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Disabilities - Task Force Recommendation 99 Disabilities

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Major Accomplishments by the Department of Agriculture for July 26 Event in Celebration of the 10th Anniversary of the Americans with Disabilities Act

The Secretary's Advisory Committee for Employees with Disabilities (SACED), a diverse group of USDA Senior Executives, has met for more than two years to provide outreach, raise awareness, and make USDA a model employer of persons with disabilities. The Secretary has approved a full-time staff for the SACED. The SACED has provided input directly to Secretary Glickman and has focused on achieving equal access to affirmative employment, advancement, and services for employees with disabilities at USDA. Major accomplishments include:

- Wrote and issued a Departmental Reasonable Accommodation policy to ensure that all employees have access to the equipment, software, and services they need to be productive.
- Established quarterly data collection for SACED review on the amount USDA offices are spending on accommodations, to determine the feasibility of having centralized funding and procurement of accommodations for USDA employees with disabilities. This would allow offices to acquire accommodations without taking money out of their individual budgets. The SACED supports processes to reduce costs and delivery time for employee accommodations.
- Established a mentor program targeted for USDA employees with disabilities to expand opportunities for employee development and career advancement.
- Designed and implemented a comprehensive SACED home page as a communications vehicle for employees and applicants with disabilities with a contact list, calendar of events, and an extensive resource list with links to information and Internet resources.
- Developed and implemented an all-employee survey on employment and service delivery issues that achieved a 30 percent response rate and published a report entitled *Employee Survey on Disability Issues* in January 2000.
- Produced a report entitled *A Time for Change*, and a brochure, entitled *Making USDA Events Accessible* with a letter from the Secretary of Agriculture detailing accessibility requirements throughout USDA.
- Established an Employment Subcommittee to develop a Department-wide recruitment strategic plan. Established Departmental employment and advancement goals for persons with disabilities in cooperation with the Presidential Task Force on Employment of Adults with Disabilities. Presented two workshops for headquarters and field personnel: *Successful Strategies for Employing People with Disabilities* and *Successful Strategies for Serving Employees and Customers with Disabilities*.
- Held four SACED forums with employees throughout the country to listen to concerns, success stories, and suggestions from the disability community and prepared an action item memo that was signed by the Secretary and distributed to the Subcabinet for action. Periodic progress reports to the Secretary will serve to monitor progress.

- Encouraged mission areas and agencies through mailings, letters, and publicity to participate in all USDA employment programs that hire employees with disabilities and disabled veterans for permanent, temporary, summer, stay-in-school, and Workforce Recruitment Program (WRP). The WRP hired 36 students last year and has been one of the top Executive Branch employers for the past three years.
- Increased the budget for sign-language interpretation to ensure that services are available for the accessibility of USDA events.
- Worked to create employment for persons with disabilities by recycling ink jet printer cartridges through community rehabilitation programs to provide opportunities for job training and productive employment for persons with disabilities.
- Working with the SACED Technology and Forum Issues Subcommittees, procurement officials, and the TARGET Center to meet equal access requirements, resolve issues, and support training on Section 508 of the Rehabilitation Act of 1973 to provide accessible computer hardware, software, and services for employees with disabilities.
- Promoted alternative workplace, telecommuting, and work at home programs as a mechanism for accommodating employees with disabilities. Addressed concerns about underutilization of these flexibilities in a memorandum entitled *Flexibilities in Accommodating Employees' Needs* that was issued to mission area personnel officers in September 1999.
- Working with the Department, Office of Operations, mission areas, and members of the Association for Persons with Disabilities in Agriculture to assess and ensure the accessibility of USDA buildings and facilities.
- Worked with internal and external organizations to publicize disability-related initiatives, with comprehensive resource list for use by committee members, managers, and employees. Appointed a USDA representative and subcommittee representatives to the Presidential Task Force on Employment of Adults with Disabilities.
- Worked with Washington Area Service Center to issue a memorandum in August 1999 entitled *Handicapped Parking, Department of Agriculture Headquarters Complex* on availability and procedures for obtaining parking for people with disabilities.
- Established a Subcommittee on Employees with Mental Retardation and Cognitive Disabilities that is working to increase networks with organizations serving employees with mental retardation and cognitive disabilities, and build on the successes of Office of Operations in contracting out services and partnering with school supported employment programs. Plans are to expand educational partnerships through Memorandums of Understanding (MOUs) with schools, state agencies, and service providers serving the disability community.

