



Description of graphic: RI State Seal an anchor in gold behind a blue wheelchair logo. Just below is a blue banner with the state motto "Hope". All are in the center of a ring of 8 blue stars, in groups of 2 separated by the logos for Braille, hearing aids, low vision and amplified phone.

# Governor's Commission on Disabilities Executive Committee

**Monday August 29, 2011 4-5:30 PM**

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 <p>meeting graphic</p>	<p><b>Attendees:</b> Timothy Flynn (Chair); Andrew Argenbright (DBEvc); Judi Drew (HBC); &amp; Bill Inlow (LCvc);</p> <p><b>Absentees:</b> Rosemary Carmody (EACc); Casey Gartland (EACvc); Paul Harden (ECvc); Kate McCarthy-Barnett (Vice Chair/ACc); Ronald McMinn (ACvc); Patricia Ryherd (ECc); Theresa Thoelke (DBEc); &amp; Linda Ward (LCc)</p>
<p>Staff:</p>	<p>Bob Cooper</p>

	Agenda Topics	Moderator/Leader	Time
 <p>Clock graphic</p>	<p><b>Call to Order and Acceptance of the Minutes</b></p>	<p>Timothy Flynn, Chairperson</p>	<p>4:00</p>
 <p>voting check off graphic</p>	<p>Chair calls the meeting to order at 4:30</p> <p><b>Potential MOTION:</b> To accept the minutes of the previous meeting as presented AA/BI passed unanimously</p>		

Action Items:			
 <p>Balancing Budget graphic</p>	<p><b>Commission Operations and Budget</b></p>	<p><b>Bob Cooper, Executive Secretary</b></p>	<p>4:05</p>
<p><b>Purpose/Goal:</b> To prepare FY 2012 &amp; 2013 budget recommendations for the Commission to consider at its Annual Meeting</p>			
<p><b>Discussion:</b> The Budget Officer has sent the following to all state agencies:</p> <p>“Accompanying this memo (via email) are the current services calculations for FY2013, as were referenced in the July 25, 2011 memo on the budget instructions. The current services calculations make adjustments for various statewide items, such as changes in the retirement rate, assessed fringe benefit rate, medical insurance waiver and payroll accrual. In addition, agency specific adjustments have been made where warranted, including entitlement adjustments (i.e. Medicaid), non-recurring or one time expenses, and various other adjustments, such as state aid and education aid.</p> <p>Once all the current services adjustments are made, the Budget Office is projecting total expenditures for FY 2013 of \$3.407 billion. Preliminary projected revenues for FY 2013 are \$3.193 billion, net of the transfer of 3.0% to the Budget Reserve and Cash Stabilization Fund. This leaves a funding gap of almost \$213.4 million. The major driver, accounting for almost half of this projected deficit, is the increase in the retirement contribution for both state employees and the state share of teacher retirement costs, based on the current actuarial rates and assumptions.</p> <p>As stated in the budget instructions that were previously distributed, the Budget Office is requesting just a current services level budget request from each agency at this time. Although</p>			

	Agenda Topics	Moderator/Leader	Time
	<p>it is clear from the data shown above that reductions to expenditures will be needed to balance the budget, it is our expectation that options will come out of the Performance Management initiative and other direct discussions with agencies.</p> <p>Due to the request for only a one level budget this year, I am asking all agencies adhere to the October 1 submission deadline. The earlier my office receives agency budget requests, the more time that is available for review and development of recommendations and options for discussion with Governor Chafee.”</p>		
	<p>Due to the uncertainty of the ADA Technical Assistance funding beyond September 30, 2011, the Executive Secretary developed 2 options;</p> <ol style="list-style-type: none"> <li>1. Full ADA funding in FY 2012 and 2013 and</li> <li>2. No new ADA funding beyond September 30<sup>th</sup>.</li> </ol> <p>In either case, the Commission will need to decide whether to use staff for:</p> <ul style="list-style-type: none"> <li>• Updating the website; and</li> <li>• Responding to general information and referral inquires.</li> </ul> <p>The reduction in NE ADA Funds (under either option) will require utilizing considerably more HAVA funding for staff wages &amp; benefits. We need to decide what election tasks the staff will perform and which ADA technical assistance activities to curtail.</p> <p>The RI Disability Vote Project has lain off their only employee. The Commission has provided most of the RIDVP’s funds. There may be some activities RIDVP had performed on the Commission’s behalf that will need to be done to staff in the future.</p>		

Hours by Performance Management “Program”	FY 06 Actual	FY 07 Actual	FY 08 Actual	FY 09 Actual	FY 10 Actual	FY 11 Actual	FY 2012 Weighted Average	FY 2012 [A] Current Service Level	FY 2013 Weighted Average	FY 2013 [B] Current Service Level
Advocacy	1,165	1,467	1,963	729	819	962	1,066	839	1,071	843
Access	3,639	3,258	1,988	2,498	2,960	2,105	2,468	2602	2,478	2599
Voting	649	837	189	124	97	786	402	674	404	693
Employment	1,586	1,710	1,091	1,659	1,194	1,317	1,284	1164	1,289	1169
Disability Business Enterprises	29	72	5	6	426	224	114	291	115	292
Admin. Support	1,576	1,530	1,306	688	825	752	1,002	764	1,006	767
<b>Grand Total</b>	<b>8,642</b>	<b>8,874</b>	<b>6,542</b>	<b>5,704</b>	<b>6,321</b>	<b>6,146</b>	<b>6,335</b>	<b>6334</b>	<b>6,363</b>	<b>6363</b>
Maximum Available Staff Hours							6335	6335	6,363	6,363
Weighted Average Factor							90%		90%	
<b>Difference from weighted average</b>										
Advocacy								(227)		(228)
Access								151		121
Voting								254		287
Employment								(120)		(120)
Disability Business Enterprises								177		177
Administrative Support								(238)		(239)

<input checked="" type="checkbox"/> <small>voting check off graphic</small>	<b>MOTION:</b> To recommend the Commission submit a current service level budget based on full ADA funding in FY 2012 & 13. JD/BI passed unanimously
<input checked="" type="checkbox"/> <small>voting check off graphic</small>	<b>MOTION</b> To allocation HAVA Voter ID, Voter Education/Registration outreach to the Assistant ADA Coordinator (Employment) as the needed. AA/BI Passed unanimously

Funding Source	General Revenue			Federal Grants			Restrict.	Total \$
FY 2012 [A] Current Service Level	Total GCD Operations	Mary Brennan Fellowship	Disability Business Enterprise	ADA Access	ADA Employ	HAVA Grant	Public Forums	Annual hours or %
<b>Category Summary</b>								
Wages and Benefits	\$344,886		\$14,679	\$17,308		\$32,245		\$409,118
Contracted Professional Services	\$5,447		\$204	\$397	\$204	\$348	\$2,469	\$9,069
Operating Supplies and Expenses	\$15,170		\$670	\$2,460	\$1,715	\$12,620	\$4,220	\$36,855
Assistance and Grants		\$10,350				\$54,800		\$65,150
Capital Purchases and Equipment	\$1,881						\$2,000	\$3,881
<b>Total</b>	<b>\$367,384</b>	<b>\$10,350</b>	<b>\$15,552</b>	<b>\$20,165</b>	<b>\$1,919</b>	<b>\$100,013</b>	<b>\$8,689</b>	<b>\$524,073</b>
<b>Target /Available funds</b>	\$362,885	\$10,350	\$15,551	\$22,545		\$100,000	\$23,239	\$534,570
<b>Over/(Under) Target</b>	\$4,499	\$0	\$1	(\$462)		\$13	(\$14,550)	(\$10,497)
<b>Grand Total Accounts</b>		<b>\$393,287</b>		<b>\$22,083</b>				<b>\$415,370</b>
<b>State Employee Wages and Benefits</b>								
Executive Secretary	\$121,341							\$121,341
Annual Hours	1,526							1,526
FTE	1.00							1.00
Special Projects (State ADA) Coordinator	\$126,279					\$1,276		\$127,555
Annual Hours	1,524					15		1,539
FTE	0.99					0.01		1.00
Assistant ADA Coordinator (Employ.)	\$58,716		\$14,679			\$8,155		\$81,550
Annual Hours	1,164		291			162		1,617
FTE	0.72		0.18	0.00	0.00	0.1		1.00
Assistant ADA Coordinator (Access.)	\$38,549			\$17,308	\$0	\$22,8158		\$78,672
Annual Hours	809			363		479		1,651
FTE	0.49		0.00	0.22	0.00	0.29		1.00
<b>Total State Employee \$</b>	<b>\$344,886</b>	<b>\$0</b>	<b>\$14,679</b>	<b>\$17,308</b>	<b>\$0</b>	<b>\$32,245</b>	<b>\$0</b>	<b>\$409,118</b>
ADA Maintenance of Effort (hours)	2,798							2,798
Total State funded annual hours	5,023		291					5,314
Total Grant funded annual hours	1,019			363		656		1,019
difference from MoE	367							367
Combined Total Employee Hours	6,042		291	363		656		6,333
<i>Combined Pro-rata Historic Average Hrs</i>	6,220		114					6,335
Full Time Equivalent Staffing	3.2		0.18	0.22		0.4		4.0
<i>Combined State/Federal FTE</i>	3.86		0.18					4.0
<b>Contracted Professional Services</b>								
<b>Training and Education Services</b>				\$179				\$179
Stenographic Serv. hrs							6.00	6.00
<b>Total Temporary Serv.</b>							\$75	\$75
Cleaning Services	4,500							4,500
<b>Buildings &amp; Grounds Keeping Serv.</b>	<b>\$4,500</b>							<b>\$4,500</b>
CART Reporters	\$474			\$109		\$174	\$2,394	\$3,150
Interpreters	\$474		\$204	\$109	\$204	\$174		\$1,164
<b>Interpreters/CART</b>	<b>\$947</b>		<b>\$204</b>	<b>\$218</b>	<b>\$204</b>	<b>\$348</b>	<b>\$2,394</b>	<b>\$4,314</b>
<b>Total Other Contracted</b>	<b>\$947</b>		<b>\$204</b>	<b>\$218</b>	<b>\$204</b>	<b>\$348</b>	<b>\$2,394</b>	<b>\$4,314</b>

Funding Source	General Revenue			Federal Grants			Restrict.	Total \$ Annual hours or %
	Total GCD Operations	Mary Brennan Fellowship	Disability Business Enterprise	ADA Access	ADA Employ	HAVA Grant	Public Forums	
<b>FY 2012 [A] Current Service Level</b>								
<b>Professional Serv.</b>								
<b>Grand Total Contracted Professional Serv.</b>	<b>\$5,447</b>	<b>\$0</b>	<b>\$204</b>	<b>\$397</b>	<b>\$204</b>	<b>\$348</b>	<b>\$2,469</b>	<b>\$9,068</b>
<b>Operating Supplies and Expenses</b>								
Building Maintenance and Repairs Expenses	\$30							\$30
Waste Disposal	\$360							\$360
Non-Building Related Maintenance and Repairs	\$600							\$600
Office Supplies and Equipment	\$415					\$370		\$785
Janitorial supplies and equipment	\$70							\$70
Subscriptions to Legal & Regulatory CD ROMs	\$1,405							\$1,405
Postage and Postal Services	\$1,375							\$1,375
Print Advertising	\$3,500					\$7,915	\$4,105	\$15,520
Printing	\$1,355		\$200	\$120	\$90	\$2,350		\$4,115
Miscellaneous Expenses	\$1,510						\$115	\$1,625
Staff Training (Website maintenance)	\$170			\$80	\$210			\$460
Liability & Property Insurance	\$2,800							\$2,800
Water for consumption	\$100							\$100
Instate Mileage	\$800		\$105	\$1,295	\$485	\$405		\$3,090
Instate Other Travel (tolls/parking)	\$140		\$20	\$25	\$165	\$140		\$490
Out-of-State Travel	\$0			\$750	\$750	\$1,305		\$2,805
Communication System Expenses	\$455		\$345	\$175				\$975
Administrative Fees	\$85		\$0	\$15	\$15	\$135		\$250
<b>Total Operating Supplies &amp; Expenses</b>	<b>\$15,170</b>	<b>\$0</b>	<b>\$670</b>	<b>\$2,460</b>	<b>\$1,715</b>	<b>\$12,620</b>	<b>\$4,220</b>	<b>\$36,855</b>
<b>Assistance &amp; Grants</b>								
Fellowship Hours								
Mary Brennan (Policy)		480						480
Edward Schroeder (Legislation)		240						240
G. Paul Hanaway (Architectural Access)								
<b>Total Fellows Hrs</b>	<b>0</b>	<b>720</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>720</b>
Stipend/Student Fellowship Stipends		\$3,450						\$10,350
Voter Education & Registration						\$17,800		\$17,800
Polling Place Accessibility						\$20,000		\$20,000
Ride trips & Voter Outreach Mailing						\$1,000		\$1,000
Election Day polling place surveyors						\$16,000		\$16,000
Voter Outreach Mailing (DMV)								
<b>Total Assistance &amp; Grants</b>	<b>\$0</b>	<b>\$10,350</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$132,991</b>	<b>\$0</b>	<b>\$65,150</b>
<b>Capital Purchases and Equipment</b>								

Funding Source	General Revenue			Federal Grants			Restrict.	Total \$ Annual hours or %
FY 2012 [A] Current Service Level	Total GCD Operations	Mary Brennan Fellowship	Disability Business Enterprise	ADA Access	ADA Employ	HAVA Grant	Public Forums	
Purchased Equipment (printer)							\$2,000	\$2,000
Leased Equipment	\$1,881							\$1,881
<b>Total Capital Purchases &amp; Equip.</b>	<b>\$1,881</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,000</b>	<b>\$3,881</b>

