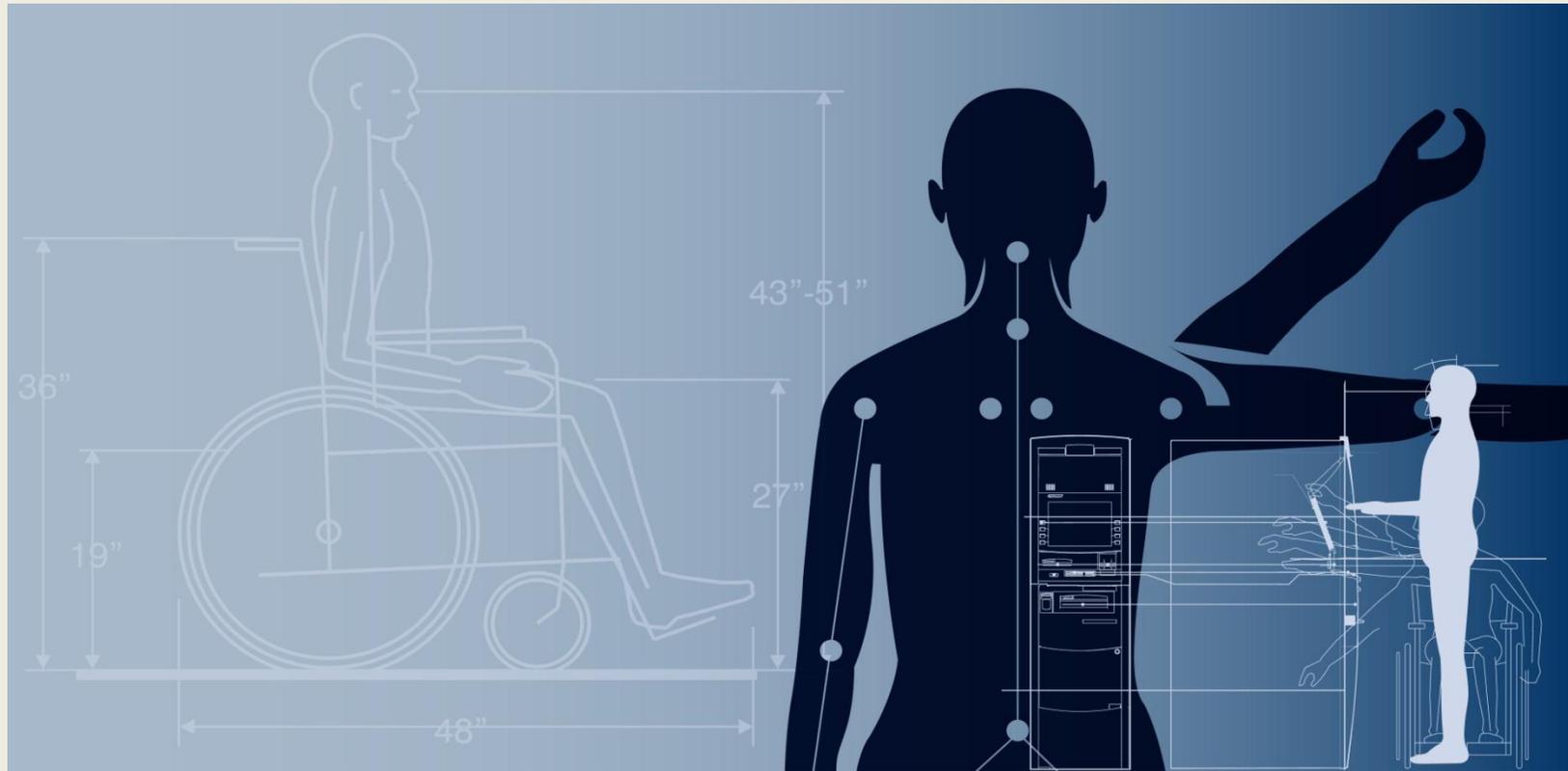


Americans With Disability Act (ADA) ATM Compliance Plan

Any Credit Union - Houston, TX



Adopted by Any Credit Union Board of Directors on _____, 2011



Table of Contents

<u>Section</u>	<u>Page</u>
ADA Compliance Deadlines.....	2
Statement of Compliance Objectives.....	3
Summary of 2010 ADA Standards.....	4
ATM Inventory.....	6
ADA Analysis for ATMs.....	7
Non Compliance Cures for ATMs.....	8
Compliance Commitment Timeline.....	10
Annual ADA Compliance Review.....	12
<u>APPENDIX A</u>	
ATM Inspection Forms and Photos	

Compliance Requirement Deadlines



SEPTEMBER 15, 2010

- The U.S. Department of Justice final ruling on ATM Standards was published in the federal register