NEW RECOMMENDATIONS/HHS

1. HCFA will modify its policies and practices to support the integration of Title XIX beneficiaries with significant disabilities into the American workforce by **issuing new policy guidance** and offering **technical assistance** emphasizing flexible, non-categorical implementation of the Medicaid program **to state Medicaid directors** that:
 - (1). Clarifies and encourages the use of existing medicaid coverage options (such as personal care; clinic services; rehabilitative services; and HCB waiver programs) to be used to finance supported employment and other work related services for working-aged recipients with disabilities; [note: this is a particularly urgent issue for persons with psychiatric disabilities who are receiving title XIX financed intensive community supports; it will also positively affect people with mr/dd.]
 - (2). Explains options available to states to create a special income eligibility category for Title XIX beneficiaries that provides clear and reasonable incentives to engage in work and increase earnings without jeopardizing Medicaid eligibility.
2. HCFA will revise Medicaid **program manual** and issue **policy guidance** to encourage use of individual budgets that enables customer choice and control.
3. HCFA will develop **strategies** to assist states to provide **incentives** for employment by authorizing higher reimbursement rates for integrated employment outcomes.
4. HCFA will add **premium on federal financial participation** in Medicaid reimbursement to states that adopt a **Medicaid buy-in**. [note: premium could be provided in a variety of ways; the group discussed small financial but there are probably others that HCFA could identify].
5. HHS will create an **Olmstead Watch website** (integrated with Access America Web recommended by the Presidential Task Force 2nd report) that informs the public and multiple stakeholders on post-Olmstead activities, including:
 - (1). State compliance plans
 - (2). Status of state efforts to move individuals off waiting lists;
 - (3). HHS and DOJ monitoring activities and findings;
 - (4). Civil rights information on court cases and decisions regarding Section 188 of WIA, Sections 503, 504, 508 of Title IV WIA and Title II of the ADA
 - (5). Civil rights program contacts with state and federal government;
 - (6). Examples of state efforts to redirect resources to support integrated employment;
 - (7). Federal policy across agencies to support choice and individual budgets; and
 - (8). Other research and related data, as appropriate, in order to effectively disseminate information to enable movement to the community and integrated employment for people with the most significant disabilities.

Curb Cuts - Ken Wykal - FTA - Townslikes don't want to do it.
 Partnership w/ Tony Williams - Walter Solton - Jerry Malone
 Possible Transportation Deliverables
 ADA Enforcement

The June 27, 2000 Report from the National Council on Disability (*Promises to Keep*) was critical of DOT's efforts related to ADA enforcement. Given the timing of the Report, a substantive set of deliverables related to better enforcement would both respond to the Report and reaffirm a commitment to the ADA.

1. The Federal Transit Administration (FTA) should conduct periodic site visits and spot checks to determine level of ADA compliance (*as opposed to total reliance on transit agency self-reporting, which is currently the case*).
2. FTA should require transit agencies to post notices on all mainline and paratransit vehicles that complaints can be made directly to the FTA.
3. FTA should develop publications for riders with disabilities about their rights to transportation services.
4. FTA should conduct extensive public education about accessible transportation.
5. FTA, FRA (Federal Railroad Administration) and FAA (Federal Aviation Administration) should conduct ADA training for all staff involved in ADA-related enforcement and technical assistance.
6. The Office of General Counsel of DOT should convene a Summit in the Fall on improving transportation for people with disabilities, particularly as it relates to employment. This Summit can be co-sponsored with the Task Force, HHS, HUD, Education, and Labor.
7. DOT's Office of the Secretary should engage in strategic planning and evaluation, involving regular consultation with members of the disability community, for improving its ADA enforcement.

