



Governor's Commission on Disabilities Business Meeting

Monday February 4, 2008 5 – 7 PM

John O. Pastore Center, 41 Cherry Dale Court,
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Attendees:	John MacDonald (Acting Chair); Jeanne Behie; Sharon Brinkworth; Frederick Burke; Rosemary Carmody; Regina Connor; Binyamin Efreom; Sanford Lupovitz; Lisa McKay; Bill Nieranowski; James Pitassi; Arthur Plitt; Lorna Ricci; Patricia Ryherd; Lou Salerno; Nancy Thomas & John Treat		
Excused:	Joseph Corrente; Dr. Judith Drew; R. Timothy Flynn; Dr. Kate McCarthy-Barnett; Ronald McMinn; Karen O'Connell-Lyons; Rev. Gerard Sabourin;		
----- Agenda Topics -----			
Call to Order and Acceptance of the Minutes	John J. MacDonald, Jr. Acting Chairperson	5 min.	
Introductions: Chair calls the meeting to order at 5:03 PM			
MOTION: To accept the minutes of the previous meeting as presented BE/PR passed			
Action Items:	Discussion Leader:	Time:	
1. Review and Adoption of the “Promoting Independence” Report	Bob Cooper	10 min.	
Discussion: The following is a list of style and drafting revisions have been suggested: On page 4 lines 39-42: 4) b ending the sentence after the word “assistance” deleting the words "until such time as universal access to health care covers all pre-existing conditions." On page 5 lines 1 & 2: 4) c deleting the word "immediate".			
MOTION: To adopt the <u>Promoting Independence</u> report and transmit to the Governor and General Assembly, as revised AP/JP passed, PR abstained			
2. Adopting the Open Meeting Telecommunication Accommodation Waiver Request Regulations	Harvey Salvas	10 min.	
Discussion: The only comments received or heard at the public hearing were in support of the proposed regulation. Sherri Lynn Carrera, Small Business Advocate at the RI Economic Development Corporation, determined that the proposed regulations do not have any adverse impact on small businesses.			
MOTION: To adopt the Open Meeting Telecommunications Accommodation Waiver Request Regulations are presented PR/AP passed unanimously			

3. Status of the Department of Elderly Affairs and Advocacy	John MacDonald	15 min.
<p>Discussion: The Budget Article will consolidate the 3 advocacy commissions into the Department of Elderly Affairs, which will be renamed the Department of Elderly Affairs and Advocacy. The Mental Health Advocate and the Child Advocate are not included in the consolidation. The major changes are listed below with {} indicating the location of the actual legal changes:</p> <ol style="list-style-type: none"> 1. Authority to hire and terminate staff will be transferred from the Commissioners acting together to the Director of the Department of Elderly Affairs and Advocacy {42-51-3}; 2. Appointment of the Commission chairperson will be transferred from the Governor to the Director of the Department of Elderly Affairs and Advocacy {42-51-3}; 3. The Executive Secretary will no longer be the executive officer of the Commission {42-51-3}; 4. The state employee positions will be shifted from the unclassified system (serving at the pleasure of the appointing authority, with job duties subject to change) to the classified system (civil service – formal job descriptions potentially subject to negotiation with labor unions prior to being changed) {42-51-3}; 5. Unclear if any Commission employees would remain non-union. 6. There isn't the standard provision protecting the "status" of existing employees during this transfer {42-51-8} 7. The Commission's duties will be carried out "under the direction of the Department of Elderly Affairs and Advocacy" {42-51-6}; 8. Appointment of members of the (disability discrimination) Hearing Board will be transferred from the Commission chairperson to the Director of the Department of Elderly Affairs and Advocacy (42-51-6.1); 9. Authority for the creating of committees and mediation teams will be transferred from the Commissioners acting together to the Commissioners "under the direction of the Department of Elderly Affairs and Advocacy" {42-51-6.2}; 10. Expenditures of gifts, grants, and donations will be transferred from the Commissioners acting together to the Commissioners "under the direction of the Department of Elderly Affairs and Advocacy" {42-51-7}; 11. The State Coordinating Committee on Disability Rights will no longer be a committee of the Commission by a separate entity within the Department of Elderly Affairs and Advocacy {42-51-10}; 12. Appointment of public members to the State Coordinating Committee on Disability Rights will be transferred from the Commission chairperson to the Director of the Department of Elderly Affairs and Advocacy {42-51-10}; 13. Both the Commission Chairperson and the Executive Secretary will remain as the chairperson and vice chairperson respectively of the State Coordinating Committee on Disability Rights {42-51-10}; 14. The statutory duties of the Commission will be transferred from the Commissioners acting together to the Director of the Department of Elderly Affairs and Advocacy {42-66-3}; 15. A new division will be created within the Department of Elderly Affairs and Advocacy, which will contain the Commission on the Deaf & Hard of Hearing, the Developmental Disabilities Council, and the Governor's Commission on Disabilities {42-66-5} 16. The Commission would no longer communicate directly with the Governor and General Assembly; 		