FY 2012 [A] Current Service Level		Accessibility Renovations	
Funding Source		RICAP	General Obligation Bonds
<b>Capital Purchases &amp; Equipment</b>			
Paul V. Sherlock Purchase of Artists Work		\$2,500	
Architectural & Engineering Services		\$247,500	\$34,968
Construction		\$216,995	
Purchased Equipment (printer)			
Leased Equipment			
<b>Total Capital Purchases &amp; Equipment</b>		<b>\$466,995</b>	<b>\$34,968</b>
<b>Grand Total Accessibility Renovations</b>			<b>\$501,963</b>

Funding Source	Detail Commission Operations (General Revenue) Account					
FY 2012 [A] Current Service Level	Advocacy & Public Awareness	Accessibility Technical Assistance	Disability Rights Compliance	Election Assistance	Employment Technical Assistance	Admin. Support
<b>Category Summary</b>						
Wages and Benefits	\$66,738	\$141,953	\$16,498		\$58,716	\$60,981
Contracted Professional Services	\$546		\$401			\$4,500
Operating Supplies and Expenses	\$6,320					\$8,850
Assistance and Grants						\$0
Capital Purchases and Equipment						\$1,881
<b>Total</b>	<b>\$73,604</b>	<b>\$141,953</b>	<b>\$16,899</b>	<b>\$0</b>	<b>\$58,716</b>	<b>\$76,212</b>
<b>State Employee Wages and Benefits</b>						
Executive Secretary	\$66,738					\$54,603
Annual Hours	839					687
FTE	0.55					0.45
Special Projects (State ADA) Coordinator		\$109,697	\$10,204			\$6,378
Annual Hours		1324	123			77
FTE		0.86	0.08			0.05
Assistant ADA Coordinator (Employment)					\$58,716	
Annual Hours					1164	
FTE					0.72	
Assistant ADA Coordinator (Accessibility)		\$32,256	\$6,294			
Annual Hours		677	132			
FTE		0.41	0.08			
<b>Total State Employee \$</b>	<b>\$66,738</b>	<b>\$141,953</b>	<b>\$16,498</b>	<b>\$0</b>	<b>\$58,716</b>	<b>\$60,981</b>
State ADA Maintenance of Effort (MoE)		1,643			1,155	
Total State funded annual hours	1,002	1,770	255		1,213	764
Total Grant funded annual hours		363		677		
Difference from MoE		127			58	
Combined Total Employee Hours	1,002	2,133	255	677	1,213	764
<i>Combined Pro-rata Historic Average Hrs</i>	<i>1,066</i>	<i>2,468</i>		<i>402</i>	<i>1,284</i>	<i>1,002</i>
Full Time Equivalent Staffing	0.65	1.13	0.16		0.75	0.50
<i>Combined State/Federal FTE</i>	<i>0.65</i>	<i>1.35</i>	<i>0.16</i>	<i>0.41</i>	<i>0.75</i>	<i>0.50</i>
<b>Contracted Professional Services</b>						
<b>Training and Education Services</b>						
Total Stenographic Service hrs						
<b>Total Temporary Serv.</b>	\$0	\$0	\$0	\$0	\$0	\$0
Cleaning Services <sup>1</sup>						\$4,500
<b>Buildings a&amp; Grounds Keeping Serv.</b>						<b>\$4,500</b>

<sup>1</sup> Subject to change, currently soliciting quotes to determine "fair market value"

Funding Source	Detail Commission Operations (General Revenue) Account					
FY 2012 [A] Current Service Level	Advocacy & Public Awareness	Accessibility Technical Assistance	Disability Rights Compliance	Election Assistance	Employment Technical Assistance	Admin. Support
CART Reporters	\$273	\$0	\$201	\$0	\$0	
Interpreters	\$273	\$0	\$201	\$0	\$0	
<i>Interpreters/CART</i>	<b>\$546</b>	<b>\$0</b>	<b>\$401</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Other Contracted Professional Serv.</b>	<b>\$546</b>	<b>\$0</b>	<b>\$401</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Grand Total Contracted Professional Serv.</b>	<b>\$546</b>	<b>\$0</b>	<b>\$401</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,500</b>
<b>Operating Supplies &amp; Expenses</b>						
Building Maintenance and Repairs Expenses						\$30
Waste Disposal						\$360
Non-Building Maintenance & Repairs						\$600
Office Supplies and Equipment						\$415
Janitorial supplies and equipment						\$70
Subscriptions to Legal & Regulatory CDs	\$1,405					\$1,405
Postage and Postal Services						\$1,375
Print Advertising	\$3,500					
Printing	\$740					\$615
Miscellaneous Expenses						\$1,510
Staff Training (Website maintenance)	\$170					
Liability & Property Insurance						\$2,800
Water for consumption						\$100
Instate Mileage	\$550					\$250
Instate Other Travel (tolls/parking)	\$125					\$15
Out-of-State Travel						
Communication System Expenses						\$455
Administrative Fees						\$85
<b>Total Operating Supplies &amp; Expenses</b>	<b>\$6,320</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,850</b>
<b>Assistance &amp; Grants</b>						
Fellowship hours						
Mary Brennan (Policy)	480					
Edward Schroeder (Legislation)	240					
G. Paul Hanaway (Architectural Access)						
<b>Total Fellows Hours</b>	<b>720</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Stipend/Student	\$3,450					
Fellowship Stipends						
Voter Education & Registration						
Polling Place Accessibility						
Ride trips & Voter Outreach Mailing						
Election Day polling place surveyors						
Voter Outreach Mailing DMV)						
<b>Total Assistance &amp; Grants</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Capital Purchases &amp; Equipment</b>						
Purchased Equipment (printer)						
Leased Equipment						\$1,881
<b>Total Capital Purchases &amp; Equipment</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,881</b>

Funding Source	General Revenue			Federal Grants			Restrict	Total \$ Annual hrs or %
	Total GCD Operations	Mary Brennan Fellowship	Disability Business Enterprise	ADA Access	ADA Employ	HAVA Grant	Public Forums	
<b>FY 2013 [B] Current Service Level</b>								
<b>Category Summary</b>								
Wages and Benefits	\$377,124		\$16,012	\$20,660		\$38,142		\$451,938
Contracted Professional Services	\$5,963		\$207	\$222	\$207	\$355	\$2,470	\$9,424
Operating Supplies and Expenses	\$15,565		\$695	\$2,670	\$1,740	\$12,855	\$6,975	\$40,500
Assistance and Grants		\$10,350				\$48,650		\$59,000
Capital Purchases and Equipment	\$1,881							\$1,881
<b>Total</b>	<b>\$400,533</b>	<b>\$10,350</b>	<b>\$16,914</b>	<b>\$23,552</b>	<b>\$1,947</b>	<b>\$100,002</b>	<b>\$9,445</b>	<b>\$562,743</b>
<b>Target (available grant funds)</b>	<b>\$395,535</b>	<b>\$10,350</b>	<b>\$16,912</b>	<b>\$25,500</b>		<b>\$100,000</b>	<b>\$18,150</b>	<b>\$566,447</b>
Difference:	\$4,998	\$0	\$2	(\$0)		\$2	(\$8,705)	(\$3,704)
<b>Grand Total All Accounts</b>	<b>\$427,797</b>			<b>\$25,500</b>		<b>\$345,092</b>	<b>\$21,782</b>	<b>\$820,171</b>
<b>State Employee Wages &amp; Benefits</b>								
Executive Secretary	\$133,240							\$133,240
Annual Hours	1,533							1,533
FTE	1.00							1.00
Special Projects (State ADA) Coordinator	\$138,514					\$1,399		\$139,913
Annual Hours	1531					15		1546
FTE	0.99					0.01		1.00
Assistant ADA Coordinator (Employ.)	\$64,049		\$16,012			\$8,896		\$88,957
Annual Hours	1169		292			162		1,623
FTE	0.72		0.18			0.1		1.00
Assistant ADA Coordinator (Access.)	\$41,321			\$20,660		\$27,847		\$89,828
Annual Hours	763			382		514		1,659
FTE	0.46			0.23		0.31		1.00
<b>Total State Employee</b>	<b>\$377,124</b>	<b>\$0</b>	<b>\$16,012</b>	<b>\$20,660</b>	<b>\$0</b>	<b>\$38,142</b>	<b>\$0</b>	<b>\$451,938</b>
State ADA Maintenance of Effort (MoE)	2,798							2,798
Total State funded annual hours	4,996		292					5,288
Total Grant funded annual hours	1,073			382		691		1,073
Difference from MoE	331							331
Combined Total Employee Hours	6,069		292	382		691		6,361
<i>Combined Historic Average Hours</i>	6,221		114					6,335
Full Time Equivalent Staffing	3.82		0.18	0.23		0.42		4.00
<i>Target FTE</i>	3.86		0.14					4.00
<i>Combined State/Federal FTE</i>	3.82		0.18					4.00
<b>Contracted Professional Services</b>								
<b>Training and Education Services</b>								
Stenographic Serv. hrs							6	6
<b>Total Temporary Services</b>							\$76	\$76
Cleaning Services	\$5,000							\$5,000
<b>Buildings &amp; Grounds keeping Serv.</b>	<b>\$5,000</b>							<b>\$5,000</b>
CART Reporters	\$482			\$111		\$178	\$2,394	\$3,164
Interpreters	\$482		\$207	\$111	\$207	\$178		\$1,184
<b>Interpreters/CART Reporters</b>	<b>\$963</b>	<b>\$0</b>	<b>\$207</b>	<b>\$222</b>	<b>\$207</b>	<b>\$355</b>	<b>\$2,394</b>	<b>\$4,348</b>
<b>Total Other Contracted</b>	<b>\$963</b>	<b>\$0</b>	<b>\$207</b>	<b>\$222</b>	<b>\$207</b>	<b>\$355</b>	<b>\$2,394</b>	<b>\$4,348</b>

Funding Source	General Revenue			Federal Grants			Restrict	Total \$ Annual hrs or %
	FY 2013 [B] Current Service Level	Total GCD Operations	Mary Brennan Fellowship	Disability Business Enterprise	ADA Access	ADA Employ	HAVA Grant	
Professional Serv.								
<b>Grand Total Contracted Professional Serv.</b>	<b>\$5,963</b>	<b>\$0</b>	<b>\$207</b>	<b>\$222</b>	<b>\$207</b>	<b>\$355</b>	<b>\$2,470</b>	<b>\$9,424</b>
<b>Operating Supplies &amp; Expenses</b>								
Building Maintenance & Repairs Expenses	\$35							\$35
Waste Disposal	\$365							\$365
Non-Building Related Maintenance and Repairs	\$615							\$615
Office Supplies and Equipment	\$425					\$370		\$795
Janitorial supplies and equipment	\$75							\$75
Subscriptions to Legal & Regulatory CDs	\$1,430							\$1,430
Postage and Postal Services	\$1,400							\$1,400
Print Advertising	\$3,555					\$8,050	\$6,855	\$18,460
Printing	\$1,375		\$220	\$120	\$95	\$2,395		\$4,205
Miscellaneous Expenses	\$1,535						\$120	\$1,655
Staff Training	\$300			\$80	\$210			\$590
Liability & Property Insurance	\$2,830							\$2,830
Water for consumption	\$110							\$110
Instate Mileage	\$815		\$105	\$1,325	\$495	\$430		\$3,170
Instate Other Travel (tolls/parking)	\$150		\$15	\$25		\$145		\$335
Out-of-State Travel	\$0			\$925	\$925	\$1,325		\$3,175
Communication System Expenses	\$460		\$355	\$180				\$995
Administrative Fees	\$90			\$15	\$15	\$140		\$260
<b>Total Operating Supplies &amp; Expenses</b>	<b>\$15,565</b>	<b>\$0</b>	<b>\$695</b>	<b>\$2,670</b>	<b>\$1,740</b>	<b>\$12,855</b>	<b>\$6,975</b>	<b>\$40,500</b>
<b>Assistance &amp; Grants</b>								
Fellowship hours								
Mary Brennan (Policy)		480						480
Edward Schroeder (Legislation)		240						240
G. Paul Hanaway (Architectural Access)								
<b>Total Fellows Hours</b>		<b>720</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>720</b>
Stipend/Student		\$3,450						\$3,450
Fellowship Stipends		\$10,350						\$10,350
Voter Education & Registration						\$11,650		\$11,650
Polling Place Access Renovations						\$20,000		\$20,000
Ride trips & Voter Outreach Mailing						\$1,000		\$1,000
Election Day polling place surveyors						\$16,000		\$16,000
Voter Outreach Mailing (DMV)								\$0
<b>Total Assistance &amp; Grants</b>	<b>\$0</b>	<b>\$10,350</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$48,650</b>	<b>\$0</b>	<b>\$59,000</b>
<b>Capital Purchases &amp; Equipment</b>								
Purchased Equipment	\$0						\$0	\$0
Leased Equipment	\$1,881	\$0	\$0	\$0	\$0	\$0	\$0	\$1,881
<b>Capital Purchases &amp; Equipment</b>	<b>\$1,881</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,881</b>

FY 2013 [B] Current Service Level	Accessibility Renovations	
Funding Source	RICAP	General Obligation Bonds
<b>Capital Purchases &amp; Equipment</b>		
Paul V. Sherlock Artists work	\$2,500	
Architecture and Engineering	\$24,750	
Construction	\$222,750	
Purchased Equipment		
Leased Equipment		
<b>Capital Purchases &amp; Equipment</b>	<b>\$250,000</b>	<b>\$0</b>