Reauthorization of TEA-21

Its current authority extends through 2003. The reauthorization affords a great opportunity to change and add programs. To do so adequately, DOT would need access to better data and would need to engage in in-depth discussions with the provider and advocacy communities.

1. DOT should collect data on the use of public and private transportation options by individuals with disabilities (including the numbers of individuals using fixed route transportation vs. paratransit, numbers who cannot drive, who own/lease their own vehicles, who use public transportation for work, who use human service-funded transportation for work, etc.). This can be done through the Transportation Research Board, perhaps in conjunction with HHS.

2. DOT, through its Access Flagship Initiative, One DOT, or other mechanism, should review the programs and funding amounts currently authorized under TEA-21 to determine how each program can be modified to better respond to the needs and capacities of people with disabilities.
3. DOT should establish a time-limited task force consisting of representatives from DOT, DOL, HHS, transit authorities, transit providers and disability advocacy groups to review existing law and practice and develop recommendations to the Secretary of DOT regarding the provision of transportation services to Americans with disabilities. Their Report should be completed and submitted to the Secretary of Transportation by June 1, 2001, prior to planning for the reauthorization.
4. The Federal Highway Administration should assess the need for additional funding and outreach for sidewalk improvements under the Surface Transportation Program.

Expansion of the Coordinating Council on Access and Mobility

The Council, formed in 1986 with certain functions mandated under TEA-21, includes representatives of all of the major programs under DOT and HHS. Recently, it has invited representatives of the Department of Labor to participate on at least an informal basis. The objective of the Council is to remove barriers to the efficient use of human services transportation. The Council is in the process of developing joint state and local guidelines for transportation coordination that are very much needed and long overdue (an October 1999 GAO Report was very critical of the Council in this respect).

1. DOT and HHS should immediately expand the Coordinating Council to include representation from several agencies within, at a minimum, the Department of Labor, Housing and Urban Development, and the Department of Education (*HHS is supportive of this*).
2. The Council should develop a strategy for including people with disabilities in all of its proposed initiatives and activities.
3. The expanded Coordinating Council should sponsor a series of regional workshops on facilitating local coordination of transportation for people with disabilities for representatives of workforce investment boards, people with disabilities, transit authorities, private providers, metropolitan planning organizations, and advocacy organizations. These workshops should emphasize local transportation's role in workforce development and the one-stop system.

Changes to Existing Programs

Job Access and Reverse Commute (Section 3037). Authorized at \$150 million but currently funded at \$75 million, it provides competitive grants for transportation to suburban employment from suburban, inner city and rural locations. It is intended primarily for TANF recipients.

1. The Department of Transportation should include as a criterion for awarding grants the existence of a plan and financing strategies for including TANF recipients who have disabilities.
2. The Department of Transportation should require each grant recipient to develop a plan for providing transportation services for TANF recipients who have disabilities.

Other program deliverables:

3. The Department of Transportation should provide funding for informational materials for individuals with disabilities that can be disseminated at one-stop centers. In addition, funding should be made available for training of one-stop counselors and administrators on transportation options and best practices related to providing transportation.
4. The Department of Transportation should assess the effects of implementing the proposed Intelligent Transportation Systems (ITS) on the employment of people with disabilities.
5. The Department of Transportation should send letters to States encouraging them to recruit individuals with disabilities through the On-the-Job Supportive Services program (Section 1208), including recruiting youth with disabilities for the Summer Transportation Institutes.
6. Require the Department of Transportation to include individuals with disabilities as one of the core groups targeted (along with minorities and women) in the On-the-Job Supportive Services program.

CHAPTER 1

1999 Recommendations to the President from the Presidential Task Force on Employment of Adults with Disabilities

The Task Force wishes to recognize the outstanding work by the Clinton-Gore Administration in acting on the recommendations made to the President in last year's report — *Re-charting the Course: First Report of the Presidential Task Force on Employment of Adults with Disabilities*. Prompt action and strong support by the Administration on these recommendations has resulted in significant achievements that are leading to increased employment opportunities for people with disabilities. See Chapter Two for a complete review of the status of last years' recommendations.