MARCH 15, 2011

- Effective Date of Final Ruling
- Compliance Plan Due



MARCH 15, 2012

- All ATMs must comply with 2010 standards



Statement of Compliance Objectives

It is the objective of Any Credit Union to meet the requirements of the 2010 ADA ATM Compliance Standards by March 15, 2012. Any Credit Union has taken the following steps to determine the best course of action to reach full compliance:

- Completed ADA inspection forms for all ATMs
- Identified and documented all compliance deficiencies
- Consulted with ATM vendor to cure deficiencies
- Reviewed available options to upgrade, replace or remove ATMs to meet compliance standards
- Committed to a timeframe for completing all cures resulting in full compliance



Summary of 2010 ADA Standards

The Department of Justice (DOJ) published revised regulations for Titles II and III of the Americans with Disabilities Act of 1990 “ADA” in the Federal Register on September 15, 2010. These regulations adopted revised, enforceable accessibility standards called the 2010 ADA Standards for Accessible Design “2010 Standards” or “Standards”. The 2010 Standards set minimum requirements – both scoping and technical – for newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. The 2010 ADA Standards replaced the accessibility standards that had been in place since 1991 (the 1991 ADA Standards).

According to the DOJ, the final rules are legally enforceable and binding six months after the date they were published in the Federal Register, which was September 15, 2010, making the compliance date March 15, 2011. However, within the barrier removal provision of the final rule, the DOJ provides a “safe harbor” for elements in existing facilities that comply “with the corresponding technical and scoping specifications for those elements in the 1991 ADA Standards”. Existing ATMs that comply with the 1991 ADA Standards are not required to meet the 2010 ADA Standards with respect to height, reach and other physical access requirements unless, under certain circumstances, until they are altered.

In addition to revised physical accessibility requirements (structural elements), the 2010 ADA Standards also require that auxiliary aids and services be provided to disabled persons. Auxiliary aids and services are those designed to provide effective communication (communication-related elements). The provision is intended to assist those with disabilities affecting hearing, vision, or speech. The communication-related elements of ATMs are auxiliary aids and



Summary of 2010 ADA Standards (cont.)

services, rather than structural elements. The safe harbor provision does not apply to these elements. The DOJ believes that the limitations on the effective communication requirements, which provide that a covered entity does not have to take measures that would result in a fundamental alteration of its program or would cause undue burdens, provide adequate protection to covered entities that operate ATMs. Undue burden is defined as a “significant difficulty or expense”. What constitutes an undue burden is subjective and will be determined on a case-by-case basis.

All new ATM s will have to conform to all requirements of the 2010 ADA Standards.

All existing ATMs will have to conform to the communication related elements of the 2010 ADA Standards no later than March 15, 2012. In summary, **ALL ATMS MUST BE SPEECH ENABLED BY MARCH 15, 2012.**

The ADA authorizes the DOJ to investigate alleged violations of the ADA and initiates enforcement actions related to public access under Title III. The ADA also includes a private right of action, and courts are empowered to award compensatory damages and injunctive relief, including mandatory orders to make a facility accessible.

ATM Inventory

The following table represents a summary of the Any Credit Union ATMs as of the date of this report.

Site Name	Address	City	Zip	Location Type	ATM Type	ATM Make	ATM Model	ATM Serial Number	Software Version	Install Date
Federal Bldg.		Houston	77002	Office Bldg.	Lobby Walk-Up	Diebold	1064ix			
Federal Bldg.		Houston	77002	Office Bldg.	Lobby Walk-Up	Diebold	1064ix			
Tower		Houston	77074	Office Bldg.	Lobby Walk-Up	Diebold	1064ix			
Any CU Main Office		Houston	77375	Branch	TTW Drive Up	Triton	FT5000			
Any CU Branch		Houston	77042	Branch	Free-Standing DU	Hyosung	MX-5100T			

ADA Analysis

ATM Location	Accessibility Deficiencies	Speech Output Deficiencies	Input Deficiencies
Federal Bldg. <ul style="list-style-type: none"> Lobby Walk Up 	Exceeds highest reach for 2010 standards, but meets requirements for 1991 standards for parallel approach.	No privacy option. ATM is not speech enabled and does not comply with any speech requirements.	No raised Left Arrow, Plus and Minus Signs on the keypad. No instructions for initiating speech mode.
Federal Bldg. <ul style="list-style-type: none"> Lobby Walk UP 	Exceeds highest reach for 2010 standards, but meets requirements for 1991 standards for parallel approach.	No privacy option. ATM is not speech enabled and does not comply with any speech requirements.	No raised Left Arrow, Plus and Minus Signs on the keypad. No instructions for initiating speech mode.
Tower <ul style="list-style-type: none"> Lobby Walk Up 	None	No privacy option. ATM is not speech enabled and does not comply with any speech requirements.	No raised Left Arrow, Plus and Minus Signs on the keypad. No instructions for initiating speech mode.
Main Office <ul style="list-style-type: none"> Thru-the-Wall Drive Up 	N/A – drive up ATM	None	No raised Plus and Minus Signs.
Branch <ul style="list-style-type: none"> Free Standing Drive Up 	N/A – drive up ATM	No option for privacy. No audible receipt or balance inquiry. Volume control is not operational.	No braille instructions.