Funding Source	Detail Commission Operations (General Revenue) Account					
	Advocacy & Public Awareness	Accessibility Technical Assistance	Disability Rights Compliance	Election Assistance	Employment Technical Assistance	Admin. Support
<b>FY 2013 [B] Current Service Level</b>						
<b>Category Summary</b>						
Wages and Benefits	\$73,282	\$154,460	\$18,379	\$0	\$64,049	\$66,954
Contracted Professional Services	\$555	\$0	\$408	\$0	\$0	\$5,000
Operating Supplies and Expenses	\$6,725	\$0	\$0	\$0	\$0	\$8,840
Assistance and Grants	\$0	\$0	\$0	\$0	\$0	\$0
Capital Purchases and Equipment	\$0	\$0	\$0	\$0	\$0	\$1,881
Operating transfers	\$80,562	\$154,460	\$18,787	\$0	\$64,049	\$82,675
<b>Total</b>	<b>\$73,282</b>	<b>\$154,460</b>	<b>\$18,379</b>	<b>\$0</b>	<b>\$64,049</b>	<b>\$66,954</b>
<b>Target (available grant funds)</b>						
Difference:						
<b>Grand Total All General Revenue Accounts</b>						
<b>State Employee Wages &amp; Benefits</b>						
Executive Secretary	\$73,282	\$0	\$0	\$0		\$59,958
Annual Hours	843	0	0	0	0	690
FTE	0.55	0.00	0.00	0.00	0.00	0.45
Special Projects (State ADA) Coordinator	\$0	\$120,325	\$11,193	\$0	\$0	\$6,996
Annual Hours	0	1330	124	0	0	77
FTE	0	0.86	0.08	0	0	0.05
Assistant ADA Coordinator (Employment)	\$0	\$0	\$0	\$0	\$64,049	\$0
Annual Hours	0	0	0	0	1169	0
FTE	0	0	0	0	0.72	0
Assistant ADA Coordinator (Accessibility)	\$0	\$34,135	\$7,186	\$0	\$0	\$0
Annual Hours	0	630	133	0	0	0
FTE	0	0.38	0.08	0	0	0
<b>Total State Employee</b>	<b>\$73,282</b>	<b>\$154,460</b>	<b>\$18,379</b>	<b>\$0</b>	<b>\$64,049</b>	<b>\$66,954</b>
State ADA Maintenance of Effort (MoE)		1643			1155	
Total State funded annual hours	843	1960	257	0	1169	767
Total Grant funded annual hours		382		691	0	
difference from MoE		317			14	
Combined Total Employee Hours	843	2342	257	691	1169	767
<i>Combined Historic Average Hours</i>	1065.822	2467.51		402.2501	1283.625	1001.63
Full Time Equivalent Staffing	0.55	1.47	0.16	0.42	0.72	0.5
<i>Target FTE</i>	0.61	1.7	0.05	0.2	0.8	0.5
<i>Combined State/Federal FTE</i>	0.55	1.47	0.16	0.42	0.72	0.5
<b>Contracted Professional Services</b>						
Total Training and Education Serv. Hours						
<b>Training and Education Services</b>						
Stenographic Services hrs	0	0	0	0	0	0
<b>Total Temporary Services</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Cleaning Services						\$5,000
<b>Buildings and Grounds keeping Serv.</b>						<b>\$5,000</b>
CART Reporters	\$278	\$0	\$204	\$0	\$0	
Interpreters	\$278	\$0	\$204	\$0	\$0	
<b>Interpreters/CART Reporters</b>	<b>\$555</b>	<b>\$0</b>	<b>\$408</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Other Contracted Professional Serv.</b>	<b>\$555</b>	<b>\$0</b>	<b>\$408</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Grand Total Contracted Professional Serv.</b>	<b>\$555</b>	<b>\$0</b>	<b>\$408</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,000</b>

Funding Source	Detail Commission Operations (General Revenue) Account					
	Advocacy & Public Awareness	Accessibility Technical Assistance	Disability Rights Compliance	Election Assistance	Employment Technical Assistance	Admin. Support
<b>FY 2013 [B] Current Service Level</b>						
<b>Operating Supplies &amp; Expenses</b>						
Building Maintenance & Repairs Expenses						\$35
Waste Disposal						\$365
Non-Building Related Maintenance & Repairs						\$615
Office Supplies and Equipment						\$425
Janitorial supplies and equipment						\$75
Subscriptions to Legal & Regulatory CDs	\$1,430					
Postage and Postal Services						\$1,400
Print Advertising	\$3,555					
Printing	\$750					\$625
Miscellaneous Expenses						\$1,535
Staff Training (Website Maintenance)	\$300					
Liability & Property Insurance						\$2,830
Water for consumption						\$110
Instate Mileage	\$560					\$255
Instate Other Travel (tolls/parking)	\$130					\$20
Out-of-State Travel						
Communication System Expenses						\$460
Administrative Fees						\$90
<b>Total Operating Supplies &amp; Expenses</b>	<b>\$6,725</b>		<b>\$0</b>	<b>\$0</b>		<b>\$8,840</b>
<b>Assistance &amp; Grants</b>						
Fellowship hours						
Mary Brennan (Policy)	480					
Edward Schroeder (Legislation)	240					
G. Paul Hanaway (Architectural Access)						
<b>Total Annual Fellows Hours</b>	<b>720</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Stipend/Student						
Fellowship Stipends						
Voter Education & Registration						
Polling Place Access Renovations						
Ride trips & Voter Outreach Mailing						
Election Day polling place surveyors						
Voter Outreach Mailing DMV)						
<b>Total Assistance &amp; Grants</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Capital Purchases &amp; Equipment</b>						
Purchased Equipment						
Leased Equipment	\$0	\$0		\$0	\$0	\$1,881
<b>Capital Purchases &amp; Equipment</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,881</b>



voting check  
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**MOTION:** To recommend the Commission adopt the FY 2012 Revised and FY 2013 Budget Requests, as revised by the change in staff duties (as reflected above). JD/BI passed unanimously

### Performance Management Initiative: Draft Survey Responses

**1) Name of program/initiative**

*Advocacy on Behalf of People with Disabilities and their Families*

**2) What is the intended purpose of the program?**

To arouse community interest in the concerns of people with disabilities. To get adopted policies that will make sure every person with disabilities: Is able to work; is able to live in her/his own (with least amount of help); and is involved in her/his neighborhood.

The Commission's second duty is to advocate. This is accomplished by speaking out and speaking up on the concerns of people with disabilities and their families. The Commission educates policy makers on the effect of bills and rules on people with disabilities and their families.

Every year the Commission's Legislation Committee reviews all bills into the General Assembly. The Legislation Committee has representatives of all the state health and human service departments, the Secretariat, consumer organizations, service providers, individuals with disabilities and parents. It determines the bills effect on people with disabilities and their families. The Commission issues impact

statements on a wide range of legislation.

**3) How does this relate to the department's overall mission?**

The Commission is the **only** state agency whose mission (duty) is to advocate (speak up) for **all people with disabilities** and their families, for **their inclusion in all services & opportunities** and for **all ages; pre-natal care to hospice care:**

For their right to employment, education, and job training.

For their right to affordable health care and social services.

For their right to affordable housing, food and transportation.

For their right to be involved in their neighborhood, to vote, to be part of the community.

**4) Is there specific authorization for the program? If required under federal and state law or regulation, please provide the specific citation or authorizing statute.**

**RIGL 42-51-6. Governor's Commission on Disabilities - Duties.**

"It shall be the duty of the commission to work in cooperation with the National Council on Disability and other interested federal, state, and local agencies, organizations, and employers in:

(a) Promoting on behalf of the people with disabilities and assuring, on behalf of the state, that people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state; [and]

(b) Arousing community interest in the concerns of people with disabilities through the utilization of whatever community and state resources the commission may deem necessary to accomplish the maximum in independent living and human development;"

**42-51-9. Governor's Commission on Disabilities - Definitions.**

The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(6) "Promoting on behalf of the people with disabilities and assuring, on behalf of the state, that people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state" means the authority to act and appear on behalf of the people with disabilities to present evidence and make arguments before any federal, state or local agency or public body regarding matters pending before that agency or public body that may have an adverse effect on persons with disabilities.

**RIGL 42-66.3-8. Home and Community Care Services to the Elderly - Home and community care advisory committee.**

"(a) There is established a permanent state committee to be known as the home and community care services advisory committee established for the purpose of advising the director of elderly affairs relative to the needs and concerns of home and community care services care recipients."

**5) Is the program's duration limited to a specific time period (e.g., authorization sunset, expiration of federal grant, etc.)**

No

**6) Who is the primary customer (user/recipient/beneficiary) of the program?**

**User/Recipients:**

**The General Assembly:** The Commission reviews many bills each year. The Legislation Committee reviewed 363 bills, in 2009. Last year it only reviewed 177. On average, an impact statement is sent on one-quarter to one-third of the bills. These statements are sent to the bills' sponsors and appropriate committees, and the Governor's Office. The statements include amendments (changes) to deal with any harm or to increase the benefits of the bill to people with disabilities.

The Legislation Committee and staff drafts bills at the request of members of the General Assembly. They also work with interested parties to resolve any differences. Members of the Commission and/or staff testify when requested.

**The Governor's Office:** The Commission provides the Governor with disability policy choices.

**Government policy makers** (at federal, state, and local levels): The Commission is active in the development and review of policies that may affect the lives of people with disabilities and their families.

**Beneficiaries:** The 127,082 persons with disabilities<sup>i</sup> and their families, providers and the general public

**7) List all other relevant stakeholders who are impacted by the program (customers, nonprofit organizations, industry). Please be as specific as possible.**

The Governor, General Assembly, department and agency directors, people with disabilities and their families, advocacy organizations and service providers.

**8) How is success for this program defined? What outcomes are you trying to achieve?**

Reduction of the number of bills passed that have a potential negative impact on people with disabilities  
And the number of bills passed that have a potential positive impact on persons with disabilities.

The measure includes all bills that the Commission took a position. The measure is related to the commission's stated role of advocating for the concerns of all people with disabilities, RIGL 42-51-6(a) & (b).

**9) Are you currently collecting performance/outcome measurements for the program?**

Yes. The Commission tracks the following:

- The # of bills the Legislation Committee review
- # of all bills the Commission/Legislation Committee took a position on
- # of all bills the Commission/Legislation Committee was successful
- % of Total bills successfully disposed

**10) Do you have a corrective action plan for program underperformance?**

Yes, within available budgetary & personnel resources

**11) How frequently do you review the metrics?**

Annually

**12) Do other governmental or non-governmental organizations or persons assist with program development implementation or outcome assessment (e.g., technical guidance provided by the federal government, client information received from non-profits, etc.). Please list them and their roles.**

Yes, during the last week in July (around the anniversary of the signing of the Americans with Disabilities Act - July 26<sup>th</sup>) the Commission and over 20 community organizations, government and non-governmental agencies conduct a series of public forums on the concerns of people with disabilities and their families to listen to the community and develop plans to address those concerns during the next several years. The 2011 public forum sponsors were:

**13) How many FTEs are assigned to the program? (If an employee spends part of his/her time on a program, please use decimals in the total FTE count.)**

0.58

**14) Do you use any contract employees for program management, implementation or outcome assessment?**

No

**15) Are any FTEs or contractors federally funded, either partly or fully?**

No

**16) What is the estimated budget for the program, as of the FY 11 supplemental? How much of that amount, if any, comes from federal funds?**

General Revenue	\$80,103
Restricted Receipts	\$9,108

**17) Is the function similar to any other public function? In what way is it different?**

No

**18) Can the process or function be accomplished in another way, or by another party?**

No

**19) Does the process or function produce the result(s) originally intended? If not, why not, or what would have to be done to make it produce those results?**

Yes.

**FY 2011 Achievements**

Outcome of Commission's Legislation enacted 3 of 11:

- Expansion of the Sherlock (employee buy-in health care) Plan (H 5618 and S 0301)
- Updating RI's Access Building Code to match the 2012 US Access Guidelines (H 5284 and S 0206)
- Repealing the annual reporting provisions of § 31-28-7.3 Disability parking enforcement program (S 0207 and H-5300)

Outcome of legislative advocacy:

- Reviewed 322 Acts and Budget Articles
- Took Positions on 106 Acts and Budget Articles
- Position Sustained on 61 Acts and Budget Articles, 58%
- Position Rejected on 45 Acts and Budget Articles, -42%

**FY 2011 Barriers Blocking Achievements**

Legislature's priorities; state & federal budgetary issues, staffing

**FY 2012/13 Goals**

- Monitor and ensure implementation of this year's enacted Sherlock Buy-In by the statute's deadlines
- To enact the 2011 Commission's legislation that was not enacted in 2011
- To enact legislation coming from the 2011 Public Forums.

**20) When was the process or function last examined or changed?**

Annual operation reviews are conducted each September.

**1) Name of program/initiative**

*Protecting the Rights of Individuals with Disabilities*

**2) What is the intended purpose of the program?**

To make sure that every person with a disability have access to participate in the community, education,

employment, that is equal to those of every citizen of this state.

**3) How does this relate to the department's overall mission?**

The Commission is responsible for ensuring all state agencies comply with federal and state laws protecting the rights of persons with disabilities.

The Commission helps businesses, agencies, and employers comply with disability rights laws.

**4) Is there specific authorization for the program? If required under federal and state law or regulation, please provide the specific citation or authorizing statute.**

**RIGL 42-51-6. Governor's Commission on Disabilities - Duties.**

"It shall be the duty of the commission to work in cooperation with the National Council on Disability and other interested federal, state, and local agencies, organizations, and employers in:

(1) Promoting on behalf of the people with disabilities and assuring, on behalf of the state, that people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state; ....

(3) Coordinating compliance with federal and state laws protecting the rights of individuals with disabilities by state agencies;

(4) Providing technical assistance to public and private agencies, businesses, and citizens in complying with federal and state laws protecting the rights of individuals with disabilities" by providing technical assistance to State Agencies, Partners, Businesses and those with disabilities; ..."

