

**Department of Human Services  
Office of Rehabilitation Services  
State Rehabilitation Council**

**Minutes February 12, 2008  
4:00 P.M. – 6:00 P.M.**

Present from State Rehabilitation Council: Rick Costa, Linda L. Deschenes, Susan Donavon, Dr. Judith L. Drew, Joseph Ferreira, Gary J. Levine, Lucille Massemينو, J. David Sienko, Vincent Rossi, Juan Troncoso, Mary E. Wambach, Herbert Weiss

Present from Agency: Stephen Brunero, Kat Grygiel, Laurie DiOrio, Ronald Racine

**1. Call to Order and Introductions** - The Chair called the meeting to order at 4:00 P.M.

**2. Additions or deletions to the Agenda** – none.

**3. Approval of Minutes**

Changes to minutes:

Attendance - Lucille Massemينو was not in attendance at the November 19 meeting.

Providence Journal Letter - H. Weiss was waiting for appropriate information pertaining to the Governor's budget to continue with the development of the letter.

**Motion**

J. Drew made a motion seconded by L. Deschenes and unanimously accepted, to approve the minutes from the November 19, 2007 meeting with the changes.

**4. Old business**

**1. State Plan, Policy and Quality Assurance** – State Plan Updates and Report

Materials submitted after the meeting due to time constraints.

Members of the committee and ORS representative attended a conference call held by the Rehabilitation Services Administration (RSA) pertaining to the RSA.

The Office of Rehabilitation Services (ORS) gave the timeline to the committee; it gives the committee one (1) month for comments, which is sufficient.

The Public Hearing slated for June 5, 2008 will also allow for ample time for additional comments.

Any comments from SRC members should be sent J. Ferreira, C. Sansonetti and D. Sienko.

The committee is planning to have a subcommittee meeting in early April and will email the members to set a date.

## 2. Chair's Report – D. Sienko

### 1. Letter to the Editor of the Providence Journal

There was a discussion regarding the content, type, and distribution of the letter.

At the initial time that the Council planned to respond to a letter published in the paper, it could have done so with an op-ed piece, which is approximately seven hundred and fifty (750) words. Because the Council chose to wait, a generalized letter to the paper regarding ORS, unless there is some sort of journalistic 'hook', may not be published. This type of generalized letter might be able to be published in a weekly publication.

Suggestions from H. Weiss:

The furloughs, lay-offs of employees, and possible loss of autonomy of the Agency, may be a way to give the Council that type of 'hook' or edge in getting something published. The loss of services or impact of the services due to these situations would be a topic with impact.

The Annual SRC/ORS Report program highlights and effects may be something to point out in the letter.

An op-ed piece would give the Council more verbiage, seven fifty (750) to one thousand (1,000) words.

Send it not only to the Journal but also to multiple papers; journals, daily papers, weekly and monthly papers.

Tie it to the budget situation, i.e., if people who are disabled can't get into the workforce then they are more dependent on public monies. Independence is a buzzword to use. Use the Staff cuts, i.e., are they going to reduce the effectiveness of ORS to get its clients served?

Obtain a copy of the newspapers to consider – H. Weiss will get this and send it to David.

D. Sienko felt this was very helpful because we also have several other councils involved now and it is a good time to work on this because the budget is out. It gives us an opportunity to engage them before they lay people off. Last year we didn't have that chance.

But we should focus on the types of cuts that occurred; they were indiscriminant and ignored the Agency's advice.

The Chair will move on this, perhaps send it to H. Weiss and M. Wambach for the key points.

**2. Rehabilitation Services Administration (RSA):** is aggressively pushing forward an agenda to help the SRC's connect more efficiently as a network. The National Coalition of State Rehabilitation Councils (NCSRC) has sent out to all the SRC's drafts of its mission statement, core values, and by laws. They have asked that the chairs of each SRC share this information with their membership, and ask the Council to support this. I would like you all to send comments on these documents to me. We will review the remarks at the next executive meeting and then vote on accepting them at our next full Council meeting.

**3. Annual SRC/ORS Report:** is done. The Chair thanked everyone especially the committee Chairs for the quality of their reports.

## 5. New Business

**1. ORS Administrator's Report** – S. Brunero updated the membership on the Vocational Rehabilitation (VR) Program.

The Annual SRC/ORS Report: a memorial to Jerry Shapiro was added. It is a fitting addition and tribute to him. His death has greatly affected everyone at the Agency.

Follow-up on letter to the Journal - There is a cost benefits analysis in the Annual Report that we could also use with the letter.

