**GRACIASVRS 6/10/2010**

**V.A : Notice of Proposed Rulemaking**
**Section A, Paragraphs 17,18: Location of VRS Call Centers**

**<u>The following are comments from GraciasVRS on this topic:</u>**

The focus of the location of these paragraphs is within the United States/North America. There is no mention of US Territories such as Puerto Rico.

Call Centers within Puerto Rico and other US Territories do have qualified ASL Interpreters to service VRS calling needs.

When defining the term "qualified ASL Interpreters" there are two points to please consider:

1) If a company agrees to employ Interpreters that may have a certificate or credentialing, however have sub-par performances (thus a perspective that they are not qualified) then that is the poor business practice of that provider. Deaf users have their choice to then choose a different provider where they are better serviced.

   That is the essence of capitalism.

2) "ASL Interpreters" as defined in the paragraphs, leans towards the focus of English Only speaking Deaf VRS Users. There is a very large population of the Deaf community who uses the Spanish services offered under VRS, and the qualifications of a qualified English ASL Interpreter will be different than that of a qualified Spanish ASL Interpreter.

Using the example given in the paragraphs, unlike the types of calls that may be facilitated by Canadian Interpreters that speak virtually the exact same English spoken within the U.S., spoken Spanish has strong dialectical variances.

Within the United States, the shortage of skilled Spanish ASL Interpreters is even greater than that of the general English ASL Interpreting population. Currently, there is no Spanish ASL Interpreter Certification and a severely limited amount of Spanish ASL publications or resources available for continued Professional Development.

While much effort has been put forth to utilize Spanish ASL Interpreters within the United States, there is clearly a need to train and employ Interpreters who truly have a native Spanish skill set. Often times, native Spanish skills that will provide the highest level of services for VRS in Spanish are not found within the United States.

So in actuality, in the Spanish VRS market, you will find that qualifications and the ability to provide the highest level of services possible will require companies to utilize those with a native tongue. While there are some who have that native tongue within the United Sates, they are far and few between or in extremely high demand within the Deaf community. As a result, allowing for Spanish services to be facilitated by CA's who may live outside of the United States is warranted and needed.

In addition, for any company to truly provide quality services, a stringent in-house diagnostic and evaluation process must be in place to ensure that the highest level of services for Spanish VRS are provided.

While we recognize that in every scenario there are unscrupulous entities poised to attempt to abuse any system established, we strongly support the FCC monitoring such centers to avoid abuse by any call center providing sub-par services utilizing unqualified interpreters within or outside of the USA.

**GRACIASVRS 6/10/2010**

**V.B: Notice of Proposed Rulemaking**
**Section B, Paragraph 19, 20, 21 : VRS CA's Working from home and Compensation**

**The following are comments from GraciasVRS on this topic:**

While a call center environment is an ideal way to facilitate VRS calls, GraciasVRS stands that CA's should be allowed to work from home. In some cases, it is not only a matter of convenience, but additional factors such as geographic location limits their ability to work in a call center, physical illness or personal criteria that a call center environment may inhibit. Despite some of these factors, a CA who is limited to their home could be extremely skilled and an asset to the VRS industry.

Professional Sign Language Interpreters are already in high demand across the country in both the VRS Industry and in Community Interpreting. Limiting the use of qualified and experienced Interpreters in the VRS Industry because they cannot interpret out of a call center would further deplete the group of available interpreters. This in turn, would hinder, not support, the Deaf and Hearing Communities through application of ADA Laws and standards and PL504.

For such reasons listed above, we request that the FCC allow Call Centers outside of the geographical United States and for CA's to work from homes with the appropriate documentation and monitoring needed to avoid abuse.

CA's should be in compliance with all rules that are within the operational standards of a call center.

Possible recommendations for upholding these standards could include:

1) An Inventory of all Equipment within a CA's home to be on file.
2) An Audit Form be completed verifying that all required scripts and procedures outlined by company and NECA guidelines are within the home office and available at all times for reference, and that the home office is in a secure location to ensure confidentiality of any services provided.
3) An outline of Network Configuration Set-up running from a CA's home office
4) Either FCC or VRS Company can successfully do a monthly audit of CA's abilities to accept and dispatch transfers and Emergency Calls as if working within a call center.
5) For scheduling, they should fall within the same guidelines as other call centers. CA's working from home should have appropriate breaks and call rotations as within a call center. A scheduling manager should be accessible 24 hours a day to ensure that a CA has a point of reference to manage calls should there be any scheduling concerns or call volume concerns.
6) After an audit has been done for the initial set-up of equipment within a home, CA's should be held responsible for upholding all policies and procedures outlined to them. (ie. if the company had installed a special lock to be used to ensure confidentiality, and the CA did not lock the door, then the CA should be held responsible. CA's must understand their role in upholding all FCC/NECA Standards while at home.

While a CA working from home should follow the same rules and regulations as within as Call Center, identifying a CA's home as a Call Center would not be accurate, because it is not one. Possibly coining a new phrase such as "CALL CENTER Extension" meaning it is part of the call center interactions, but using an individual at Home.

Payment between a CA and VRS company should be properly negotiated on mutual terms. Excessive or forced overtime and bonuses initiated in order to facilitate more minutes should not be allowed.

Should a company determine to utilize a bonus system, incentives to CA's should be based strictly off performance while facilitating calls, not off of call volume itself.

**GRACIASVRS 6/10/2010**

**V.E.5: Notice of Proposed Rulemaking**
**Section E5, Paragraph 49, 50 : Whistleblower Protection for VRS CA's and Other Provider Employees**

**<u>The following are comments from GraciasVRS on this topic:</u>**

There should always be an opportunity in any company or industry for whistle blowing. However, it would be imperative for the FCC to fully investigate and take no action until any so-called "wrongdoing" can be fully proven.

Our experience has narrowed this topic into 3 sections:

1) When an individual misapplies and/or misinterprets information through their own reasoning: We have seen how some employees have misinterpreted information furnished by a company and make major leaps of mis-understanding. Such situations could open innocent companies to scrutiny and negativity in the public eye when no wrong doing was actually committed or ever existed.

Whistle blowing should be in place, however, should have a way to ensure that information is accurate.

2)The opportunity to prove that no intentional harm was done by a company due to the unauthorized actions of an individual. If a CA secretly does something that they should not be doing, it should not be a representation of the company as a whole.

Example:
A company has a policy about not being permitted to downloading any material to a computer.
A CA illegally downloads a movie.
Management finds out that the CA did this, and the matter is handled within HR. (suspension, termination etc)
A co-worker saw the CA download the movie and may feel/thinks that the situation was not dealt with.
They report the actions of the company in efforts to "whistle blow".
The company had a policy in place to begin with and handled the situation with the offending CA, however the inaccurate opinion of the co-worker lead to a report about the company.

The opportunity for a VRS company to prove if there was no intentional harm and that questions raised about a situation have been cured should be built into the whistleblower stipulations.

3)The FCC is already aware of some of the unscrupulous activity that has occurred within the VRS Industry. It is critical that any allegations from one VRS company to another is substantiated and without malice. A VRS company should not use any whistleblower opportunities to infiltrate and make false allegations about another company in efforts to cause frustration and force another company to continually have to defend false allegations. This would be a waste of time and resources for the FCC, would be unfairly damaging to the reputation of the innocent company. Should false whistle bowing techniques be used by a company and/or individual, there should be some form of consequences.

GraciasVRS is in favor of a Whistle blowing mechanism with stipulations to protect innocent companies from damage and false allegations.