**RIGL 42-51-6.1. Governor's Commission on Disabilities - Hearing boards.**

(a) The commission's chairperson shall appoint five (5) commissioners as the hearing board for the purpose of conducting hearings and rendering decisions on matters relating to the provisions of chapter 87 of title 42 [Civil Rights of People with Disabilities - Enforcement of Anti-Discrimination provisions] and sections 37-8-15.1[Public Buildings - Accessibility of leased or rented facilities for people with disabilities] and 42-46-13 [Open Meetings - Accessibility for persons with disabilities] within the jurisdiction of the commission.

(b) Three (3) commissioners shall constitute a quorum of a hearing board.

(c) The hearing board is empowered to:

(1) Receive, investigate, and act upon charges of unlawful practices within its jurisdiction; and

(2) In connection with any investigation or hearing held on any matter within its jurisdiction to hold hearings, administer oaths, take the testimony of any person under oath, and to require the production for examination of any books and papers relating to any matter under investigation or in question before the hearing board.

**RIGL 42-51-6.2. Governor's Commission on Disabilities - Committees and mediation teams.**

(a) The commission is authorized to create advisory committees and mediation teams to perform tasks within the jurisdiction of the commission.

(b) The commission may itself, or it may empower these committees and mediation teams to:

#####

(4) Attempt by informal methods of conference, persuasion, and conciliation, to induce compliance with matters within the jurisdiction of the commission.

RIGL 42-46-5(b)(3 & 4). Open Meetings - Purposes for which meeting may be closed - Use of electronic communications - Judicial proceedings - Disruptive conduct.

To "grant a waiver that allows a member to participate by electronic communication or telephone communication only if the member's disability would prevent him/her from being physically present at the meeting location, and the use of such communication is the only reasonable accommodation"

**RIGL 42-51-10. Governor's Commission on Disabilities - State Coordinating Committee on Disability Rights.**

"The commission shall establish a state coordinating committee on disability rights to advise and assist the commission to implement self-evaluation and compliance plans as required by federal and state laws protecting the rights of individuals with disabilities."

**RIGL 28-5.1-9. Equal Opportunity and Affirmative Action - State employment services.**

"(d) The department of labor and training, the governor's commission on disabilities, the advisory commission on women, and the Rhode Island economic development corporation shall fully utilize their knowledge of the labor market and economic conditions of the state, and their contacts with job applicants, employers, and unions, to promote equal employment opportunities, and shall require and assist all persons within their jurisdictions to initiate actions which remedy any situations or programs which have a negative impact on protected classes within the state"

**RIGL 30-15-6. Emergency Management - Advisory council.**

"(b) It shall be the duty of the council to advise the governor and the adjutant general on all matters pertaining to disaster preparedness."

**5) Is the program's duration limited to a specific time period (e.g., authorization sunset, expiration of federal grant, etc.)**

No for state laws.

Federal funding needs to be reauthorized for the next 5 years: Federal FY 2012 - 2017.

**6) Who is the primary customer (user/recipient/beneficiary) of the program?**

127,082 Rhode Islanders reported having disabilities out of a total population of 1,035,366; just higher than the national average (12.3% vs. US 12.0%)<sup>ii</sup>

**7) List all other relevant stakeholders who are impacted by the program (customers, nonprofit organizations, industry). Please be as specific as possible.**

Architect or design professional; Attorney or other legal professional; Business group; Code official; Consumer advocate; Educator; Employer; Family member of person with disability; Individual with disability; Service provider; State/local government agencies; Researchers; Practitioners/clinicians; Policy experts; Federal & non-federal partners; Industry representatives and /or product developers; & Media

**8) How is success for this program defined? What outcomes are you trying to achieve?**

The NE ADA Grant requires tracking of the number of: individuals trained; technical assistance provided; public awareness activities conducted; and materials disseminated, by category of recipients.

The Commission also tracks:

The number of complaints filed

The number of complaints resolve prior to hearing

The number of complaints resolved at hearing

Percentage Resolved

The number of building design plans reviewed

The number of on-site accessibility surveys

The number of people trained

The number of technical assistance calls, emails, in-person, and material disseminated

**9) Are you currently collecting performance/outcome measurements for the program?**

Yes, within available budgetary & personnel resources

The Commission is the state affiliate of the New England ADA (Americans with Disabilities Act) Center. It receives federal funds through the center from the US Department of Education's National Institute for Disability and Rehabilitation Research (NIDRR). The Commission provides ADA training, on-site help tailored to meet the needs of business, government and individuals.

The Federal program year 2010 contract for this grant has the following requirements:

To participate in trainings on the new Title I [employment], II [state & local government services] and III [public accommodations and commercial facilities] regulations;

To train and explain changes in the ADA to the public;

To provide technical assistance;

To conduct public awareness activities;

To disseminate materials; and

To meet our maintenance of effort, the grant requires that the state pay for 1,643 hours of staff work providing technical assistance on accessibility and 1,155 hours of staff work providing technical assistance on employment.

The Commission is in charge of the access construction projects. These projects get rid of physical and communication barriers at state owned facilities. The Commission, in partnership with the Department of Environmental Management and the US Department of the Interior's Fish and Wildlife Service, created the first accessible salt water boat launching facilities in the country. State laws require the Commission to:

Conduct accessibility surveys of state and local government open meeting facilities;

Approve state agency 504/ADA program accessibility transition plans;

Review of state and municipal public safety agency disability parking enforcement plans; and

Assign a Commissioner to the Emergency Management Advisory Council.

**10) Do you have a corrective action plan for program underperformance?**

Yes

**11) How frequently do you review the metrics?**

Annually

**12) Do other governmental or non-governmental organizations or persons assist with program development implementation or outcome assessment (e.g., technical guidance provided by the federal government, client information received from non-profits, etc.). Please list them and their roles.**

NE ADA Center

University of RI

RI College

RI Community College

American Institute of Architects, RI

RI Realtors Association

Public Forums on the Concerns of Persons with Disabilities and their Families

Access Committee members

The Commission reviews and approves all state and federally funded design plans for compliance with the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act, Americans with Disabilities Act, and RIGL 42-87 Civil Rights of Persons with Disabilities, for the:

RI Department of Transportation: all non-interstate highway projects;

RI Department of Education: all school construction and renovation projects;

RI Department of Environmental Management: all DEM projects;

RI Housing Resource Commission: all affordable housing projects;

State Board of Elections/Local Boards of Canvassers: all polling place locations;

US Department of Agriculture - Rural Development: all USDA funded projects; and

US Department of Housing and Urban Development: all HUD funded affordable housing projects.

**13) How many FTEs are assigned to the program? (If an employee spends part of his/her time on a program, please use decimals in the total FTE count.)**

1.43

**14) Do you use any contract employees for program management, implementation or outcome assessment?**

No

**15) Are any FTEs or contractors federally funded, either partly or fully?**

Yes, 0.17

**16) What is the estimated budget for the program, as of the FY 11 supplemental? How much of that amount, if any, comes from federal funds?**

General Revenue	\$139,426
NE ADA Grant (federal)	\$12,247
RICAP	\$298,474
General Obligation Bonds	\$34,968

**17) Is the function similar to any other public function? In what way is it different?**

No

**18) Can the process or function be accomplished in another way, or by another party?**

No

**19) Does the process or function produce the result(s) originally intended? If not, why not, or what would have to be done to make it produce those results?**

Yes.

**FY 11 Achievements:**

State ADA & Asst. ADA Coordinator have resolved over 105 informal and formal accessibility complaints.

State ADA & Asst. ADA Coordinator have conducted 10 trainings educating over 500 people including over 200+ Department of Transportation Design & Construction Engineers.

State ADA & Asst. ADA Coordinator provided over 1200 requests for technical assistance via phone, email and in-person.

State ADA & Asst. ADA Coordinator investigated over 30 cases of possible disability discrimination/ barriers to access. All cases resolved or found non-discriminatory.

Seven (7) communities surveyed for open meeting accessibility with the aide of an accessibility fellow. Over 13 open meeting accessibility violations/ deficiencies assessed and resolved.

All state agencies (approximately 50 locations) were surveyed for open meeting accessibility with the aide of an accessibility fellow. Over 75 violations/ deficiencies assessed and resolved.

Continued active role supporting the Rhode Island Department of Health and Rhode Island Emergency Management Agency thru the RI Special Needs Workgroup & Registry.

\$250,000 spent in capital project improvements statewide

ADA Project Involvement: Gorton Pond Fishing Pier, Green Lane Rd Project, Cole Middle School in E. Greenwich, Chariho Middle School Renovation, URI Door Hardware Project, Fishing Cove School Playground, Diamond Hill Rd, Bristol Rt. 114 Project and Woonasquatucket Avenue.

Asst. ADA Coordinator continues with appointment to the Rhode Island Department of Transportation ADA Committee as an accessibility liaison. Over 100 projects reviewed, countless barriers removed prior to construction. Coordination and ADA expertise on projects has saved MILLIONS.

State ADA & Asst. ADA Coordinator have reviewed 20 architectural plans and identified 11 barriers to accessibility. All were resolved without issue.

**FY 11 Barriers:**

Limited staff for volume and number of complaints, enforcement activities, and training required of the position.

Economic times limit some normally achievable accessibility solutions

Request for second fellow position, AmeriCorps volunteer or intern.

Lack of direct enforcement activities (Fines, Summons, Statutory Power)  
Request for future enforcement ability statewide for disability parking  
Limited capital budget funding & purchasing procedures which obstruct spending of available funds

**FY 12/13 Goals:**

Preparation of Accessibility General Obligation Bond Funding  
Total Completion of State Renovation projects  
Training for architects, EMA, engineers, contractors, realtors, building officials,  
Proactive access code enforcement

**20) When was the process or function last examined or changed?**

Annual operation reviews are conducted each September.

**1) Name of program/initiative**

*Protecting the Voting Rights of Individuals with Disabilities*

**2) What is the intended purpose of the program?**

To make sure each person with disabilities can vote, in private and independently. To make sure all polling places and voting equipment are accessible.

The staff inspects every polling place, identifying barriers and recommending solutions, prior to election days.

**The Election Assistance Committee:**

- Awards grants to local boards of canvassers to remove physical barriers at polling places to ensure all voters with disabilities are able to vote at the same location as their neighbors.
- It helps fund the RI Disability Vote Project (RIDVP). The RIDVP's conducts voter outreach, education, registration, and the recruitment of voters with disabilities to be poll workers.
- Recruits voters with disabilities to check for access to polling places on Election Day and report any problems to the State Board of Elections, for immediate correction.
- The RI Disability Law Center and Commission publicize disability voter rights via newspaper ads and other media just before election days.

**3) How does this relate to the department's overall mission?**

The Commission is the state's sole designated recipient of the US Department of Human Services - Help America Vote Act (HAVA) Election Assistance for Individuals with Disabilities State Grants. These funds may only be used for the following activities:

1. "Making polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with the full range of disabilities;
2. Providing the same opportunity for access and participation, including privacy and independence, to individuals with the full range of disabilities as for other voters;
3. Training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with the full range of disabilities in elections for Federal office; and
4. Providing individuals with the full range of disabilities with information about the accessibility of polling places."

**4) Is there specific authorization for the program? If required under federal and state law or regulation, please provide the specific citation or authorizing statute.**

**RIGL 17-9.1-31. Registration of voters - Voter registration advisory board.**

"(a) The state board of elections shall establish a voter registration advisory board, subsequently referred to as the advisory board, to assist in the drafting of regulations and the monitoring of implementation of the National Voter Registration Act of 1993, 42 U.S.C. 1973gg et seq., and to help recruit and train the volunteer registrars" by recruitment of poll workers, to supplement the low numbers available currently before the 2010 elections in RI."

The Commission is the designated recipient of the US Department of Human Services: Help America Vote Act - Election Assistance for Individuals with Disabilities - State Grants

**RIGL 17-19-3.2. Polling place accessibility for voters who are disabled or elderly.**

(a) Every polling place shall be situated in a building that can be entered and exited by persons who are disabled or elderly.

(b) "Persons who are disabled" for the purpose of this section means a serious impairment of mobility.

(c) "Elderly" as used in this section means a person who is sixty-five (65) years of age or older.

(d) The state board of elections shall establish guidelines as to the accessibility of buildings to voters who are disabled or elderly. The state board of elections is empowered to grant, upon the application of the board of canvassers, an exception permitting it to maintain a polling place in a nonconforming building. An exception shall only be granted when the board of canvassers demonstrates, to the satisfaction of the board of elections, that there is no public building within the voting district which meets the requirements of this section or which can be brought into compliance by a reasonable expenditure of funds. If a conforming building is unavailable within the voting district, the board of elections shall provide to the board of canvassers an alternative method or an alternative location outside the voting district for persons who are disabled or elderly and request in advance of the election

an alternative means of casting their ballot on Election Day.

**RIGL 42-87-5(b) Civil Rights of People with Disabilities - Enforcement of anti-discrimination provisions.**

(b) (1) The governor's commission on disabilities is empowered and directed to investigate and hear all complaints relating to alleged violations of this chapter relating to the physical inaccessibility of buildings and structures.

(2) The governor's commission on disabilities shall have the power and duties to adopt, promulgate, amend and rescind rules and regulations to effectuate the provisions of this section.

(i) Prior to instituting a formal hearing, the governor's commission on disabilities shall attempt by informal methods of conference, persuasion and conciliation, to induce compliance with this chapter. If the complaint or any portion of the complaint cannot be resolved by these informal methods, the governor's commission on disabilities shall conduct a hearing as provided by this section.

(ii) If the governor's commission on disabilities shall upon all the evidence find that the respondent has not engaged in violations of the civil rights of individuals with disabilities caused by the physical inaccessibility of buildings and structures, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to the respondent.