The Task Force also wishes to acknowledge the efforts of Task Force Committee members, particularly those who chaired the various committees established in the spring of 1999 to guide and focus the work of the Task Force. The Task Force has received a report from each committee on their activities in 1999, which largely have focused on putting in place plans for more specific activity in 2000 and beyond. The Task Force will be reviewing and using these reports as the basis for future activities as appropriate. Highlights of these reports are included in Chapter Four.

The Task Force respectfully submits the following recommendations to the President of the United States of America for immediate consideration:

The Task Force recommends that:

- 1** *The President direct the Department of Labor to develop a proposal for consideration in the FY 2001 budget process for an Office of Disability Policy, Evaluation and Technical Assistance (ODPET) to be headed by an Assistant Secretary of Labor. ODPET functions could include:*
 - *Ensuring ongoing efforts to integrate people with disabilities into the Department of Labor's mainstream employment and training programs.*
 - *Establishing the National Disability Business Development Board to be comprised of the membership of the President's Committee on Employment of People with Disabilities and to serve as the advisory body to ODPET.*
 - *Maintaining the principle functions of the President's Committee on Employment of People with Disabilities.*
 - *Assisting the Presidential Task Force on Employment of Adults with Disabilities in implementing a coordinated and aggressive national employment strategy for people with disabilities.*

The Office of Disability Policy, Evaluation and Technical Assistance could provide a long-term, permanent force to continue the work needed to ensure that persons with disabilities are integrated into mainstream employment and training programs within the Labor Department. The Presidential Task Force would continue to be responsible in the short-term for developing, refining and monitoring the implementation of an aggressive, national employment strategy for persons with disabilities.

The Task Force recommends that:

2 *The President direct the Departments of Justice and Labor, and the Equal Employment Opportunity Commission to collaborate in exploring methods for strengthening enforcement of employment-related nondiscrimination provisions of the Americans with Disabilities Act and the Rehabilitation Act. All efforts shall provide a clear and unequivocal message that expanded employment opportunities for individuals with disabilities are a high priority of the Administration. The efforts of the Department of Labor and the Equal Employment Opportunity Commission should include providing increased technical assistance to employers, strengthening compliance evaluations, and enhancing data collection as appropriate.*

Effective enforcement of employment-related nondiscrimination requirements is crucial to increasing employment opportunities for individuals with disabilities. The agencies responsible for enforcement must continue to explore new and more effective approaches for increasing compliance with laws requiring equal opportunities for job applicants and employees with disabilities. The enforcement agencies should develop and disseminate technical assistance guides to assist employers in understanding and implementing nondiscrimination requirements. These agencies should also develop educational tools to inform individuals with disabilities of the full range of protections under the ADA and the Rehabilitation Act. The enforcement agencies also should explore

methods to strengthen their investigation processes. For example, the Department of Labor, through the Office of Federal Contract Compliance Programs, should utilize compliance evaluation procedures that allow the agency to focus on systemic barriers to the employment of individuals with disabilities. The Equal Employment Opportunity Commission, in coordination with the Departments of Justice and Labor, should explore enhancing data collection efforts with respect to the employment and the availability of persons with disabilities in the workforce, possibly through new regulations. Consistent with their complementary responsibilities for enforcement, Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Program should explore joint enforcement strategies.

The Task Force recommends that:

3 *The President direct the Departments of Labor, Education, and Health and Human Services, the Social Security Administration, the Office of Personnel Management, and other appropriate Federal agencies to construct and coordinate, under the leadership of the Presidential Task Force on Employment of Adults with Disabilities, a Youth-to-Work Initiative.*

Barriers to employment for youth with disabilities include: low educational attainment; low educational and employment expectations; and confusing governmental programs with conflicting eligibility criteria and goals. As a result, many youth with disabilities transition from youth welfare to adult welfare without access to the education and training opportunities needed to make a transition to work and achieve independence. This Youth-to-Work Initiative would test alternative approaches to helping youth with disabilities gain access needed to education and training opportunities and overcome barriers to employment.

