

## **Appendix J**

### **MISCELLANEOUS DATA**

#### **J.1 - THE AMERICANS WITH DISABILITIES ACT**

USPS, its districts and squadrons are subject to the *Americans With Disabilities Act* (ADA). Local educational officers and commanders need to be acutely aware of the ADA and sensitive to the plight of those intended to be protected. As good citizens, we should make every reasonable effort to accommodate the special needs of our public boating students and members who have disabilities.

When faced with requests or the obvious need for special services or facilities, squadrons and districts should make a good faith attempt to assist and/or accommodate the disabled individual(s). Squadrons and districts should likewise extend all reasonable cooperation and flexibility. Assistance in meeting special needs may often be obtained through contact with local and state governmental, charitable, and private resources/services.

The ADA recognizes that providing a specific accommodation could impose an undue burden on the organization concerned. In such cases, the ADA allows the group to offer alternatives or refuse the request entirely. As an example, the high

cost of providing a professional signer for hearing impaired students for a public boating course could create an undue burden on a small squadron with limited funds. That squadron might offer alternatives that impose a more reasonable burden, such as one-on-one tutoring or the use of volunteer (unpaid) signers.

Even though “undue burden” is a proper basis for declining a request for a specific accommodation, determining whether the burden is unreasonable will always depend on the unique facts and circumstances existing. Additionally, the burden of proof would be placed on the defending organization if challenged. Many problems and challenges including spot test probes by advocate groups can be avoided or simply resolved by an organization's display of a cooperative and sensitive attitude and spirit rather than invoking a quick reliance on the letter of the law. Prior to the issuance of any statement of refusal of any request for accommodation, the SEO and Commander must involve and seek guidance from the local district or squadron law officer, or in the absence thereof, the national law officer.

#### **J.2 - UNITED STATES POWER SQUADRONS AND SEA TOW INTERNATIONAL**

The United States Power Squadrons and Sea Tow International have an established a cooperative program to work together to promote boating safety and education among recreational boaters. Highlights of this program include:

- 1) SEA TOW licensed operators now distribute USPS supplied boating course information to those they service on the water and display USPS Safe Boating Through Education decals;
- 2) SEA TOW offers graduates of the USPS's public boating course a free two month membership;

- 3) SEA TOW provides space in its member magazine for publishing suitable USPS written articles on safe boating practices;

- 4) SEA TOW is working at USPS district and squadron level to provide resources to help:

- a) Support activities which promote boating education and safety;
- b) Develop and provide on-the-water training;
- c) Provide expertise regarding on-the-water emergency services.

SEA TOW now presents USPS members with

a special membership offer. First time members will receive \$10 off the regular yearly rate and for

every new or renewed membership will donate \$5 to USPS.

### J.3 - VESSEL SAFETY CHECK PROGRAM (VSCP)

After a long study by the U.S. Coast Guard and the Auxiliary and with the help from NASBLA, it was determined that a re-engineering of the Courtesy Marine Examination (CME) program was necessary. Because of the significant benefits to recreational boaters, a program expansion and a name change to Vessel Safety Check (VSC) was implemented. The U.S. Coast Guard and USCGAux are interested in expanding the coverage of the VSCP by increasing the number of members trained to provide Vessel Safety Checks. The goal is to increase the number of vessel exams performed nationally.

USPS is the first organization to join the USCGAux in the expansion of the new VSCP with the signing of a Memorandum of Agreement in January 2000. USPS leadership is committed to making the VSC Program work. Training materials, including a new manual and pocket-sized job-aid and new forms, have been developed.

A joint venture requires a TEAM spirit. USPS and USCGAux have always been partners in the safe boating educational arena. The opportunity now exists for a much closer relationship with local flotillas. Opportunities exist to develop joint vessel safety stations, training of each other's members to become qualified VEs and open communications.

USPS needs active participation in the new adventure. The guidelines and requirements follow:

- 1) All active members of USPS, 18 years of age or older, are eligible to participate in the VSC program;
- 2) Training of USPS may commence using existing CGAux manual COMDTINST M16796.2E. It is important to be aware that the VSC differs from the CME regarding the safety equipment required for issuance of a decal. The VSC is totally aligned with compliance to federal and state equipment requirements;

- 3) After the appropriate classroom training, a proctored open-book examination must be passed with 90% of the answers correct;

- 4) Students passing the written test must successfully perform a total of 5 vessel safety checks under supervision of a currently certified vessel examiner. When these safety checks are successfully completed the student can now become qualified in the program. Currently certified examiners holding joint membership in both organizations are automatically certified as USPS vessel examiners. Credit for the VSCs accomplished for initial qualification is granted to the supervising vessel examiner;

- 5) After being qualified, vessel examiners must complete a total of 5 VSC's in a calendar year to maintain their certification in the program. Annual workshop, updating the vessel examiners on critical VSC issues and new state requirements are strongly recommended;

- 6) Initial training and qualifications may be executed in a number of ways depending on local circumstances;

- 7) Joint training and qualifications between squadron and flotillas or divisions as a means to promote a team approach toward Vessel Safety Checks is a preferred method of operating;

- 8) Squadrons may also utilize USPS members who are currently certified as auxiliary vessel examiners;

- 9) Regional training schools where currently certified vessel examiners are not readily available to support a local squadron will be established;

- 10) It is mandatory to use **form 204** Vessel Check when doing the vessel safety check.

USPS members in this program will be recognized by the official uniform: the red golf shirt, with pocket, USPS logo and words "United States Power Squadrons" and "Vessel examiner", short/long khaki pants, appropriate shoes, baseball cap with logo and belt without buckle.