unrealistic productivity measures.⁷ This creates a high-

³ *Id.*, para 28.

⁴ *Id.*, para 30.

⁵ The video interpreters in these four centers gained union representation in November 2012 and are currently negotiating a first contract. The video interpreters sought union representation in order to have a collective voice to alleviate their stressful and unsafe working conditions, conditions that make it difficult to provide quality interpretation services to consumers.

⁶ See for example Letter from John T. Nakahata *et al*, Harris, Wiltshire, & Grannis, LLP, CG Docket Nos. 03-123, 10-51, June 3, 2014.

⁷ For example, over the past three years, Purple Communications increased the log-in requirement (the time an interpreter is logged into the system ready to receive calls) a total of 14 percent for daytime hours and 10.6 percent for late evenings and weekends. See Comments of Communications Workers of America and National Interpreter Action Network, In the Matter of Structure and Practices of the Video Relay

stress environment and an increase in interpreter injuries. As skilled interpreters exit the field or reduce work hours in response to poor working conditions, providers replace them with less experienced and lower-skilled interpreters, which can result in more errors and increased cost because calls take longer. While these factors impact interpreters, they also impact the consumer experience.⁸

Therefore, the Commission must act to ensure adequate staffing in the VRS call centers *before* it implements the 30-second speed-of-answer benchmark. Absent such action, VRS providers will respond to lower speed-of-answer benchmarks the same way they have in the past. They will adopt even more onerous and unrealistic productivity measures, which will continue to drive more experienced interpreters to reduce VRS work hours or leave the profession, further exacerbating the interpreter supply problem.

In order to meet the statutory requirement of “functional equivalence” in provision of telecommunications services to deaf and hard-of-hearing consumers, and as the sole funder of Video Relay Services to this community, the Commission has the responsibility to take action to address the root cause of the interpreter supply problem – the poor working conditions in the VRS call centers. CWA/ ASLIU recommends that the Commission take the following actions to ensure adequate staffing to meet Commission speed-of-answer benchmarks, provide a healthy work environment, and quality interpretation services:

1. Adopt staffing benchmarks. The benchmarks should ensure that there are sufficient interpreters to meet the speed-of-answer benchmarks, provide quality interpretation services, and support healthy working conditions that will retain and develop skilled interpreters. The staffing benchmarks must provide interpreters adequate offline time to debrief calls, rest one’s hand, get a drink of water, use the restroom, and handle requests from managers. Research in the field of spoken language video interpretation has found that interpreter performance declines after 15 minutes of interpreting. The current log-in and billable minute Key Performance Indicators (KPIs) demanded by VRS providers far exceeds this standard.⁹
2. Collect data to ensure adequate VRS staffing. The Commission should request longitudinal data from VRS providers and collect data going forward to enable an assessment of adequate staffing. Data collection should include employment numbers by job title/function; job tenure; rates of turnover and part-timing; ratio of frontline staff to call volume; Key Performance Indicator (KPI) standards and

Service Program, CG Docket No. 10-51, Aug. 19, 2013 (“CWA Comments”); Letter from Debbie Goldman, Telecommunications Policy Director, Communications Workers of America to Ms. Marlene Dortch, CG Docket No. 10-51, July 22, 2013 (“CWA July 22, 2013 Ex Parte).

⁸ The problem is exacerbated by VRS provider response to reduced reimbursement rates. CWA/ASLIU understands that the Commission goal in reducing reimbursement rates is designed to mitigate providers’ large profits, but in reality, VRS providers respond to rate reductions with threats of interpreter pay cuts, lay-offs, and center closures. As a result, interpreters are required to work more billable minutes per hour, with less time to care for off-line needs such as case conferencing, stretching, computer eye breaks, and things as simple as restroom breaks. See CWA Comments, Aug. 19, 2013.

⁹ CWA Comments, p. 2-3; CWA June 22, 2013 Ex Parte, p. 2.

interpreter performance on these standards including log-in requirements and internal speed-of-answer standards; rates of injury, stress-related illness, and workers' compensation claims; among other items.

3. Fund third-party research to develop appropriate staffing benchmarks that simultaneously ensure the provision of quality interpretation services, a healthy working environment, and development and retention of skilled, career video interpreters.

CWA-ASLIU is eager to work with the Commission on these items. Legislative bodies and regulatory agencies have adopted staffing standards for other professions, including nursing and social work. The Commission should move forward to fund research and gather data from providers with the goal of determining appropriate staffing benchmarks for the VRS services that it funds. Such action will help alleviate the interpreter supply problem by creating the good working conditions necessary to keep qualified and experienced video interpreters for longer periods of time without injury. Sign language interpreters are set to be among one of the fastest growing professions and Commission action on these items will ensure that the Commission is able to meet its mandate to provide functionally equivalent communications services to the deaf-and-hard-of-hearing community.

Respectfully Submitted,

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National Chair
American Sign Language Interpreters United/CWA

cc: Karen Peltz Strauss, Greg Hilbok