Each year, about 40,000 eighteen-year-olds are subject to a continuing disability review for Supplemental Security Income (SSI) benefits, but only 25,000 are determined eligible for such assistance. On average, the young adults deter-

mined to still be eligible will remain on SSI for 27 years, while those found ineligible are likely to live in poverty. Many youth with disabilities spend a significant portion of their lives living in poverty, dependent upon public assistance programs, and relegated to the margins of society. In addition, compared to students without disabilities, students with disabilities drop out of school much more frequently and enroll in post-secondary education less frequently.

The Task Force recommends that:

- 4** *The President direct the Department of Health and Human Services to develop a proposal to allow the Maternal and Child Health Programs for Children with Special Needs to provide Healthy and Ready to Work services to youth with disabilities who are under the age of 16.*

The Maternal and Child Health Programs for Children with Special Needs (Title V of the Social Security Act) provides Healthy and Ready to Work services to youth with disabilities that are essential to preparing them for continued education and training, but are restricted to serving only youth 16 years and older. As a result, many youth with disabilities are ready to drop out of the education stream just at a time when they become eligible to receive services that would enable them to benefit from continued education. There is a clear need to provide these services to youth with disabilities at an earlier age.

The Task Force recommends that:

- 5** *The President direct the Department of Housing and Urban Development to explore steps needed to establish an earned income disregard for tenants with disabilities living in other-than-Public Housing Authority housing who return to work, and to exempt any disability-related expenses incurred when a tenant goes to work from the "countable" income used to determine rents.*

The Department of Housing and Urban Development has promulgated rules under recently enacted legislation aimed at providing additional incentives for low-income individuals

in public housing to go to work, or work additional hours. Current rules, however, do not provide sufficient incentives for employment of people with disabilities who are assisted by the Department of Housing and Urban Development subsidies, but do not live in Public Housing Authority housing. The Department should explore ways to extend similar incentives to all HUD-subsidized tenants with disabilities.

The Task Force recommends that:

- 6** *The President continue to work with Congress to secure adequate funding, proposed in the Administration's FY 2000 budget, for their program to accelerate the development and adoption of information and communication technologies that can be used by the 54 million Americans with disabilities.*

The President should continue to push for this initiative that would: (1) help make the Federal Government a "model user" of accessible electronic and information technology through the implementation of Section 508 of the Rehabilitation Act; (2) support new and expanded State loan programs making assistive technology more affordable for adults with disabilities; and (3) invest in research, development, and technology transfer in areas such as "text to speech," speech recognition, and eye-tracking for people who cannot use a keyboard.

The Task Force recommends that:

- 7** *The President continue to work with Congress to pass the tax credit proposed in the Administration's FY 2000 budget, in order to assist adults with disabilities with expenses related to work.*

Working-age adults with disabilities are often discouraged from working because of the high cost of personal attendant services and other services or technologies required for employment. Similarly, the cost to employers of hiring an individual requiring personal attendant services can sometimes be prohibitive. Tax credits provide a flexible way to assist people with disabilities in defraying these expenses.

The Task Force recommends that:

8 *The President continue to work with Congress to pass a strong, enforceable Patients' Bill of Rights.*

It is critically important to people with disabilities that we enact a strong, enforceable Patients' Bill of Rights. This legislation must include the following: guaranteed access to needed health care specialists; access to emergency room services when and where the need arises; continuity of care protections so that patients will not have an abrupt transition in care if their providers are dropped; access to a fair, unbiased, and timely internal and independent external appeals process to address health plan grievances and to help govern decisions about medically necessary treatments; an enforcement mechanism that ensures recourse for patients who have been harmed as a result of a health plan's actions.