its policy decisions, legislative impact statements, etc. would need the approval of the Director of the Department of Elderly Affairs and Advocacy and the Secretary of Health & Human Services and possibility the chief of this new division. Essentially the Commission would become an advisory board. (42-51-6, 42-66-3).

17. The changes to the current Department of Elderly Affairs law just tacks-on-the-end “people with disabilities”.

The Executive Secretary is suggesting additional changes to:

- a. Use the language from the Long Term Care Ombudsman’s act and have the commission “administratively attached to the department of elderly affairs and advocacy”
- b. The standard provision protecting the “status” of existing employees during this transfer, so they aren’t replaced during this move nor downgraded in pay, etc.
- c. Creating a division of “advocacy” rather than “services for persons with disabilities” and include the Advisory Commission on Aging, Home and community care advisory committee, Citizens' Commission for the Safety and Care of the Elderly, and other boards currently part of the Department of Elderly Affairs; &
- d. Revise the name so people could find us “**Department of Aging and Disability Resources**” from the federally funded Aging and Disability Resource Center Grants.

MOTION: To support the Department of Elderly Affairs & Advocacy Budget Article if it is amended so the only change to Chapter 42-51 Governor’s Commission on Disabilities is:

“42-51-1. Establishment of commission.

There is established ~~within the executive department~~ a permanent commission to be known as the "governor's commission on disabilities," hereinafter referred to as "the commission”, administratively attached to the department of elderly affairs & advocacy.” PR/AP passed, Nay- BN, abstained RCa & JP.

4. Status of the Commission’s 2008 Supplemental & 2009 Budget Requests	Bob Cooper	15 min.
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Discussion: The Governor’s Recommended FY 2008 Supplemental and FY 2009 Budget has been submitted to the General Assembly.

The Governor’s FY 2008 Budget Recommendations:

- a. Reduced General Revenue funding of staff salaries and benefits by \$178,074;
- b. Reduced General Revenue funding for contract services by \$10,291, but fully funds the Disability Business Enterprise Coordinator for the remainder of FY 08;
- c. Transferred approximately \$50,000 of state employee salaries and benefits to the HAVA grant;
- d. Added \$5,144 in operating expenses (HRIC grant reimbursement); and
- e. Reduced operating/contracts/grants \$1,928.

The Executive Secretary recommends the following steps to bring the Commission’s FY 08 budget closer to the Governor’s FY 08 Supplemental Recommendations:

- a. Salary and benefit transfers:
- b. 60.9% of Assistant ADA Coordinator (employment) to NE ADA Grant and 5.1% to HAVA Grant and

- c. 2% of State ADA Coordinator to HAVA Grant
- d. Total transfers = \$43,102 from ADA and \$5,878 from HAVA;
- e. DBE Contract employee expenditure transfer \$1,002 to Resource Recovery Corporation Grant (2.1% or 35 hours);
- f. Budget savings for the 6 Uncompensated Leave Days = \$6,804
- g. Budget savings for 3 pay periods when no health insurance premiums are collected (the state has projected overpayments to United Healthcare = to 3 pay periods) = \$4,630
- h. Budget savings for not filling the Fall 07 fellowship and leaving the Spring FY 08 fellowship vacant (after current fellow leaves in mid February = \$5,175
- i. Recovering \$19,645 from the Controller's Office removal of \$25,234 from the HRIC Grant = \$5,590
- j. Reducing operating expenses for the balance of the year to \$3,000.
- k. Projected FY 08 Deficit cut to **(\$22,850)**.