Fiscal Situation: at the Federal level there are sixteen (16) states with budget troubles, and eight (8) additional states will have deficits in 2008. The deficit in Rhode Island has led to no positions being filled for the last six (6) months. Lay-offs, and people retiring due to concerns for benefits, and some of these lay-offs are actually federally funded positions. Cost of living increases have been proposed to be cut in Title I –Rehabilitation Act. It is level funded at this point. Discretionary programs like Migrant and Seasonal Farm workers and Projects With Industries are included in the proposed cuts.

The biggest impact for ORS thus far has been the reduction in full time positions. We are down overall approximately thirty (30) positions; six (6) counselors are among this number, and we have not been able to fill these positions. And the last two (2) workers laid off were bilingual.

State Employees: layoffs have to go through bargaining agreements with Unions. One of the effects of this is that State Employees can be bumped from their positions by someone with seniority. This could cause a person who has been working for our Agency to be bumped by someone who does not work for ORS.

Contract Employees: are also being laid off. Len Clark, our Community Work Incentive Coordinator is going to be leaving because he was bumped.

Retirement: the Governor's proposals severely cut back retirement benefits. Some senior people with experience may decide to leave before they get cuts in their retirement benefits.

Fortunately we have excellent personnel and some of them are doing two or three jobs to keep us running, however, we don't know how long they can continue this.

G. Levine asked how this budget crisis is going to affect ORS's benchmarks?

S. Brunero said it would definitely affect them. We are doing everything we can to maintain the integrity of the program to meet the needs but with the cuts it is increasingly difficult. There is some concern about the overall effects this year. Right now we are trying to keep positive. Our productivity thus far looks good; this year we are up forty three (43) new applications and thirty six (36) new eligibilities for the first quarter. However we are down, sixteen (16) new plans and seventeen (17) successful outcomes, so the shortages are having a negative impact.

Rhode Island is one of only nine (9) states that passed all Standards and Indicators the last three (3) years but if we don't continue to meet our targets there will be penalties from the Federal Government.

ORS has had several trainings to try to address these situations; they have been well received by the Staff.

We had a meeting on the Statewide Comprehensive Needs Assessment. There are several models from other states that we are looking at. K. Grygiel will be meeting in early March with the Sherlock Center to work on this for us.

Quality Assurance and Customer Satisfaction Surveys: K. Davis will be taking over quality assurance for the Agency. We are developing a formal plan that integrates feedback and K. Davis is in the process of drafting a plan and may need to have State Plan, Policy and Quality Assurance Chair review it.

A multi regional spring SRC forum sponsored by the RSA will take place May 14<sup>th</sup> through the 16<sup>th</sup> at Georgia State University. An SRC representative should attend.

There is a Bill to reorganize the Family Independence Act, which may reduce the timeline from five (5) years to two (2). This may lead to major organizational changes in Health and Human Services and these changes may impact our capacity and how we do business. We have always been an education and training focused State but we have to switch to work-based training. I think it is important for us to advocate for resources.

Expansion activities/recruiting Counselors - As an incentive to potential Certified Rehabilitation Counselors, which requires an internship, we have some funding to pay the Interns. This will greatly help to keep people in the Masters Program. We have been able to do this with three (3) students so far.

RI Transition Conference April 10, 2008: K. Grygiel has been working hard for our Agency along with the Rhode Island Department of Education, Rhode Island Department of Health and the Paul V. Sherlock Center on Disabilities to sponsor a transition conference. The conference will help increase awareness of transition activities, build the capacity of schools, adult services and other systems to continue developing and improving transition services.

R. Racine: ORS is working on a new Case Management System, and has initial approval for new wiring for this Internet based system. One of the prime features of this system will allow our personnel who are out in the field to be able to access it, right now they cannot. We will be able to automate the paperwork generating reports automatically for even some of our Federal work, thus saving time.

We have looked at a few systems, and from what we have seen there is one company based in New York, and another that has been tested at VR programs that we liked. But when we put the bid out there could be others companies that bid on it.

Marketing materials for the Agency and table display: one of the results coming out of ORS's strategic planning meeting at Alton Jones was to improve the marketing and public relations of the Agency. We have some new materials coming out to bridge some of the current information gaps with the business community.

J. Troncoso asked if there is anything that is being used to market to the Latino communities? If not should we put something in place?

S. Brunero said ORS has marketing and public materials available in Spanish as well as English, but would look forward to working with J. Troncoso on advancing the materials. M. Dzialo does ORS's business outreach and it would be nice for you meet with her at some point.