The Task Force recommends that:

9 *The President convene a White House Conference on Employment of Adults with Disabilities that will include representatives from the Administration, Congress, elected officials from State and local governments, small and large businesses, the disability community and other stakeholders.*

A White House Conference would provide heightened visibility to the issue of employing persons with disabilities and help build partnerships between public and private sectors. It would also provide the opportunity to showcase "best practices" and innovative strategies for employment of people with disabilities, and highlight actions taken by Task Force member agencies, departments, and other Federal agencies. Finally, it could commemorate the 10th anniversary of the Americans with Disabilities Act, the 25th anniversary of the Individuals with Disabilities Education Act, and the 35th anniversary of the Equal Employment Opportunity Commission.

The Task Force recommends that:

10 *The President direct the Task Force members' departments and agencies to collaborate on the development and implementation of a multimedia, interagency public awareness campaign to eliminate the negative and erroneous stereotypes about employment of people with disabilities. This campaign would focus on the benefits of employing people with disabilities.*

There is an immediate need for leadership to address negative attitudes and prejudices against people with disabilities. An aggressive public awareness campaign, conducted in partnership with the disability community, businesses, and other influential entities would help to eliminate erroneous and prejudicial thinking about disability that results in limiting employment opportunities.

The Task Force recommends that:

11 *The President direct the Social Security Administration and the Department of Labor to create an "Access America for People with Disabilities" Web site that targets individuals with disabilities.*

In February, Vice President Gore announced "Access America for Seniors," a Web site providing a wide range of services to older Americans — an example of his vision of "one-stop" Web access to government services. A new Web site, "Access America for People with Disabilities," would likewise provide information and services offered by virtually every major Federal Government agency by linking to an abundance of helpful Federal agency sites, information, programs, and services.

The Task Force recommends that:

- 12** *The President direct the Department of Transportation to work with the Departments of Labor, Education, and Health and Human Services, the Social Security Administration, and other relevant Task Force members to develop a comprehensive plan of action to address the lack of transportation services and systems for persons with disabilities.*

The lack of available public transportation is a major employment barrier for persons with disabilities. This fact is cited by many individuals with disabilities at recent Town Hall meetings held by the Task Force and at other events as the major impediment to finding and keeping jobs. The Department of Transportation has been vigorous in addressing public and private accessibility issues for people with disabilities. This directive would be to concentrate Federal efforts on developing an interagency action plan that addresses the lack of available transportation.

The Task Force recommends that:

- 13** *The President direct all Federal agencies with customer service call centers and other appropriate services to explore ways to encourage hiring people with disabilities.*

Cutting-edge telecommunications technology has recently made it possible for customer service centers to send voice and data to home-based customer service representatives who work just as if they were in a call center. Many agencies in the Federal Government operate significant customer service call center activities. This cutting-edge technology needs to be widely available in the Federal Government, and used to increase the employment rate of individuals with disabilities as much as possible.

Research has shown that the percentage of individuals with significant disabilities who are employed is the lowest of disadvantaged groups in the nation. It is critical that we seek out as many strategies as possible to change this picture.

The Task Force recommends that:

- 14** *The President direct the Social Security Administration to explore options for raising the Earned Income Exclusion in the Supplemental Security Income program, for both adults and students, in order to encourage work efforts.*

Supplemental Security Income (SSI) is a means-tested program, but beneficiaries are able to have limited earnings without impact on their benefit amounts. Allowing such earnings not only increases overall income security, but also provides an incentive to work. The earned income exclusions for both adults and students, however, have not been raised since the early 1970's, even though the SSI Federal Benefit Rate is indexed annually for inflation. The Earned Income Exclusion remains at \$65 per month for adults and up to \$400 per month for students for a limited time period. As a result, SSI beneficiaries with non-SSI income do not receive full indexing of their benefits, and work effort is less rewarded than it was previously.