The Governor's FY 2009 Budget Recommendations:

- a. Authorizes the Commission to fill one of the 2 vacant positions, the Assistant ADA Coordinator (Accessibility); and
- b. The Disability Business Enterprise Coordinator will remain a contract position throughout FY 09; The Executive Secretary recommends the following steps to bring the Commission's FY 09 budget closer to the Governor's FY 09 Recommendations
 - a. Salary and benefit splits:
 - 20 % of Assistant ADA Coordinator (employment) NE ADA Grant and
 - 5 % of State ADA Coordinator to HAVA Grant
 - 15.5% of the Assistant ADA Coordinator (accessibility) to NE ADA Grant and 25% to HAVA Grant
 - b. Reduce contract services to:
 - DBE Coordinator \$30,004
 - DBE Trainers \$1,000
 - Interpreters/Real-time Captioners \$4,280
 - Cleaning Services (July – Sept'08, or until relocation) \$1,314
 - Temporary clerical services \$1,516
- c. Matches the Governor's FY 09 Budget Recommendations, but leaves a Balance Forward into FY 2010:
 - **\$8,549** in NE ADA funds and
 - **\$164,561** in HAVA funds

MOTION: To support if amended as follows: the FY 2008 Supplemental Budget & FY 2009 Budget:

Revised the FY 08 Supplemental Budget by:

- Salary and benefit transfers:
 - 60.9% of Assistant ADA Coordinator (employment) to NE ADA Grant and 5.1% to HAVA Grant and
 - 2% of State ADA Coordinator to HAVA Grant

- Total transfers = \$43,102 from ADA and \$5,878 from HAVA;
- DBE Contract employee expenditure transfer \$1,002 to Resource Recovery Corporation Grant (2.1% or 35 hours);
- Budget savings for the 6 Uncompensated Leave Days = \$6,804
- Budget savings for 3 pay periods when no health insurance premiums are collected (the state has projected overpayments to United Healthcare = to 3 pay periods) = \$4,630
- Budget savings for not filling the Fall 07 fellowship and leaving the Spring FY 08 fellowship vacant (after current fellow leaves in mid February = \$5,175
- Recovering \$19,645 from the Controller's Office removal of \$25,234 from the HRIC Grant = \$5,590
- Reducing operating expenses for the balance of the year to \$3,000.
- Projected FY 08 Deficit cut to **(\$22,850)**.

Revise the FY 09 Budget Recommendation by:

- Salary and benefit splits:
 - 20 % of Assistant ADA Coordinator (employment) NE ADA Grant and
 - 5 % of State ADA Coordinator to HAVA Grant
 - 15.5% of the Assistant ADA Coordinator (accessibility) to NE ADA Grant and 25% to HAVA Grant
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- Matches the Governor's FY 09 Budget Recommendations, but leaves a Balance Forward into FY 2010:
 - **\$8,549** in NE ADA funds and
 - **\$164,561** in HAVA funds

LR/AP passed, abstained BN & BE

Questions on Status of Commission Activities			20 min
Goal	Description	Status on 01/25/08	Activities 01/26/08 – 06/30/08
I.0	To ensure full participation in all aspects of society for people with disabilities through:		
I.0.1	legislative activities,	<ul style="list-style-type: none"> • <i>public forums conducted in 07/07,</i> • <i>legislative package approved in Nov'07</i> 	Tracking, testifying and moving package through the enactment Spring'08 Identifying other bills impacting