(iii) If upon all the testimony taken, the commission shall determine that the respondent has engaged in violations of the civil rights of individuals with disabilities caused by the physical inaccessibility of buildings and structures, then the commission shall state its findings of fact and shall issue and cause to be served upon the respondent an order requiring the respondent to cease and desist from such practices, and to take any further action that will effectuate the purposes of this chapter.

(iv) Any complainant or respondent claiming to be aggrieved by a final order of the commission may obtain judicial review of the final order; any party may obtain an order of court for enforcement of a final order of the commission. These proceedings shall be brought in the superior court within any county where the unlawful practices, which are the subject of the commission's order, were committed or where any respondent, required in the order to cease and desist from unlawful practices or to take other affirmative action resides or transacts business.

**5) Is the program's duration limited to a specific time period (e.g., authorization sunset, expiration of federal grant, etc.)**

No, the State voting rights law must continued to be enforced by the Commission.

The federal HAVA-EAID Funds must be expended within 5 federal fiscal years of award. No HAVA-EAID funding is anticipated after federal fiscal year 2011. Already awarded funding is projected to be fully expended by FFY 2016.

**6) Who is the primary customer (user/recipient/beneficiary) of the program?**

**User/recipient:** Local Boards of Canvassers & State Board of Elections

**Beneficiary:** ###,### Citizens with Disabilities of voting age

**7) List all other relevant stakeholders who are impacted by the program (customers, nonprofit organizations, industry). Please be as specific as possible.**

Local boards of canvassers: on-site access inspections of every polling place; polling place accessibility renovation grants; and recruiting poll workers who have disabilities recruiting poll workers who have disabilities.

State Board of Election: poll worker and election officials' training and recruiting poll workers who have disabilities; day of election on-site monitoring of polling place access; and provide technical assistance concerning accessible voting equipment and polling places.

People with Disabilities: Voter education, registration, and awareness of disability voting rights.

**8) How is success for this program defined? What outcomes are you trying to achieve?**

The percentage of polling places that were surveyed and made accessible prior to election days. The measure includes all polling places open on either primary and/or general election days. The measure is related to the Commission's obligation to ensure all voters with disabilities are able to vote independently and in private, under the Help America Vote Act, RIGL 17-19-3.2 Polling place accessibility for voters who are disabled or elderly, and 42-87 Civil Rights of People with Disabilities.

**The Commission tracks the following for the HAVA - EAID grant:**

The number of polling places

The number of polling places surveyed

The number of polling places not surveyed

The number of polling places with barriers, prior to election

The number of polling places barriers where were removed, prior to election

The number of polling places and voting equipment accessible on election day

The number of polling places or voting equipment with day of election barriers

The number of newly registered voters

The number of election access complaints

**9) Are you currently collecting performance/outcome measurements for the program?**

Yes

10) Do you have a corrective action plan for program underperformance?

Yes, within available budgetary & personnel resources

11) How frequently do you review the metrics?

Annually, and as needed

12) Do other governmental or non-governmental organizations or persons assist with program development implementation or outcome assessment (e.g., technical guidance provided by the federal government, client information received from non-profits, etc.). Please list them and their roles.

The Election Assistance Committee includes representatives from: RI Department of Administration, Office of Personnel Administration; National Federation of the Blind of RI; Opportunities Unlimited for People With Differing Abilities, Inc; RI Department of Human Services, Office of Rehabilitation Services; Secretary of State's Office, Elections Division; RI Disability Law Center; RI Board of Elections; RI Commission on the Deaf and Hard of Hearing; RI Department of Human Services, Assistive Technology Access Partnership; CranstonArc; & RI Disability Vote Project.

The 39 city and town boards of canvasses

13) How many FTEs are assigned to the program? (If an employee spends part of his/her time on a program, please use decimals in the total FTE count.)

0.17

14) Do you use any contract employees for program management, implementation or outcome assessment?

No

15) Are any FTEs or contractors federally funded, either partly or fully?

Yes

16) What is the estimated budget for the program, as of the FY 11 supplemental? How much of that amount, if any, comes from federal funds?

HAVA Grant (federal) | \$176,044

17) Is the function similar to any other public function? In what way is it different?

No

18) Can the process or function be accomplished in another way, or by another party?

No

19) Does the process or function produce the result(s) originally intended? If not, why not, or what would have to be done to make it produce those results?

Yes.

**FY 11 Achievements:**

State ADA Coordinator and Asst. ADA Coordinator have surveyed and supervised 5 polling places modification/ accessibility projects.

Past election surveys jumpstarted several construction & renovation projects including identifying a significant need for an increase in disability parking at ALL polling locations

Staff members continue to coordinate with the RI Board of Elections to register those in the disability community to vote.

Committee working to recruit poll-workers with disabilities to increase poll accessibility and job-availability.

Renewed contract with RIDVP for the fiscal year 2012.

Project funding awarded to the Town of South Kingstown to install a new lift at Curtis Corner School polling location.

**FY 11 Barriers:**

State purchasing procedures obstruct spending of available federal HAVA funding.

Re-districting of voting boundaries with delayed timeline makes polling place surveying and increasing accessibility (spending federal \$) almost impossible.

Lack of staffing & personnel resources to re-survey all polling locations (in non-election years) for accessibility prior to the election.

No-dedicated staff person to HAVA

No Presidential budget recommendation for increasing or sustaining HAVA funding into the future.

Busy schedules limit availability for committee meetings

**FY 2012/13 Goals**

Education on the voter ID requirement

Expanding voter outreach and registration to young adults with disabilities

Removing any remaining physical barriers at polling place

Encouraging adults with disabilities to become candidates

20) When was the process or function last examined or changed?

Annual operation reviews are conducted each September.

1) Name of program/initiative

*Prompting Employment and Protecting the Employment Rights of Individuals with Disabilities*

**2) What is the intended purpose of the program?**

To make sure that every person with a disability fair and equitable (physical and programmatic) access to employment opportunities  
To promote retaining employment through accommodations, returning to alternative suitable employment, etc. for working age adult with disabilities  
To promote work as a goal for working age adult, including students, with disabilities

**3) How does this relate to the department's overall mission?**

The Commission is responsible for ensuring all state agencies comply with federal and state laws protecting the rights of persons with disabilities.  
The Commission helps businesses, agencies, and citizens comply with disability rights laws.  
The Commission is the state affiliate of the New England ADA (Americans with Disabilities Act) Center. It receives federal funds through the center from the US Department of Education's National Institute for Disability and Rehabilitation Research (NIDRR). The Commission provides ADA training, on-site help tailored to meet the needs of business, government and individuals.  
The Federal program year 2010 contract for this grant has the following requirements:  
To participate in trainings on the new Title I [employment], II [state & local government services] and III [public accommodations and commercial facilities] regulations;  
To train and explain changes in the ADA to the public;  
To provide technical assistance;  
To conduct public awareness activities;  
To disseminate materials; and  
To meet our maintenance of effort, the grant requires that the state pay for 1,643 hours of staff work providing technical assistance on accessibility and 1,155 hours of staff work providing technical assistance on employment.

**4) Is there specific authorization for the program? If required under federal and state law or regulation, please provide the specific citation or authorizing statute.**

**RIGL 42-51-6. Governor's Commission on Disabilities - Duties.**

"It shall be the duty of the commission to work in cooperation with the National Council on Disability and other interested federal, state, and local agencies, organizations, and employers in:

(1) Promoting on behalf of the people with disabilities and assuring, on behalf of the state, that people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state; ....

(3) Coordinating compliance with federal and state laws protecting the rights of individuals with disabilities by state agencies;

(4) Providing technical assistance to public and private agencies, businesses, and citizens in complying with federal and state laws protecting the rights of individuals with disabilities" by providing technical assistance to State Agencies, Partners, Businesses and those with disabilities; ..."

**RIGL 42-51-6.2. Governor's Commission on Disabilities - Committees and mediation teams.**

(a) The commission is authorized to create advisory committees and mediation teams to perform tasks within the jurisdiction of the commission.

(b) The commission may itself, or it may empower these committees and mediation teams to:

#####

(4) Attempt by informal methods of conference, persuasion, and conciliation, to induce compliance with matters within the jurisdiction of the commission.

**RIGL 28-5.1-9. Equal Opportunity and Affirmative Action - State employment services.**

"(d) The department of labor and training, the governor's commission on disabilities, the advisory commission on women, and the Rhode Island economic development corporation shall fully utilize their knowledge of the labor market and economic conditions of the state, and their contacts with job applicants, employers, and unions, to promote equal employment opportunities, and shall require and assist all persons within their jurisdictions to initiate actions which remedy any situations or programs which have a negative impact on protected classes within the state"

**5) Is the program's duration limited to a specific time period (e.g., authorization sunset, expiration of federal grant, etc.)**

No for state laws.

Federal funding needs to be reauthorized for the next 5 years: Federal FY 2012 - 2017.

**6) Who is the primary customer (user/recipient/beneficiary) of the program?**

User/recipient: employer, working age adults with disabilities (including students)

Beneficiary: ##.### working age adults with disabilities (including students)

**7) List all other relevant stakeholders who are impacted by the program (customers, nonprofit organizations, industry). Please be as specific as possible.**

List from stat

**8) How is success for this program defined? What outcomes are you trying to achieve?**

The NE ADA Grant requires tracking of the number of: individuals trained; technical assistance provided; public awareness activities conducted; and materials disseminated, by category of recipients<sup>2</sup>. The Commission also tracks:

**Employment Technical Assistance:**

- The number of employment concerns/inquiries
- Number of employment concerns Resolved Prior to formal complaint
- The number of complaints filed:
- The number of employment discrimination complaints successfully resolved
- The number of mediation sessions
- The number of successful mediation
- Percentage Resolved
- The number of people trained
- Dissemination of ADA employment material
- The number of technical assistance calls, emails, in-person
- Changing attitudes on employment of people with disabilities of:
  - college and university students;
  - employers; and
  - families of people with disabilities

**9) Are you currently collecting performance/outcome measurements for the program?**

Yes, within available budgetary & personnel resources

**10) Do you have a corrective action plan for program underperformance?**

Yes

**11) How frequently do you review the metrics?**

Annually

**12) Do other governmental or non-governmental organizations or persons assist with program development implementation or outcome assessment (e.g., technical guidance provided by the federal government, client information received from non-profits, etc.). Please list them and their roles.**

NE ADA Center provides grant and specific tracking information requirements for training  
RI College and University faculty requesting the ADA and You at Work training provide input on their class membership and goals in order to tailor the training  
RI College and University students participating in the ADA and You at Work training sessions provide pre and post data on standardized feedback forms to determine the degree of learning that occurred  
RIDHS- Office of Rehab Services, Sherlock Center on Disabilities staff provide input into the content of the Supporting Meaningful Employment training  
Supporting Meaningful Employment training participants provide pre and post data on standardized feedback forms to determine the degree of learning that occurred.  
The Governor's Commission on Disabilities Employment Committee ( DLT, DOC, EDC and ORS staff, college and university personnel, private industry, and private citizens) provide input into the Title I activities of the GCD staff person  
The Governor's Commission on Disabilities Employment Committee provide input into the RI College and University career services and disability services staffs' semi-annual Increasing Employment Outcomes meetings  
RI College and University career services and disability service staffs provide post data to the semi-annual "Increasing Employment Outcomes" meetings on standardized feedback sheets to determine the degree of learning that occurred and gather input for future meeting topics  
RI state agencies e.g. DOC and the courts provide input on the training needs and subsequent materials Realtors, chambers of commerce, employers, etc. provide input on programs developed

**13) How many FTEs are assigned to the program? (If an employee spends part of his/her time on a program, please use decimals in the total FTE count.)**

0.83

**14) Do you use any contract employees for program management, implementation or outcome assessment?**

No

**15) Are any FTEs or contractors federally funded, either partly or fully?**

No

**16) What is the estimated budget for the program, as of the FY 11 supplemental? How much of that amount, if any, comes from federal funds?**

General Revenue	\$64,464
NE ADA Grant (federal)	\$2,898

**17) Is the function similar to any other public function? In what way is it different?**

No

18) Can the process or function be accomplished in another way, or by another party?

No

19) Does the process or function produce the result(s) originally intended? If not, why not, or what would have to be done to make it produce those results?

Yes.