Commerce - funding for BLS study of measurement of people w/ disabilities

Transportation - Mark Brennan - Report due - ribbon cutting
of EEOC - 3 draft policy documents - ^{guidance} 1) disc. on genetic info; 2) guidance on contrasting workforce - Commission must vote - Paul Miller -

HHS - letter from Gov

NPR - web site

Call
Becky about
report
467 6139

—

Check w Lisa Brown
Nancy McFadden

RECOMMENDATIONS

Reauthorization of TEA-21

TEA-21 authorizes \$42 billion for transit and \$175 billion for highways. Compared to ISTEA, it includes a good mix of increased funding, encouraging state and local partnerships and innovative practices. It does target TANF recipients, but not people with disabilities specifically (other than through formula grants for purchasing lift-equipped vehicles to comply with the ADA). Its authority extends through 2003. The reauthorization affords a great opportunity to "pick" our way through the bill, changing and adding programs.

1. Require the Department of Transportation to collect data on the use of public and private transportation options by individuals with disabilities (including the numbers of individuals using fixed route transportation vs. paratransit, numbers who cannot drive, who own/lease their own vehicles, who use public transportation for work, who use human service-funded transportation for work, etc.).
2. Require the Department of Transportation, through its Access Flagship Initiative, One DOT, or other mechanism, to review the programs and funding amounts currently authorized under TEA-21 to determine how each program can be modified to better respond to the needs and capacities of people with disabilities.
3. Require the Department of Transportation to assess the benefits and barriers to establishing a Local Coordination grants program under the Federal Transit Administration.
4. Require the establishment of a time-limited task force consisting of representatives from DOT, DOL, HHS, transit authorities, transit providers and disability advocacy groups to review existing law and practice and develop recommendations to the Secretary of DOT regarding the provision of transportation services to Americans with disabilities. Their Report should be completed and submitted to the Secretary of Transportation by April 1, 2001, prior to planning for the reauthorization.
5. Require the Department of transportation to assess the need for additional funding and outreach for sidewalk improvements under the Federal Highway Administration's Surface Transportation Program.

Expansion of the Coordinating Council on Access and Mobility

The Council, formed in 1986 with certain functions mandated under TEA-21, includes representatives of all of the major programs under DOT and HHS. Recently, it has invited representatives of the Department of Labor to participate on at least an informal basis. The objective of the Council is to remove barriers to the efficient use of human services transportation. The Council is in the process of developing joint state and local guidelines for transportation coordination that are very much needed and long overdue (the GAO has been very critical of the Council in this respect).

1. Expand the Coordinating Council to include representation from several agencies within, at a minimum, the Department of Labor, Housing and Urban Development, and the Department of Education.
2. Require the Council to develop an assessment of the benefits and barriers of transportation coordination for people with disabilities.
3. Require the Council to develop a strategy for including people with disabilities in all of its proposed initiatives and activities.
4. Require the Coordinating Council to sponsor a series of regional workshops on facilitating local coordination of transportation for people with disabilities for representatives of workforce investment boards, people with disabilities, transit authorities, private providers, metropolitan planning organizations, and advocacy organizations.
5. Require the Coordinating Council to assess accessibility to public transportation (sidewalks, curb cuts, stations, etc.) And the role other federal agencies should play in this effort.

Changes to Existing Programs

Job Access and Reverse Commute (Section 3037). Authorized at \$150 million but currently funded at \$75 million, it provides competitive grants for transportation to suburban employment from suburban, inner city and rural locations. It is intended primarily for TANF recipients.

1. Require the Department of Transportation to assess the benefits of setting aside a minimum of 10% of funding under the Access to Jobs grant program for the 2002 fiscal year.
2. Require the Department of Transportation to include as a criterion for awarding grants the existence of a plan and financing strategies for including TANF recipients who have disabilities.
3. The Department of Transportation should require each grant recipient to develop a plan for providing transportation services for TANF recipients who have disabilities.

Formula Grants for Special Needs of Elderly Individuals and Individuals with Disabilities (Section 3013). Provides capital assistance, through the states, to organizations that provide specialized transportation (at 90% federal share for costs of vehicles that are needed to comply with the ADA).

4. The Department of Transportation should provide funding for the establishment of a national database on public and private transit providers which can be accessed through an "800" number by individuals with disabilities, Older Americans, TANF recipients, and others.
5. The Department of Transportation should provide funding for informational materials for individuals with disabilities that can be disseminated at one-stop centers. In addition, funding

should be made available for training of one-stop counselors and administrators on transportation options and best practices related to providing transportation.