	Questions on Status of Commission Activities		20 min
Goal	Description	Status on 01/25/08	Activities 01/26/08 – 06/30/08
		<ul style="list-style-type: none"> • <i>legislation drafted & sponsors identified in 01/08</i> 	people with disabilities, developing legislative impact statements and when needed proposing amendments, Spring '08
I.0.2	public awareness and in concert with the following:	Responding to inquires for information about services for people with disabilities <ul style="list-style-type: none"> • <i>31 general information inquires</i> • <i>40 referrals to service providers</i> 	Responding to inquires for information about services for people with disabilities
I.A	Approve all state and state funded construction and renovation design plans to ensure compliance with state/federal accessibility codes	Up to date	Will review as plans submitted
<u>I.B</u>	Provide technical assistance to agencies, businesses, and citizens in complying with federal & state laws protecting the rights of individuals with disabilities (ADA Grant) by		
I.B.1	providing technical assistance, training and information dissemination on the rights and responsibilities of the <i>Americans with Disabilities Act (ADA)</i> to target populations:	<i>technical assistance responses related to:</i> <ul style="list-style-type: none"> • <i>accessibility 262</i> • <i>employment 84</i> • <i>customer service 5</i> 	
	a. businesses;	Training is part of realtor's continuing education curriculum Video tape on customer service completed for Dunkin' Donuts Center, (need \$ for captioning)	Hotel Viking is being scheduled for spring '08. Need outreach to schedule presentations & training for other business associations
	b. state and local government;	<ul style="list-style-type: none"> • <i>Municipal government employment webcast training on-line, 07/07</i> 	Surveying state training needs, the schedule presentations & training
	c. architects;	trained in spring '07	Working to incorporate training as part of architects continuing education
	d. disability organizations and advocates;	On-hold, no staff resources available	Will send the customer service training video, once captioned to the Multiple Scoliosis Society of RI & Whitmash Corp. Need outreach to schedule presentations & training
	e. individuals with disabilities and their families; and	On-hold, no staff resources available	Need outreach to schedule presentations & training
	f. institutions of higher education	(see I.B.2 & I.B.3 below)	

	Questions on Status of Commission Activities		20 min
Goal	Description	Status on 01/25/08	Activities 01/26/08 – 06/30/08
I.B.2	training students with disabilities in hi	Delayed in 1 st federal program year quarter, no staff resources available	Scheduled Providence College, New England Institute of Technology (separate day & evening student groups), & Bryant University Need to schedule training at RI College, University of RI, Community College of RI, etc.
	a. Use DBTAC pre-and post training surveys to collect data;		Will conduct around the trainings
	b. Conduct six-month follow-up survey with students. <u>Use DBTAC follow-up surveys to collect data;</u>		Will conduct around the trainings
	c. Enter all survey data (pre and post and follow-up) into a DBTAC on-line database;		Will conduct around the trainings
	d. Identify one “success story” of a student with disabilities in higher education or one “success story of a graduate of higher ed. who is employed”; and		Soliciting stories
	e. Set up one focus group of students to evaluate ‘success stories’.		Will conduct once stories gathered
I.B.3	training support services personnel in higher education:	<ul style="list-style-type: none"> Conducted workshop for 8 institutions’ disability services and career services professionals in Nov ‘07 	Scheduled 2 nd workshop for disability services and career services professionals March ‘08
	a. Use DBTAC pre-and post training surveys to collect data;	DBTAC pre training survey instrument was not available	Will conduct around the trainings
	b. Conduct six-month follow-up survey. <u>Use DBTAC follow-up surveys to collect data;</u>		Will conduct around the trainings
	c. Enter all survey data into a DBTAC on-line database (pre and post and follow-up); and		Will conduct around the trainings
	d. Set up one focus group of support services personnel in higher ducation to evaluate ‘student success stories’.		Will conduct after the trainings
I.B.4	identify employers in demand-driven and high growth industries, provide training to 15 employers:	Delayed in 1 st federal program year quarter, no staff resources available	Need outreach to schedule presentations & training
	a. Use DBTAC pre-and post training surveys to collect data.		Need outreach to schedule presentations & training
	b. Conduct six-month follow-up interview with employer using DBTAC follow-up survey to collect data.		Need outreach to schedule presentations & training
	c. Enter all survey data (pre and post and follow-up) into an on-line database.		Need outreach to schedule presentations & training
I.B.5	Disability Parking Enforcement Plans	Reviewed 2 of 48 plans	