J. Troncoso said he was ready to help spread the word.

D. Sienko said the Employment committee is working closely with M. Dzialo, we think J. Troncoso should be on the employment committee. The key issue is to get the word out. We are looking at expanding our mailing list for the Annual Report as a step forward but other ideas are welcome.

H. Weiss asked if ORS had a lobbyist or could assign a staff person to become a lobbyist. They could be instrumental in spreading the word about ORS and looking towards key issues that would affect the Agency. Paula Parker is with the Department of Elderly Affairs; you might want to talk to her. You might also want to coordinate with non-profit agencies that have lobbyists. I could do that. You might want to see if there is money to pay for a consultant lobbyist.

## 2. Nominations and Leadership Guest Speaker Presentation – G. Levine

G. Levine is an attorney in private practice and represents people with disabilities. His presentation is about the challenges his clients have in getting back to work.

Focus on the legal aspect of laws that protect and prevent people from discrimination.

Americans with Disabilities Act 1990 (ADA) The ADA is a wide-ranging civil rights law that prohibits, under certain circumstances, discrimination based on disability. It was supposed to be this big boom for disabled people and many businesses were concerned how expensive it would be for them to comply. But it has been so watered down.

Watering down of the Act

*"To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered."*

U.S. Department of Justice ~ A Guide to Disability Rights Laws

One way the Act is watered down is the wording.

Example: The determination of whether any particular condition is considered a disability is made on a case-by-case basis. But it has been made more difficult for the disabled person, and easier to get around for employers, by stating it has to substantially limit one or more major life activities.

Another way is the type of disability.

Example: if someone has a disability that prevents them from standing for too long, they may not be covered.

And the cost to an employer (Covered Entity) creating a hardship.

Example: for a hearing-impaired person the employer has to supply necessary devices. But if the employer was not a covered entity they might not have to comply. For a large business it wouldn't be difficult to cover but for a small company it might, so they do not have to make the accommodations.

Covered Entity can refer to an employment agency, labor organization, or joint labor-management committee, and is generally an employer engaged in interstate commerce and having 15 or more workers.

Employers have sort of caught on that they can ask what kind of accommodation the employee needs to do the job. Often employees will not bother to go after accommodation because they know a smaller business cannot pay for them, so often an employee will just look for another way to finance the accommodation or go and look for employment someplace else.

Another way is in hiring practices.

The employer cannot become aware of the disability before a person is hired. They cannot ask certain types of questions that are leading. But they are asking these questions and using the Laws that are legal and the Act itself to find out before hand if a person has a disability.

Example: Medical questions on applications or at interviews. How many sick days have you taken in the past year? Have you ever filed for workers compensation? They can't ask those question even if the persons' disabilities are obvious, but they often do.

Example: The ADA covers the hiring process so if someone needs a reasonable accommodation to go to an interview the potential employer has to provide what the individual might need. How can they do this and not know the person has a disability?

Practical problem with the ADA.

Enforcement of the Law: How do you prove they didn't get the job because of their disability?

The spirit of the law is not being complied with.

So enforcement and wiggle room for employers is there and in many cases people with disabilities need to go above what others must do to prove to the employer they can do the job. What many employers do not know is that when they hire a disabled person they get an employee that really wants the job.

Question about the use and accessibility of kiosks by many companies for potential employees can fill out applications.

They are not required to not use this kind of system. It is cost effective. But they have to give everyone an accommodation to fill out the applications. Many of the big companies are using them. For many of the youths in transition the kiosk is a great option.

Companies should be made aware of the accessibility issues to multiple candidates. The practicality for big companies is not difficult but for small ones it is. Larger companies are sensitive to ADA issues. It is the smaller companies that have more difficulty with it. There have to be seminars for these companies that let them know help is available. Letting them know that there are tax benefits available to them if they hire people with disabilities.

There are companies that have a good relationship with VR programs. But the ADA tried to enforce compliance through penalty. The bottom line is the stigma is still there.

If I were to support something it would be to promote the financial incentives that exist for hiring the disabled. A facts sheet showing these benefits and grants for hiring a person with disabilities would be a good thing to have. That would be a great sales pitch because it is money that talks.

The Chair suggested we capture of few things from this presentation and assign them to committees.

## **6. Public Comment - None**

## **7. Adjournment** – The meeting was adjourned at 6:00 P.M.

Respectfully Submitted,



Nancy L. Baker, Staff  
State Rehabilitation Council