**FY 2011 Achievements**

319 people received technical assistance: personnel from state agencies and cities and towns; employers; employees; people with disabilities currently working and not working  
202 people trained on the ADA Title I  
3 RI college and/or university classes trained  
4 other agencies/organizations/companies receiving ADA training  
The number of ADA materials disseminated: 556  
The average change in knowledge as a result of ADA training as measured by the end of training with a pre and post standardized feedback forms on 6 concepts: ADA definition; reasonable accommodation; disclosure ; negotiating reasonable accommodation; employer responsibilities; employee responsibilities using a scale of 1 (none) - 5 (very high): amount of knowledge change varies with question but is generally between 1.5 and 2.5  
The degree of satisfaction with ADA training is also measured on a 1-(not satisfied\_ - 5 (very satisfied): average results 4.5  
Increasing Employment Outcomes training concepts and satisfaction are also measured on a 1-5 scale. The concepts change with the speakers. Satisfaction ratings: average 4.5  
100% of complaints resolved without mediation  
Designed and delivered 4 training sessions to court clerks in as part of the resolution to a complaint  
9 public awareness activities (2010 ADA Celebration, Public Forums, We Mean Business Expo, Government Career Fair, SHRM meetings, chamber of commerce meeting, Employee First Summit, MS meeting, BLN)  
Participated in 5 trainings on the new Title I [employment], 3 trainings on Title II [state & local government services] and 3 trainings on Title III [public accommodations and commercial facilities] regulations  
Became PHR certified by SHRM (Society of Human Resources Management)  
The number of people receiving technical assistance: 325  
The number of people receiving ADA training: 250  
The number of RI college and/or university classes trained: 4  
The number of other agencies/organizations/companies receiving ADA training: 4  
The percentage of complaints resolved without mediation: 90%  
The percentage of complaints resolved when mediation is required: 100%  
The number of RI College and University career services and disability service staff "Increasing Employment Outcomes" meetings: 2  
The average change in knowledge as a result of ADA training as measured by the end of training with a pre and post standardized feedback forms on 6 concepts: ADA definition; reasonable accommodation; disclosure ; negotiating reasonable accommodation; employer responsibilities; employee responsibilities using a scale of 1 (none) - 5 (very high): 1.5 and 2.5  
The degree of satisfaction with ADA training measured on a 1-(not satisfied\_ - 5 (very satisfied): average results 4.5  
Increasing Employment Outcomes training concepts and satisfaction measured on a 1-5 scale. Satisfaction ratings: average 4.5  
The number of public awareness activities: 10  
The number of ADA employment material disseminated: 600\_  
Receive the newly created ADA Coordinator certification by finishing the required 40 credits and successful completion of the exam

**FY 2011 Barriers Blocking Achievements**

Limited staff and other resources  
High RI unemployment rate  
Training sessions requested by outside agencies/companies cancelled due to low enrollment  
Other job duties

**FY 2012/13 Goals**

NE ADA Grant's employment objectives: The New England ADA Center's proposed objectives are:  
1. Facilitate voluntary compliance of the ADA,  
2. Improve understanding of stakeholders' rights and responsibilities under the ADA, and  
3. Facilitate capacity building.

**20) When was the process or function last examined or changed?**

Annual operation reviews are conducted each September.

**1) Name of program/initiative**

*Disability Business Enterprises*

**2) What is the intended purpose of the program?**

The unemployment of people with disabilities is very high (70%), self employment is an option for increased employment. The Disabled Businessman's Association estimates that 40% of home-based businesses are operated by persons with disabilities (2000).

To help small business owners with disabilities try to win state contracts. To help businesses with a majority of workers who have disabilities (with at least 60% of their workforce), and to help rehabilitation facilities secure contracts.

**3) How does this relate to the department's overall mission?**

The Commission's mission is to ensure that all people with disabilities are afforded the opportunities to exercise all the rights and responsibilities accorded to citizens of this State and each person with a disability is able to reach his/her maximum potential in independence, human development, productivity and self-sufficiency.

The Disability Business Enterprise Committee certifies small businesses owned by persons with disabilities, rehabilitation facilities, and for-profit businesses (whose workforce is at least 60% persons with disabilities) under the Disability Business Enterprise law.

**4) Is there specific authorization for the program? If required under federal and state law or regulation, please provide the specific citation or authorizing statute.**

**RIGL 37-2.2-4. Disability Business Enterprises - Disability business enterprise committee - Membership - Duties.**

"[To] certify small disadvantaged disability businesses and rehabilitation facilities that qualify under their regulation for a preference under 37-2.2-3 or 37-2.2-3.1 and submit a list of the certified small disadvantaged disability businesses and rehabilitation facilities and the products and services provided by them to the chief purchasing officer at least once a year."

**RIGL 37-2.2-3.1 Disability Business Enterprises - Policy and applicability.**

"The director of administration, in consultation with the governor's commission on disabilities, is authorized and directed to establish rules and regulations for awarding contracts to small disadvantaged businesses owned and controlled by persons with disabilities in the procurement of goods, services, construction projects, or contracts funded in whole or in part by state funds, in accordance with 37-2-9(b)(14)." by promoting passage of rules and regulations that give DBE's preference when bidding for state contracts (minority/woman owned business model) by Sept. 30, 2009;

**RIGL 37-2.2-3 Disability Business Enterprises - Preference for products and services produced by persons with disabilities.**

"A list describing the styles, designs, sizes, and varieties of articles made by persons with disabilities and describing all available services and subcontract work which can be provided by those persons shall be prepared ... [and submitted] to the state purchasing agent."

**5) Is the program's duration limited to a specific time period (e.g., authorization sunset, expiration of federal grant, etc.)**

No

**6) Who is the primary customer (user/recipient/beneficiary) of the program?**

**User/recipient** Small businesses owned by persons with disabilities, rehabilitation facilities, and for-profit businesses (whose workforce is at least 60% persons with disabilities)

**Beneficiary** ##,#### working age adults with disabilities

**7) List all other relevant stakeholders who are impacted by the program (customers, nonprofit organizations, industry). Please be as specific as possible.**

Small businesses owned by persons with disabilities:

Andy Argenbright, Accounting;

Ed LeDoux, Freelance Photography

Rehabilitation facilities:

Cranston Arc; Trudeau Center; Groden/Cove Center; Promail,etc; The Maher Center; Training thru Placement; Pandora's Products; The Cookie Place; Phoenix House; Corliss Institute; Coffee Plus; Homestead Group; INSIGHT; Fogarty

RI Division of Purchasing,

RI Department of Human Services/Office of Rehabilitation Services, and

RI Department of Behavioral Healthcare, Developmental Disabilities and Hospitals

RI Economic Development Corporation

**8) How is success for this program defined? What outcomes are you trying to achieve?**

State Contracts Awarded to Small Disability Business Enterprises & Rehabilitation Facilities. The performance indicator measures the actual dollar amount paid to disability business enterprises and

rehabilitation facilities for contracts awarded through this program.

Outcome - To increase the percentage of state contracts awarded to DBEs, by 10% a year.

**9) Are you currently collecting performance/outcome measurements for the program?**

Yes, quarterly

**10) Do you have a corrective action plan for program underperformance?**

Yes, within available budgetary & personnel resources

**11) How frequently do you review the metrics?**

Annually

**12) Do other governmental or non-governmental organizations or persons assist with program development implementation or outcome assessment (e.g., technical guidance provided by the federal government, client information received from non-profits, etc.). Please list them and their roles.**

Small businesses owned by persons with disabilities:

Andy Argenbright, Accounting;

Ed LeDoux, Freelance Photography

Rehabilitation facilities:

Cranston Arc; Trudeau Center; Groden/Cove Center; Promail,etc; The Maher Center; Training thru Placement; Pandora's Products; The Cookie Place; Phoenix House; Corliss Institute; Coffee Plus; Homestead Group; INSIGHT; Fogarty

RI Division of Purchasing,

RI Department of Human Services/Office of Rehabilitation Services, and

RI Department of Behavioral Healthcare, Developmental Disabilities and Hospitals

RI Economic Development Corporation

**13) How many FTEs are assigned to the program? (If an employee spends part of his/her time on a program, please use decimals in the total FTE count.)**

0.17

**14) Do you use any contract employees for program management, implementation or outcome assessment?**

No

**15) Are any FTEs or contractors federally funded, either partly or fully?**

No

**16) What is the estimated budget for the program, as of the FY 11 supplemental? How much of that amount, if any, comes from federal funds?**

General Revenue	\$13,204
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**17) Is the function similar to any other public function? In what way is it different?**

See 18 below:

**18) Can the process or function be accomplished in another way, or by another party?**

There was legislation pending in the 2011 General Assembly to transfer to the Division of Purchasing the responsibility for assisting rehabilitation agencies.

The enactment of S 772 and H 5969 created the Habilitation Procurement program within the Department of Administration to assist rehabilitation agencies secure state government contracts.

**19) Does the process or function produce the result(s) originally intended? If not, why not, or what would have to be done to make it produce those results?**

Yes.

**FY 2011 Achievements**

Recertified 16 DBEs.

3 public awareness activities (2010 ADA Celebration; We Mean Business Expo; chamber of commerce meeting)

2 DBEs attended the ADA Celebration

3 DBEs attended and exhibited at the We Mean Business Expo

1 DBE attended the chamber of commerce meeting

2 DBEs attended the RIBX Exhibition (formerly the Business Expo)

The number of DBE material disseminated: 250

**FY 2011 Barriers Blocking Achievements**

Lack of adopted by the Division of Purchase of DBE purchasing regulations

Limited staff resources

**FY 2012/13 Goals**

To increase the percentage of state contracts awarded to DBEs, by 10% a year.

- Recertify existing DBEs

- Certify 1 new DBE

- The number of public awareness activities: 4

- The number of DBE material disseminated: 300\_

- DBEs attend and exhibit at the 2011 We Mean Business Expo: 4

- DBEs attend the ADA Celebration: 4
- DBEs attend the RIBX Exhibition: 4

**20) When was the process or function last examined or changed?**

Annual operation reviews are conducted each September.

Executive Committee members will read and send in recommendations for rewording the above performance management survey responses.

	<p>Government Disability Pension Reform</p>	<p>Bob Cooper</p>	<p>5:00</p>
<p>Purpose/Goal: To prepare recommendations to the Governor and General Treasurer to replace the current state government disability pension system with a re-employment first initiative.</p>			
<p>Members were asked to review the draft report and send recommendations for rewording it to the Executive Secretary prior to Thursday September 8<sup>th</sup>.</p>			



# Re-Employment First: Reforming the Disability Pension System

RI Governor's Commission on Disabilities

R. Timothy Flynn, Chairperson

Dr. Kate McCarthy-Barnett, Vice Chairperson

Bob Cooper, Executive Secretary

For Consideration on September 12, 2011

Copies of this information are also available in Braille, large print, audio cassette, and electronic file on computer disk. Contact the Commission 401-462-0100; fax 462-0106; email: [disabilities@gcd.ri.gov](mailto:disabilities@gcd.ri.gov) or write to: Governor's Commission on Disabilities, John O. Pastore Center, 41 Cherry Dale Court, Cranston, RI 02920-3049 or download from the Commission's website: [www.disabilities.ri.gov](http://www.disabilities.ri.gov).

## **Governor's Commission on Disabilities**

### **Officers**

R. Timothy Flynn, of Ashaway 5/1/2006 - 5/1/2012  
Chairperson; and State Coordinating Committee on Disability Rights Chairperson,  
Liaison to: Department of Elderly Affairs' Home and Community Care Advisory Committee

Kate McCarthy-Barnett, Ed.D., of Coventry 7/18/2002 - 5/1/2014  
Vice Chairperson, & Accessibility Committee Chairperson;  
Liaison to: National Organization on Disability;  
Emergency Management Advisory Committee & Elderly & Disability Working Group

### **Committee Officers**

Andy Argenbright, of East Providence 5/6/2011 - 5/1/2013  
Disability Business Enterprise Vice Chairperson

Rosemary C. Carmody, of Coventry 7/27/1998 - 5/1/2013  
Election Assistance Committee, Chairperson  
Liaison to: RI Disability Voting Project's Steering Cmte & Managing Directors; &  
State Board of Election's Voter Registration Advisory Committee

Judith Drew, Ph.D., of Cumberland 7/19/1999 - 5/1/2014  
Hearing Board Chairperson & Liaison to the State Planning Council's Transportation Advisory Committee

William Inlow, of Middletown 10/22/2009 - 5/1/2012  
Legislation Committee, Vice Chair

Ronald C. McMinn, of Cumberland 6/26/2001 - 5/1/2013  
Accessibility Committee, Vice Chairperson

Patricia Ryherd, of Barrington 5/1/1979 - 5/1/2014  
Employment Committee, Chairperson

Theresa Thoelke, of Newport 11/9/2009 - 5/1/2013  
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Linda N. Ward, of Cranston 5/28/2008 - 5/1/2014  
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### **Commissioners**

Christopher Butler, of Cumberland 5/6/2011 - 5/1/2014

Joseph Cirillo, of Middletown 5/6/2011 - 5/1/ 2014

Jeanne Behie, of South Kingstown 10/21/2005 - 5/1/2013

Sharon Brinkworth, of Barrington 10/14/2005 - 5/1/2013

Frederick Burke, of North Scituate 10/30/1992 - 5/1/2012

Sarah Everhart Skeels, of Tiverton 2/1/2010 - 5/1/2012

Marylouise Gamache, of Barrington 5/6/2011 0 5/1/2013

Rodger Harris, of Woonsocket 8/5/2010 - 5/1/2012

James A. Pitassi, Jr., of Johnston 7/27/1998 - 5/1/2014

Arthur M. Plitt, of Pawtucket 7/27/1998 - 5/1/2013

Rev. Gerard O. Sabourin, of Exeter 11/28/2003 - 5/1/2012

Angelina Stabile, of East Providence 5/6/2011 - 5/1/2014

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Christine Rancourt, of Providence, Assistant ADA Coordinator (Employment)



RHODE ISLAND AND PROVIDENCE PLANTATIONS  
Executive Department  
**GOVERNOR'S COMMISSION ON  
DISABILITIES**

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**Letter of Transmittal**

September 12, 2011

His Excellency, Lincoln D. Chafee, Governor  
State of Rhode Island and Providence Plantations  
State House  
Providence, RI 02903 Interdept.

The Honorable Gina M. Raimondo, General Treasurer  
State of Rhode Island and Providence Plantations  
State House  
Providence, RI 02903 Interdept.

Dear Governor Chafee, Treasurer Raimondo:

It is my pleasure to transmit to you the Commission's report "Re-Employment First: Reforming the Disability Pension System". In the enclosed report is the Commission's recommendation that, in light of the state's current pension crisis, redesigning the Employees' Retirement System of Rhode Island's disability pension to return state workers who have acquired a disability through an on-the job injury, non-work related injury, or illness must become the primary focus of the state's and the worker's efforts.

The expectations, desires and needs of people with disabilities have evolved with the passage of the national Americans with Disabilities Act in 1990. Non-institutionalized people with disabilities, desire to work and with appropriate accommodations can work.