	Questions on Status of Commission Activities		20 min
Goal	Description	Status on 01/25/08	Activities 01/26/08 – 06/30/08
I.C	Resolve disability discrimination complaints relating to physical barriers in government, public accommodations and commercial facilities, through technical assistance to encourage voluntary compliance and when necessary by hearing and corrective action orders	<ul style="list-style-type: none"> • <i>9 complaints resolved informally, prior to formal complaint being filed.</i> Backlog of complaints to be investigated, no staff resources available	Need to conduct accessibility surveys, meet with owner/managers to encourage compliance and if need be present complaint to the Hearing Board
<u>I.D</u>	Election assistance to individuals with disabilities (HAVA Grant) by:		
I.D.1	inspecting polling places and funding renovations to boards of canvassers to remove any physical barriers;	'06 all polling places were accessible	Only inspecting new polling sites by Mr. '08 Presidential Primary
I.D.2	training election officials; and	<ul style="list-style-type: none"> • <i>Election official training video tape(s) completed 11/07,</i> • <i>being captioned 01/08</i> 	Will turn over video tapes to the State Board of Election for their election official & poll worker trainings. No other staff needs.
I.D.3	educating adults with disabilities on how to vote and why it's important to register and vote	On-going by Contractor	Contracted to RI Disability Vote Project. Only staff need is to monitor contract
<u>I.E</u>	Ensure all state agencies comply with state/federal disability rights laws and people with disabilities have an equal opportunity for employment and the benefit of services, programs, or activities, through:		
	Training (ADA Grant);	(see I.B.1.b above)	
	removal of physical barriers at state owned facilities; and	<ul style="list-style-type: none"> • <i>Awarded DHS funding for Veteran's Cemetery elevator installation 12/07</i> • <i>Completed bid solicitation for Colt State Park restroom renovations 01/08</i> 	
	when needed legal action to ensure compliance		
<u>I.F</u>	Ensure access to and the opportunity to participate in state and local government "public bodies" open meetings by:		
I.F.1	inspecting meeting locations	On-hold, no staff resources available	
I.F.2	granting waivers to the ban on members of public bodies using telephone / telecommunication devices as reasonable accommodations	Proposed regulations awaiting adoption in Feb. '08	Will start outreach on process in March '08 & hear requests when submitted
II.0	To expand economic opportunities for people with disabilities		
II.A	Assist disability business enterprises and rehabilitation facilities successfully bid on government contracts and encourage entrepreneurship	<i>Assisted successful bid awardees to wind contracts at:</i> <ul style="list-style-type: none"> • <i>URI - laundry,</i> • <i>Newport & Washington County Courthouses - prisoner lunches,</i> 	Developing proposal for: laundry and food service at Eleanor Slater Hospital & Corrections; food service at the Veterans' Home (already provide laundry); and expand document shredding &

Questions on Status of Commission Activities			20 min
Goal	Description	Status on 01/25/08	Activities 01/26/08 – 06/30/08
		<ul style="list-style-type: none"> • <i>RIC & URI - snack food service</i> 	recycling for state agencies
II.B	Promote work as the lifestyle amongst the disability community and the use of work incentives rather than dependence on government support	<ul style="list-style-type: none"> • <i>workshop for 8 institutions' disability services and career services professionals in Nov '07</i> 	Scheduled 2 nd workshop for disability services and career services professionals March '08
II.C	Provide assistive technology accommodations in state government facilities to ensure equal opportunity for employment and the benefit of services, programs, or activities	<ul style="list-style-type: none"> • <i>3 requests for assistive technology received,</i> • <i>2 purchased</i> • <i>1 ordered</i> 	Will process requests when submitted
II.D	Provide college students with disabilities work experience through the Mary Brennan Fellowship program	<ul style="list-style-type: none"> • <i>7 applicants recruited for the Summer '07 & Spring '08 semesters fellowships</i> • <i>3 selected</i> 	Supervision of spring semester fellow
III.0	To ensure the Commission's goals and objectives are accomplished		
III.A	Coordination of Operations (General operating expenses)		
III.B	Financial management	Up to date <i>average processing time (invoice to payment) 27.35 days</i>	RIFANS & Batch Importing
III.C	Personnel management	Up to day	Biweekly Payroll
MOTION: To accept the report as presented PR/BN passed unanimously			
Announcements and Scheduling of Meetings		John MacDonald	5 min.
Next meeting will be on:	April 22, 2008		Starting at: 5 PM
Adjournment:	Chairperson adjourned the meeting at 7:17 PM		
Other Information			
Resource persons:	Bob Cooper, Secretary; Christine Rancourt; & Harvey Salvas (GCD staff)		