Non-Compliance Cures for ATMs

- **Federal Building**

No cures are needed for accessibility requirements since the ATM meets the 1991 Standards as the Department of Justice has indicated the accessibility requirements are considered “structural” elements which qualify for safe harbor. The keypad deficiencies do not need to be addressed as the keypad qualifies for safe harbor until such time as the ATM is moved or the keypad is replaced due to malfunction. The ATM does not currently provide speech enabled transactions. The manufacturer has provided no means to upgrade to enable speech mode on this ATM, thus requiring it to be replaced.

Action Plan for Compliance: Obtain quote to replace ATM with a fully compliant lobby walk up ATM.

Estimated Replacement Cost: \$7,500 - \$9,000

- **Federal Building**

No cures are needed for accessibility requirements since the ATM meets the 1991 Standards as the Department of Justice has indicated the accessibility requirements are considered “structural” elements which qualify for safe harbor. The keypad deficiencies do not need to be addressed as the keypad qualifies for safe harbor until such time as the ATM is moved or the keypad is replaced due to malfunction. The ATM does not currently provide speech enabled transactions. This ATM can be upgraded to meet all compliance requirements.

Action Plan for Compliance: Obtain quote to enable the ATM for speech mode. Due to proprietary restrictions, only Diebold can provide this hardware/software upgrade. Based upon the costs, a decision will be made to either upgrade the ATM to meet compliance requirements or replace the ATM with a fully compliant lobby walk up ATM.

Estimated Upgrade Cost: \$4,000 – \$7,000
Estimated Replacement Cost: \$7,500 - \$9,000



Non-Compliance Cures for ATMs

- **Tower**

No cures are needed for accessibility requirements. The keypad deficiencies do not need to be addressed as the keypad qualifies for safe harbor until such time as the ATM is moved or the keypad is replaced due to malfunction. The ATM does not currently provide speech enabled transactions. The manufacturer has provided no means to upgrade to enable speech mode on this ATM, thus requiring it to be replaced.

Action Plan for Compliance: Obtain quote to replace ATM with a fully compliant lobby walk up ATM.

Estimated Replacement Cost: \$7,500 - \$9,000

- **Any CU Main Office**

The keypad deficiencies do not need to be addressed as the keypad qualifies for safe harbor until such time as the ATM is moved or the keypad is replaced due to malfunction.

Action Plan for Compliance: None.

Estimated Upgrade Cost: \$0

- **Any CU Branch Office**

Software update is necessary to cure the speech output deficiencies. Braille decal will need to be installed next to auxiliary headphone jack to provide instructions for initiating speech mode.

Action Plan for Compliance: Dolphin Debit will perform software update and install Braille decal.

Estimated Upgrade Cost: \$0



Compliance Commitment Timeline

Q1-2011

- I. Perform ADA inspections at each ATM
- II. Review inspections to determine non-compliant items
- III. Set a timeline for full compliance by March 15, 2012
- IV. Finalize ADA compliance plan by March 15, 2011

Q2-2011

- Obtain quotes from ATM vendors for ATM upgrades and replacements
- Notify landlords or facilities of necessary requirements to achieve compliance
- Perform site surveys to determine site preparation needs for replacement locations
- Obtain landlord approvals and permits as necessary
- Executive review and vendor selection
- Board approval for capital expenditures and vendor selection (if necessary)
- Notify vendors, establish project timeline and execute agreements

Q3-2011

- Begin upgrades and replacements of non-compliant ATMs
- Monitor and evaluate progress against project timeline

Q4-2011

- V. Continue upgrades and replacements
- VI. Complete upgrades and replacements prior to December 1, 2011

Q1-2012

- Perform ADA inspections on all ATMs
- Provide cures for any deficiencies
- Update ADA Compliance Plan to include recent inspections
- Review ADA Standards for changes or updates to the existing laws



Annual ADA Compliance Review

In the first quarter of every year, USE Credit Union will engage in an annual ADA Review at the ATM to incorporate the following elements:

- VII. Research and analyze changes or additions to the ADA requirements as they relate ATMs
 - a. Staff review using ADA.gov
 - b. Consult with legal counsel
 - c. Consult with ATM vendor
- VIII. Perform an annual inspection of each ATM
 - a. Contract with an independent third party to perform the inspection
 - b. Review each inspection for compliance of all elements
 - c. Create an action plan to cure any deficiencies
 - d. Document the deficiencies and a time line to achieve compliance
- IX. Review the credit union's strategic plan
 - a. Incorporate ADA requirements for any ATM modifications or relocations that were previously exempt through Safe Harbor
 - b. Ensure proper accessibility requirements can be met prior to contractual agreements for new ATM locations
 - c. Incorporate accessibility requirements language in any new or renewing location agreement