I would like to opportunity to meet with each of you to explore this opportunity to improve services for people with disabilities while reducing government expenditures.

Sincerely,

R. Timothy Flynn,  
Chairperson

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## Chapter A Adoption of a Re-Employment First: Disability Retirement Policy

### 1. *The Goals*

1. The state employee who acquires a disability must be returned to the workforce as quickly as possible.
2. The concept of permanently and totally disabled must be replaced (for all non-institutionalized persons with a disability) with a unified re-employment and employment support plan. People with severe disabilities are employed throughout this nation's workforce. The employee might not be able to return to her/his original job but should be transferred to another vacant position elsewhere in state government.
3. The state's personnel and vocational rehabilitation, state employee workers' compensation, and employees' retirement (including the State Police Retirement Benefits Trust and Judicial Retirement Benefits Trust) systems must coordinate re-employment supports with a focus on returning every state employee who acquires a disability to the state workforce.
4. The accidental (service-connected) ordinary (nonservice-connected) disability retirement, and state employee workers' compensation would be redesigned with the goal of increased self-sufficiency and employment and decreased dependence on service delivery and financial support systems.

### 2. *The Objective – Unified Re-Employment Plan*

- 1) Eliminate the disincentive for individuals collecting disability retirement from attempting to work by:
  - a) Shifting to a gradual reduction in financial benefits offset by earnings (as exists in the Social Security System for retirees between 62-70);
  - b) Providing for the reinstatement of disability retirement benefits if earnings fall back below the threshold point (when all disability retirement benefits were offset by earnings); and
  - c) Linking state disability retirement benefits to job training programs designed to assist individuals to become as independent and self sufficient as possible.
- 2) Strengthen state personnel regulations to incorporate the Americans with Disabilities Act (ADA) Title I Employment Reasonable Accommodation provisions [29 CFR 1630.2(o)]<sup>iii</sup>.
- 3) Create disincentives for state agency administrators to "dump" the worker with an acquired disability/injury onto the Employee Retirement System of RI.
  - a) Prior to the creation of the assessed fringe benefit budget code/natural account, each agency paid for workers' compensation based on their agency's past workers' compensation claims history.
  - b) The assessed fringe benefit budget code/natural account is currently assessed without regard to individual agency's compensation claims. This acts as a perverse incentive to refuse to reinstate the injured employee to either her/his former position or to another vacant position with or without a reasonable accommodation.
- 4) Negotiate the inclusion in collective bargaining agreements a provision addressing:
  - a) The transfer to suitable alternative employment<sup>iv</sup> for an employee who is not able perform the essential job functions of her/his former position of employment with or without reasonable accommodations; and
  - b) The transfer of an employee from one collective bargaining unit to another, when no suitable alternative position is not available within the collective bargaining unit<sup>v</sup>.
- 5) Amend the state laws to incorporate the provisions above, including but not limited to:
  - i) 28-31-5 Workers' Compensation - State and Municipal Employees - Payment of benefits for state employees<sup>vi</sup>;
  - ii) 36-4-23 Merit System - Preferred reemployment list<sup>vii</sup>;
  - iii) 36-4-23.1 Merit System - Reemployment lists<sup>viii</sup>;
  - iv) 36-4-25 Merit System - Designation of appropriate list for filling of vacancies<sup>ix</sup>;
  - v) 36-4-61 Merit System - Persons with disabilities - Special list of eligibles<sup>x</sup>;
  - vi) 36-10-12 Retirement System-Contributions and Benefits - Retirement for ordinary disability<sup>xi</sup>;

- vii) 36-10-14 Retirement System-Contributions and Benefits - Retirement for accidental disability<sup>xii</sup>;
- viii) 36-10-15 Retirement System-Contributions and Benefits - Amount of accidental disability benefit<sup>xiii</sup>;
- and
- ix) 45-19-1 Relief of Injured and Deceased Fire Fighters and Police Officers -Salary payment during line of duty illness or injury<sup>xiv</sup>.

## Chapter B The Relief of Injured and Deceased Fire Fighters and Police Officers Benefits

Account #	Account Title	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
1745102.01	Firemen's Relief Fund	\$2,129,973	\$2,197,575	\$2,326,796	\$2,680,959	\$2,663,434	\$2,925,628
1745101.01	Policemen's Relief Fund	\$1,026,135	\$1,072,313	\$1,049,609	\$1,041,058	\$1,099,411	\$1,192,203
		<b>\$3,156,108</b>	<b>\$3,269,888</b>	<b>\$3,376,405</b>	<b>\$3,722,017</b>	<b>\$3,762,845</b>	<b>\$4,117,831</b>

## Chapter C Employees' Retirement System of Rhode Island: Actuarial Valuation – June 30, 2010

Disability retirement benefits <sup>xv</sup>			
Actuarial Valuation – June 30, 2010			
Section C – Table 2A	6/30/2010		6/30/2009
Actuarial Present Value of Future Benefits (State Employees)	After Assumption Changes	Before Assumption Changes	Disclosed in Prior Year's Report
<b>Active Members</b>			
Disability Retirement Benefits	\$71,376,066	\$60,710,760	\$59,111,097
Total All Retirement Benefits	\$2,393,122,512	\$2,001,822,314	\$1,905,279,459
Disability benefits as a % of Total All Retirement Benefits	3%	3%	3%
<b>Retired Members</b>			
Disability Retirement Benefits	\$172,528,615	\$146,523,544	\$137,773,496
Total All Retirement Benefits	\$3,374,536,286	\$3,056,685,387	\$2,972,545,266
Disability benefits as a % of Total All Retirement Benefits	5%	5%	5%

Section C – Table 2B	6/30/2010		6/30/2009
Actuarial Present Value of Future Benefits (Teachers)	After Assumption Changes	Before Assumption Changes	Disclosed in Prior Year's Report
<b>Active Members</b>			
Disability Retirement Benefits	\$69,430,746	\$48,185,980	\$47,124,079
Total All Retirement Benefits	\$3,722,773,535	\$3,192,740,423	\$3,257,738,901
Disability benefits as a % of Total All Retirement Benefits	2%	2%	1%
<b>Retired Members</b>			
Disability Retirement Benefits	\$94,510,239	\$77,558,539	\$73,790,986
Total All Retirement Benefits	\$5,399,581,961	\$4,867,304,192	\$4,547,633,215
Disability benefits as a % of Total All Retirement Benefits	2%	2%	2%

Judicial Retirement Benefits Trust <sup>xvi</sup>	6/30/2010		6/30/2009
Actuarial Present Value of Future Benefits	After Assumption Changes	Before Assumption Changes	Disclosed in Prior Year's Report
<b>Active Members</b>			
Non-occupational disability retirement benefits	\$0	\$0	\$0
Occupational disability retirement benefits	\$0	\$0	\$0
Total All Retirement Benefits	\$51,740,080	\$46,463,857	\$42,787,725
Disability benefits as a % of Total All Retirement Benefits	0%	0%	0%
<b>Retired Members</b>			
Disability Retirement Benefits	\$0	\$0	\$0
Total All Retirement Benefits	\$10,626,704	\$9,785,558	\$983,555

<b>Judicial Retirement Benefits Trust<sup>xvi</sup></b>	<b>6/30/2010</b>		<b>6/30/2009</b>
Actuarial Present Value of Future Benefits	After Assumption Changes	Before Assumption Changes	Disclosed in Prior Year's Report
Disability benefits as a % of Total All Retirement Benefits	0%	0%	0%

<b>State Police Retirement Benefits Trust<sup>xvii</sup></b>	<b>6/30/2010</b>		<b>6/30/2009</b>
Actuarial Present Value of Future Benefits	After Assumption Changes	Before Assumption Changes	Disclosed in Prior Year's Report
Active Members			
Disability Retirement Benefits	\$9,464,212	\$8,325,695	\$7,007,935
Total All Retirement Benefits	\$129,240,946	\$112,409,546	\$98,069,573
Disability benefits as a % of Total All Retirement Benefits	7%	7%	7%
Retired Members			
Disability Retirement Benefits	\$26,521	\$23,895	\$23,527
Total All Retirement Benefits	\$3,521,591	\$3,187,323	\$3,155,637
Disability benefits as a % of Total All Retirement Benefits	1%	1%	1%

### **Chapter D Municipal Employees' Retirement System: Actuarial Valuation – June 30, 2010<sup>xviii</sup>**

<b>Table 13 General Employee Units</b>	<b>6/30/2010</b>	<b>6/30/2009</b>
Service retirees		
Number	3,370	3,287
Total annual benefits	\$46,553,049	\$43,148,379
Average annual benefit	\$13,814	\$13,127
Average age	73.6	73.7
Disabled retirees		
Number	256	263
Total annual benefits	\$3,307,580	\$3,251,564
Average annual benefit	\$12,920	\$12,363
Average age	63.8	63.1
Beneficiaries and spouses		
Number	351	344
Total annual benefits	\$2,749,787	\$2,649,938
Average annual benefit	\$7,834	\$7,703
Average age	75.5	75.2
Grand Total Retirement Benefits	\$52,610,416	\$49,049,881
Disability benefits as a % of Total All Retirement Benefits	6%	7%

<b>Table 14 Police &amp; Fire Units</b>	<b>6/30/2010</b>	<b>6/30/2009</b>
Service retirees		
Number	391	357
Total annual benefits	\$11,340,826	\$9,922,956
Average annual benefit	\$29,005	\$27,795
Average age	60.4	60.6
Disabled retirees		
Number	113	103
Total annual benefits	\$3,414,348	\$2,967,362
Average annual benefit	\$30,215	\$28,809
Average age	51.6	52.7
Beneficiaries and spouses		
Number	43	35
Total annual benefits	\$530,570	457,798
Average annual benefit	\$12,339	\$13,080
Average age	61	59.6
Grand Total Retirement Benefits	\$15,285,744	\$13,348,116

<b>Table 14 Police &amp; Fire Units</b>	<b>6/30/2010</b>	<b>6/30/2009</b>
Disability benefits as a % of Total All Retirement Benefits	22%	22%

<b>Table 15 All MERS Units</b>	<b>6/30/2010</b>	<b>6/30/2009</b>
<b>Service retirees</b>		
Number	3,761	3,644
Total annual benefits	\$57,893,875	\$53,071,335
Average annual benefit	\$15,393	\$14,564
Average age	72.2	72.4
<b>Disabled retirees</b>		
Number	369	366
Total annual benefits	\$6,721,928	\$6,218,926
Average annual benefit	\$18,217	\$16,992
Average age	60.1	60.2
<b>Beneficiaries and spouses</b>		
Number	394	379
Total annual benefits	\$3,280,357	\$3,107,736
Average annual benefit	\$8,326	\$8,200
Average age	73.9	73.7
<b>Grand Total Retirement Benefits</b>	<b>\$67,896,160</b>	<b>\$62,397,997</b>
Disability benefits as a % of Total All Retirement Benefits	10%	10%

## Notes

<sup>i</sup> (source: Annual Disability Statistics Compendium: 2010 Derived from the American Community Survey (ACS). Based on a sample and subject to sampling variability. Resident Population—All residents (both civilian and Armed Forces) living in the United States (all 50 states and the District of Columbia). Table 1.3 Civilians Living in the Community for the United States and States, by Disability Status: 2009

<sup>ii</sup> Ibid

<sup>iii</sup> 29 USC 1630.2 (o) *Reasonable accommodation*. (1) The term *reasonable accommodation* means:

(i) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or

(ii) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or

(iii) Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

(2) *Reasonable accommodation* may include but is not limited to:

(i) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(ii) Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

(3) To determine the appropriate reasonable accommodation it may be necessary for the covered entity to initiate an informal, interactive process with the individual with a disability in need of the accommodation. This process should identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.

(4) A covered entity is required, absent undue hardship, to provide a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the "actual disability" prong (paragraph (g)(1)(i) of this section), or "record of" prong (paragraph (g)(1)(ii) of this section), but is not required to provide a reasonable accommodation to an individual who meets the definition of disability solely under the "regarded as" prong (paragraph (g)(1)(iii) of this section).

(p) *Undue hardship* —(1) *In general*. *Undue hardship* means, with respect to the provision of an accommodation, significant difficulty or expense incurred by a covered entity, when considered in light of the factors set forth in paragraph (p)(2) of this section.

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(2) *Factors to be considered.* In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

- (i) The nature and net cost of the accommodation needed under this part, taking into consideration the availability of tax credits and deductions, and/or outside funding;
- (ii) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, and the effect on expenses and resources;
- (iii) The overall financial resources of the covered entity, the overall size of the business of the covered entity with respect to the number of its employees, and the number, type and location of its facilities;
- (iv) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity; and
- (v) The impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

<sup>iv</sup> **RI 28-33-47 Reinstatement of injured worker.**

<sup>v</sup> [A Technical Assistance Manual on the Employment Provisions \(Title I\) of the Americans with Disabilities Act Addendum.](#) Section 3.10 Examples of Reasonable Accommodations

5. Reassignment to a Vacant Position (page III-25)

The following paragraph becomes the final paragraph of this subsection:

Generally, it will be "unreasonable" for an employer to violate a seniority system in order to provide a reassignment. However, there may be "special circumstances" that undermine employee expectations about the uniform application of the seniority system, and thus it may be a "reasonable accommodation," absent undue hardship, to reassign an employee despite the existence of a seniority system. There is not an exhaustive list of what constitutes "special circumstances," but examples may include where a seniority system contains exceptions such that one more is unlikely to matter, or where an employer retains the right to alter unilaterally the seniority system and has done so fairly frequently.

