

University of Minnesota

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Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

RE: **CC Docket No. 98-67 and CG Docket No. 03-123**

To Whom It May Concern:

The FCC has requested comment on seven different points related to speed of answer requirements. This comment focuses on answering points one, two, six and seven.

- 1. What should the speed of answer time be for VRS calls? What percentage of VRS calls should be required to be answered within that period of time?**
- 2. When should a particular speed of answer rule be effective? Should VRS speed of answer standards be phased in over time? If so, how should the standards be phased in (*i.e.*, what standards should apply at what points in time)?**
- 6. Should a provider's compliance with a speed of answer rule be measured on a daily or monthly basis? Or should it be measured on some other basis?**
- 7. In connection with the adoption of a speed of answer requirement for VRS, should providers be required to submit reports to the Commission detailing call data reflecting their compliance with the speed of answer rule, and if so, how frequently should such reports be filed (*e.g.*, monthly, quarterly or semi-annually)?**

At this early point in time in the development of VRS, it is not appropriate to have any specific speed of answer requirement. There is not enough data or information to accurately evaluate the impact a speed of answer regulation will have on the availability and, subsequently, the cost of, interpreting services generally, including for community-based, educational, and governmental organizations.

I do not recommend implementing any speed of answer rule until more research and data is available about correlations between certain speed of answer rates and the availability of interpreters to meet all of the various interpreting needs in the larger community. What many of us know, through experience, is that emergence of VRS has begun to have a significant negative impact on the availability and cost of interpreting services for community-based, educational and governmental organizations.

I am the Director of one of the largest disability services offices with sign language interpreter services among public post secondary institutions in the United States (that

does not have any specific program for Deaf or hard of hearing students). We currently have 18 sign language interpreters on staff. We have a roster of at least 15 regular "hourly" part-time sign language interpreters. In addition, we heavily utilize freelance sign language interpreters, spending approximately \$200,000 for these services annually.

We have already witnessed an example of the impact that video relay interpreting is having on the cost and availability of interpreters: the strike of sign language interpreters at Arizona State University last fall. After lengthy negotiations, where sign language interpreters sought to match the pay at the local video relay operation, the Arizona State University agreed to raise the pay of interpreters by somewhere in the vicinity of 30 percent. My understanding is that they agreed to increase the salary in addition to the benefits that were already being conferred to full-time interpreters.

Unfortunately, with the limited information available to us at this time, it appears that Arizona State University's pay scale before the strike may not have been inordinately lower than other institutions. For example, at the University of Minnesota the average interpreter's hourly rate is approximately \$19.00. The University of Minnesota provides generous benefits for interpreters - - the value of the benefits adds approximately \$6-7.00 per hour. Given that interpreters are not required to be certified (but must meet minimum standards through the interview process), and that the University has historically served as a "training" ground for sign language interpreters as they transition from interpreter training programs to freelance interpreting or specialized interpreting opportunities (which includes video relay interpreting), this pay schedule is reasonable. The recent strike at Arizona State University, however, has forced us to conduct another market survey in anticipation that we will experience a comparable demand for pay increases.

In addition, we have seen a significant decrease in the availability of freelance interpreters accepting work at the University. Our experience is comparable to that of our leading community interpreter referral agency. My understanding is that the fill rate for interpreter requests before the advent of video relay was somewhere around 95-96%. It was represented to me that the fill rate has dropped sometimes as low as 65%. This experience has been confirmed in numerous dialogues I have seen among at least five other major educational institutions about the negative impact of video relay on the availability of sign language interpreters. There is great concern about our ability to continue to meet the demands of Deaf, hard of hearing and deaf blind students, employees and faculty at our educational institutions.

The implementation of a restrictive (e.g. 10 second) speed of answer rule will result in a dramatic decrease in the availability of sign language interpreters because VRS providers will need to step up their efforts to attract sign language interpreters. Because the FCC rates are appropriate to attract experienced, seasoned interpreters, VRS providers will be compelled to leverage this revenue to bring in less expensive interpreters and offer intensive training to bring up their skill level over a reasonable period of time. This will cause a more dramatic drain of sign language interpreters than we have seen in the past.

As a Deaf person, let me balance my comments above with my personal experience as a consumer. Video relay and video phone technology has radically opened doors for communication for Deaf and hard of hearing people. I applaud the support of the FCC of this technology. This technology offers opportunities for access that achieve remarkably effective communication, as long as the interpreters working in the relay operations are certified and experienced. As I have seen at Disability Services, it takes several years to develop interpreters to achieve certification after they have graduated from Interpreter Training Programs. (When I started as Director in 2000, only one of 16 interpreters was certified. Currently, all, but one, are certified.) It comes to no surprise to me that the demand for access to video relay services by hearing and Deaf/hard of hearing people has increased dramatically. It is my understanding that the demand for this service is continuing to grow and it is nowhere near the potential in the numbers of people it can serve.

Based on my experiences as an administrator of interpreter services and as a consumer, I recommend that the FCC delay the implementation of any restrictive speed of answer rule for at least 5-7 years, provided the FCC does the following:

- 1) Focus on encouraging VRS providers to develop strategies to ensure reasonable speed of answering services, while at the same time, demonstrating different ways to balance their own needs for interpreting services against the demand for and supply of interpreting services in their regions;
- 2) Develop a mechanism for the FCC or VRS providers to work in collaboration with local and regional interpreter referral agencies to gather data on “fill-rates” of interpreter requests and “cancellations” that occur due to the inability to “fill” a request;
- 3) Develop a strategic plan for implementing a uniform speed of answer rule (whether it less or more than 10 seconds) within five to seven years in consultation with VRS providers, interpreter training programs, national organizations representing consumers of the services and service providers (i.e., interpreters), large employers with experience hiring and training interpreters, and the FCC. The plan should ensure the development of an appropriate supply of sign language interpreters that can adequately meet increasingly strict speed of answer rates This same group could be convened annually to evaluate progress toward the strategic goals in the plan to ensure readiness within 5 years;
- 4) Continue to monitor the speed of answer rate of the video relay operators and make the data available for public scrutiny from time to time. (I do not feel qualified at this time to answer the question about the frequency of the reporting and how it should be done.) Also, the FCC should develop a mechanism to collect data on the “fill-rates” (including cancellations due to inability to fill jobs) of sign language interpreter requests in the communities with VRS providers. The group involved with the strategic planning could be a resource to review the data and evaluate progress toward the strategic goals in the plan described above; and

- 5) Collaborate with other federal agencies, such as Dept of Education, and the Dept. of Human Services, to increase the availability of funding to improve the quality and availability of interpreter training for students and working interpreters (for example, limited funding is being made available through the U.S. Dept of Education, Rehabilitation Services Administration, for support for this type of work. It focuses primarily on developing quality interpreter services for rehabilitation services provided by government agencies).

Thank you very much for your consideration of my comments.

Sincerely,

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