



NEWS RELEASE

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KEYPOINT CREDIT UNION SUED FOR ILLEGALLY DISCRIMINATING AGAINST DEAF CUSTOMERS BY REFUSING TELEPHONE “RELAY” CALLS

OAKLAND, Calif. — A class action suit filed today in state court in Alameda County charges that KeyPoint Credit Union has committed “systemic civil rights violations” by repeatedly refusing to accept telephone relay service calls from deaf customers and potential customers.

The class action suit, seeking relief on behalf of deaf and hard-of-hearing individuals who have been denied full and equal access to KeyPoint’s services, products, and information, was filed by Disability Rights Advocates (DRA), a Berkeley-based non-profit law center. The suit seeks to end discrimination against individuals who are deaf by requiring KeyPoint to accept telephone relay calls, which are commonly used by deaf people to communicate with businesses and others, just as it would accept ordinary telephone voice calls.

Plaintiffs Megg R. Davis and Colin Piotrowski charge that KeyPoint, one of California’s largest credit unions with 80,000 members and 10 branches, has as a matter of policy systematically refused to provide services and information to customers and potential customers through telephone relay service

calls. This refusal, according to the lawsuit, violates California and federal antidiscrimination law intended to ensure that people with disabilities can access business and commercial opportunities on an equal basis with those without disabilities.

Background

Telephone relay services allow people who are deaf to communicate with non-disabled individuals. An IP relay service, for instance, allows individuals with hearing or speech disabilities to place telephone calls using the internet. The relay user types what he or she would like to say and transmits that text over the internet to a communications assistant. The communications assistant then reads the text and speaks those words verbatim to the listener on the other end of the call. The assistant then types the non-disabled person's response back to the disabled caller. A video relay service is similar, except the disabled person uses a video device such as a webcam to communicate with sign language to the communications assistant, who relays the conversation to each party using either voice or sign language.

Telecommunications relay services are recognized by the Americans with Disabilities Act and analogous California law, as well as by the Federal Communications Commission and the California Public Utilities Commission, as telephone transmission services that make it possible for deaf people to communicate by telephone. This technology has in large part replaced use of TTY devices by deaf and hard-of-hearing individuals.

KeyPoint's Policy of Refusing Relay Calls

Plaintiff Megg Davis became a KeyPoint customer in December 2007 and soon learned that she could not obtain financial services or basic information about her account when she used telephone relay calls to contact KeyPoint's customer service representatives. Whenever she called, Ms. Davis was repeatedly informed that KeyPoint policy precluded its representatives from providing any services or information by relay calls. Mr. Piotrowski received the same response when he used the relay call system to contact KeyPoint about opening an account.

When a relay call is made, the relay assistant discloses to the caller and to the recipient of the call the name of the relay service with which they are associated as well the assistant's unique identification

number. The relay services and communications assistants are bound by strict standards of confidentiality and ethics as required by laws and regulations applicable to this area of telecommunications. Businesses of all kinds routinely communicate with deaf patrons via this medium.

Megg Davis, who as a deaf customer cannot communicate by telephone with KeyPoint about her financial issues, commented: “I was surprised and angry when KeyPoint would not discuss my account with me by relay call. Hearing customers can use KeyPoint’s 24/7 toll-free telephone service anytime they wish, but if I need anything KeyPoint just refuses my call.” Ms. Davis has been forced to travel to a physical KeyPoint branch to conduct business that hearing customers can conduct over the phone. When she cannot go to a branch, Ms Davis thus cannot communicate at all with KeyPoint about her account.

Larry Paradis, the executive director and co-director of litigation for DRA, commented: “KeyPoint’s policy of rejecting communications through telephone relay services is both misguided and illegal. As a credit union serving high-technology workers in particular, KeyPoint should have embraced this communications technology long ago.”

“I can’t imagine any good reason why KeyPoint would refuse relay calls,” remarked Colin Piotrowski. “Its policy only drives away customers and potential customers who happen to be deaf.”

The full text of the complaint is posted at the Disability Rights Advocates website: www.dralegal.org.

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