<sup>vi</sup> **§ 28-31-5 Payment of benefits for state employees.** - (a) The expenses incurred for and in behalf of the state under the provisions of §§ 28-31-3, 28-33-5, 28-33-12, 28-33-16, 28-33-17, 28-33-18, 28-33-19, 28-33-34, 28-33-35, 28-33-36, 28-33-37, and 28-33-39 and for benefits similar to the benefits provided for employees of employers other than the state under the provisions of § 28-37-8 as determined by a prior agreement or settled as provided by § 28-31-4 or by the department's preliminary determination or decree of the workers' compensation court, shall be paid out of any money in the state treasury not otherwise appropriated and the state controller shall draw his or her order or orders upon the general treasurer for the payment of the claim in accordance with the provisions of the agreement, preliminary determination, or decree upon receipt by the controller of a copy of the agreement or preliminary determination certified by the director or of a copy of the decree certified by the administrator of the workers' compensation court.

(b) Payments *for continuing total incapacity until the employee's total incapacity* has ended or until his or her death similar to the payments which are provided for employees of employers other than the state by § 28-37-8 shall in the case of an employee of the state be paid out of any money in the state treasury not otherwise appropriated.

(c) Benefits similar to the provisions of § 28-37-8 shall be paid to employees of the state whose final payment attaining the maximum limit for compensation for total incapacity as provided by § 28-33-17 is paid subsequent to January 1, 1969 and who continue to be totally incapacitated for work due to an injury sustained while employed by the state.

(d) The provisions of this section are subject to the provisions of § 28-33-18.2.

<sup>vii</sup> **36-4-23 Preferred reemployment list.** - Any person in the classified service who holds permanent status and is laid off as a result of reorganization, abolishment of positions by reason of reduction of force due to lack of work or lack of funds shall be placed on the list in the order of length of service and appointment therefrom shall be in the same order.

<sup>viii</sup> **36-4-23.1 Reemployment lists.** - Any person who holds full status in the classified service and resigns in good standing shall be entitled to have his or her name placed on an appropriate reemployment list, provided that the person so requests in writing within three (3) years of the date of his or her termination from the state service. Any person with full status who has resigned and whose appointing authority has failed to certify that he or she has resigned in good standing or any person with full status who has been dismissed from the classified service may request in writing within three (3) years of the date of his or her termination that his or her name be placed on the appropriate reemployment list and the request may be granted at the discretion of the personnel administrator. Each name placed on a reemployment list shall be stricken therefrom at the expiration of three (3) years from the official termination date.

<sup>ix</sup> **36-4-25 Designation of appropriate list for filling of vacancies.** - The preferred reemployment list shall have precedence over all other lists for the filling of vacancies of comparable or less comparable positions in state service until the list is exhausted. Vacancies in positions in the classified service shall be filled as far as practicable by

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promotional appointments. Whenever a vacancy does exist in any position in the classified service, the appointing authority may choose to use either the employment, promotion, or reemployment list to fill the vacancy and shall request the personnel administrator to certify the names of persons eligible for appointment from the designated list; provided, however, that in the event of the reorganization of a department or division, or the abolishment of a position or positions in state service, any classified employee with permanent status affected thereby shall be placed in a comparable position within the department or division. If, however, placement within the department or division is not possible, then the affected employee shall be placed in a comparable position elsewhere in state service. Whenever a position is allocated or reallocated upward, the classified employee with permanent status holding that position shall be given an opportunity to qualify for the allocated or reallocated position by taking a qualifying examination and shall be placed on leave of absence from the old position until the employee has gained status or failed to qualify for the position.

<sup>x</sup> **36-4-61 Persons with disabilities - Special list of eligibles.** - (a) The personnel administrator is authorized and empowered to prepare without examination special lists of eligible persons who have a severe physical and/or mental impairment and who are certified by the department of human services as being so impaired, capable, and adequately trained to qualify for an entrance level class of positions in the classified service. The administrator, in his or her discretion, may fix the maximum number of persons who may be placed on the special lists of eligibles.

(b) In order to qualify for permanent appointment to the classified service under subsection (a) of this section the person with a disability must:

(1) Have a severe physical and/or mental impairment or combination of impairments which resulted in an inability to obtain permanent employment under competitive rules;

(2) Have successfully demonstrated an ability to do a job under temporary appointment, for a period of five (5) months prior to their appointment to probationary status in the classified service; and

(3) Meet minimum qualification standards for the class of positions.

<sup>xi</sup> **36-10-12 Retirement for ordinary disability.** - (a) Application for ordinary disability may be made by a member, his or her department head, or a person acting in the member's behalf, while in active service or on leave of absence for illness, provided that the member has had five (5) or more years of total service of which at least three (3) consecutive years shall have been as an employee of the state or as a teacher as defined in chapter 16 of title 16 and the member is not entitled to a regular service retirement allowance. A statement from a physician shall accompany the application stating that the member is physically or mentally incapacitated for the performance of duty and that he or she should be retired.

(b) A medical examination of the member shall be made by three (3) physicians engaged by the retirement board for this purpose, and should the medical examination show that the member is physically or mentally incapacitated for the performance of duty and ought to be retired, the physicians shall so report and certify to the retirement board, and the retirement board may retire the member for ordinary disability.

(c) The retirement board shall establish uniform eligibility requirement standards and criteria for ordinary disability which shall apply to all members who make application for retirement for ordinary disability.

<sup>xii</sup> **36-10-14 Retirement for accidental disability.** - (a) Medical examination of an active member for accidental disability and investigation of all statements and certificates by him or her or in his or her behalf in connection therewith shall be made upon the application of the head of the department in which the member is employed or upon application of the member, or of a person acting in his or her behalf, stating that the member is physically or mentally incapacitated for the performance of service as a natural and proximate result of an accident while in the performance of duty, and certify the definite time, place, and conditions of the duty performed by the member resulting in the alleged disability, and that the alleged disability is not the result of willful negligence or misconduct on the part of the member, and is not the result of age or length of service, and that the member should, therefore, be retired.

(b) The application shall be made within five (5) years of the alleged accident from which the injury has resulted in the members present disability and shall be accompanied by an accident report and a physicians report certifying to the disability; provided that if the member was able to return to his or her employment and subsequently reinjures or aggravates the same injury, the application shall be made within the later of five (5) years of the alleged accident or three (3) years of the reinjury or aggravation. The application may also state the member is permanently and totally disabled from any employment.

(c) If a medical examination conducted by three (3) physicians engaged by the retirement board and such investigation as the retirement board may desire to make shall show that the member is physically or mentally incapacitated for the performance of service as a natural and proximate result of an accident, while in the performance of duty, and that the disability is not the result of willful negligence or misconduct on the part of the member, and is not the result of age or length of service, and that the member has not attained the age of sixty-five (65), and that the member should be retired, the physicians who conducted the examination shall so certify to the retirement board stating the time, place, and conditions of service performed by the member resulting in the disability and the retirement board may grant the member an accidental disability benefit.

(d) The retirement board shall establish uniform eligibility requirements, standards, and criteria for accidental disability which shall apply to all members who make application for accidental disability benefits.

<sup>xiii</sup> **36-10-15 Amount of accidental disability benefit.** - (a) For disability applications submitted on or before September 30, 2009, upon retirement for accidental disability under § 36-10-14, a member shall receive a benefit which shall be equal to sixty-six and two-thirds percent (66 2/3%) of his or her annual compensation at the time of his or her retirement, subject to the provisions of § 36-10-31.

(b) Upon any application for accidental disability submitted on or after October 1, 2009, if the member has been found to be permanently and totally disabled from service but has not been found by the board to be permanently and totally disabled from any employment as a result of his/her accidental disability, a member shall receive a retirement allowance equal to fifty percent (50%) of the rate of the member's compensation at the date of the member's retirement, subject to the provisions of § 36-10-31. The retiree shall, as a condition of continued receipt of a disability retirement allowance, on or before a date fixed by the retirement board, annually under penalties of perjury provide the board with such affidavits and accurate evidence of earnings, employment and gainful activity as the board may require, including, but not limited, joint and/or individual tax returns. Payment of the disability retirement allowance shall continue as long as the individual remains disabled, and regardless of service or age.

Upon retirement for accidental disability that has been found by the board to be permanently and totally disabling from any employment, a member shall receive a retirement allowance equal to sixty-six and two-thirds percent (66 2/3%) of the rate of the member's compensation at the date of the member's retirement subject to the provisions of § 36-10-31. The retirement board shall apply the terms of subsection 28-33-17(b) in determining total disability.

<sup>xiv</sup> **45-19-1 Salary payment during line of duty illness or injury.** - (a) Whenever any police officer of the Rhode Island Airport Corporation or whenever any police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal of any city, town, fire district, or the state of Rhode Island is wholly or partially incapacitated by reason of injuries received or sickness contracted in the performance of his or her duties or due to their rendering of emergency assistance within the physical boundaries of the state of Rhode Island at any occurrence involving the protection or rescue of human life which necessitates that they respond in a professional capacity when they would normally be considered by their employer to be officially off-duty, the respective city, town, fire district, state of Rhode Island or Rhode Island Airport Corporation by which the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, is employed, shall, during the period of the incapacity, pay the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, the salary or wage and benefits to which the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, would be entitled had he or she not been incapacitated, and shall pay the medical, surgical, dental, optical, or other attendance, or treatment, nurses, and hospital services, medicines, crutches, and apparatus for the necessary period, except that if any city, town, fire district, the state of Rhode Island or Rhode Island Airport Corporation provides the police officer, fire fighter, crash rescue crewperson, fire marshal, chief deputy fire marshal, or deputy fire marshal, with insurance coverage for the related treatment, services, or equipment, then the city, town, fire district, the state of Rhode Island or Rhode Island Airport Corporation is only obligated to pay the difference between the maximum amount allowable under the insurance coverage and the actual cost of the treatment, service, or equipment. In addition, the cities, towns, fire districts, the state of Rhode Island or Rhode Island Airport Corporation shall pay all similar expenses incurred by a member who has been placed on a disability pension and suffers a recurrence of the injury or illness that dictated his or her disability retirement.

(b) As used in this section, "police officer" means and includes any chief or other member of the police department of any city or town regularly employed at a fixed salary or wage and any executive high sheriff, sheriff, deputy sheriff, member of the fugitive task force, or capitol police officer, permanent environmental police officer or criminal investigator of the department of environmental management, or airport police officer.

(c) As used in this section, "fire fighter" means and includes any chief or other member of the fire department or rescue personnel of any city, town, or fire district, and any person employed as a member of the fire department of the town of North Smithfield, or fire department or district in any city or town.

(d) As used in this section, "crash rescue crewperson" means and includes any chief or other member of the emergency crash rescue section, division of airports, or department of transportation of the state of Rhode Island regularly employed at a fixed salary or wage.

(e) As used in this section, "fire marshal," "chief deputy fire marshal", and "deputy fire marshal" mean and include the fire marshal, chief deputy fire marshal, and deputy fire marshals regularly employed by the state of Rhode Island pursuant to the provisions of chapter 28.2 of title 23.

(f) Any person employed by the state of Rhode Island, except for sworn employees of the Rhode Island State Police, who is otherwise entitled to the benefits of chapter 19 of this title shall be subject to the provisions of chapters 29 - 38 of title 28 for all case management procedures and dispute resolution for all benefits.

(g) In order to receive the benefits provided for under this section, a police officer or firefighter must prove to their employer that he or she had reasonable grounds to believe that there was an emergency which required an immediate need for their assistance for the protection or rescue of human life.

(h) Any claims to the benefits provided for under this section resulting from the rendering of emergency assistance in the state of Rhode Island at any occurrence involving the protection or rescue of human life while off-duty, shall first require those covered by this section to submit a sworn declaration to their employer attesting to the date, time, place and nature of the event involving the protection or rescue of human life causing the professional assistance to be rendered and the cause and nature of any injuries sustained in the protection or rescue of human life. Sworn

declarations shall also be required from any available witness to the alleged emergency involving the protection or rescue of human life.

(i) All declarations required under this section shall contain the following language:

"Under penalty of perjury, I declare and affirm that I have examined this declaration, including any accompanying schedules and statements, and that all statements contained herein are true and correct."

<sup>xv</sup> Gabriel Roeder Smith & Company Consultants & Actuaries' EMPLOYEES' RETIREMENT SYSTEM OF RHODE ISLAND: ACTUARIAL VALUATION REPORT AS OF JUNE 30, 2010

<sup>xvi</sup> Gabriel Roeder Smith & Company Consultants & Actuaries' JUDICIAL RETIREMENT BENEFITS TRUST: STATE OF RHODE ISLAND: ACTUARIAL VALUATION REPORT AS OF JUNE 30, 2010

<sup>xvii</sup> Gabriel Roeder Smith & Company Consultants & Actuaries' STATE POLICE RETIREMENT BENEFITS TRUST: STATE OF RHODE ISLAND: ACTUARIAL VALUATION REPORT AS OF JUNE 30, 2010

<sup>xviii</sup> Gabriel Roeder Smith & Company Consultants & Actuaries' MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM: STATE OF RHODE ISLAND: ACTUARIAL VALUATION REPORT AS OF JUNE 30, 2010

 voting check off graphic	<b>MOTION: To authorize the Exec. Sec. &amp; Commissioner Drew revise the Government Disability Pension Reform proposal, for consideration by the Commission <i>BI/AA passed unanimously</i></b>		
 announcer graphic	<b>Announcements</b>	<b>Tim Flynn</b>	<b>5:20</b>
	None		
 calendar graphic	<b>Agenda and Scheduling the Next Meeting</b>	<b>Tim Flynn</b>	<b>5:25</b>
	Items to be placed on the next meeting's agenda:		
	Next meeting will be on: October 17, 2011 4 - 5:30 PM		
 alarm clock graphic	<b>Adjournment</b>	<b>Tim Flynn</b>	<b>5:30</b>
 voting check off graphic	<b>MOTION: To adjourn at 5:29 PM, AA/BI passed unanimously.</b>		