6. Require the Department of Transportation to assess the effects of implementing the proposed Intelligent Transportation Systems (ITS) on the employment of people with disabilities.

7. Require the Department of Transportation to send letters to States encouraging them to recruit individuals with disabilities through the On-the-Job Supportive Services program (Section 1208), including recruiting youth with disabilities for the Summer Transportation Institutes.

8. Require the Department of Transportation to include individuals with disabilities as one of the core groups targeted (along with minorities and women) in the On-the-Job Supportive Services program.

9. Require the Department of Transportation to develop a plan for assisting states to "market" mainline public transportation options and other, nontraditional transportation options for people with disabilities. Even with a greater percentage of mainline buses being lift-equipped, there remains an overreliance on paratransit in most urban centers (as opposed to specialized transportation, where fixed route options are not available).

10. The Department of Justice should assess the Federal Transit Administration's ADA compliance process, and develop recommendations related to its own enforcement role in this effort.

11. The Department of Labor should require that both State and Local Workforce Investment Boards, created under the Workforce Investment Act of 1998, report on a yearly basis on progress for individuals with disabilities in getting to and from jobs.

M. Helle



McKinnon William <mckinnon-william@dol.gov>
05/11/2000 11:02:16 AM

Record Type: Record

To: J. Eric Gould/OPD/EOP, Eugenia Chough/OPD/EOP
cc: McKinnon William <mckinnon-william@dol.gov>
Subject: RE: Recommendation #2

> Recommendation #2

>

> these are Becky's points concerning the reason for pursue this(see
> below)....the people that need to come to the meeting are the same ones
> invited to the last....see attached message thanks again, Bill
<<CONFIRM: Implementation of Task Force Recommendation on
Enforcement>>

Becky writes:

As to date, the White House has not seen the proposed rule from OFCCP, apparently there have been no further conversations between OFCCP, EEOC or DOJ on this issue of collaboration. NO one, especially OFCCP and EEOC has brought any new ideas to light on how to capture the data in a systemic way. This can not be lost. This is important and they need to come to the table ready to discuss this very important issue. Before Eddie left we had discussed the long term plans of ending up with an Ex. Order, like the one for women and minorities, but we cannot do anything of this nature until we capture the data. This is probably the most important part of the directive and this needs to be the resounding point made in the memo from the White House.

WE are looking to announce this at the July 25 or 26th event and need to move forward asap.

Date: Wed, 23 Feb 2000 17:36:21 -0400

From: Eugenia_Chough@opd.eop.gov

Subject: CONFIRM: Implementation of Task Force Recommendation on Enforceme nt

To: Edward_W._Correia@who.eop.gov, Lisa_M._Brown%OVP@oa.eop.gov, Alison_Perkins-Cohen@omb.eop.gov, Debra_J._Bond@omb.eop.gov, Stuart_Shapiro@omb.eop.gov, Daniel_I._Werfel@omb.eop.gov, John_E._Thompson@omb.eop.gov, ogle-becky@dol.gov, Klein-cheryl@dol.gov, reed-gary@dol.gov, mckinnon-william@dol.gov, Solano-henry@dol.gov, mccants-artenia@dol.gov, sjw@fenix2.dol-esa.gov, paxton-sally@dol.gov, stewart-marilyn@dol.gov, benita.lucy@eeoc.gov, Ellen.vargyas@eeoc.gov, mark.l.gross@usdoj.gov, liz.savage@usdoj.gov, LLOP EZ@EEOC.GOV, peggy.mastroianni@eeoc.gov, peter.gray@eeoc.gov, carol.miaskoff@eeoc.gov, Susan_M._Carr@omb.eop.gov

Cc: Cynthia_A._Rice@opd.eop.gov, J._Eric_Gould@opd.eop.gov, EOP_Operations@oa.eop.gov,

Jeanne_Lambrew@opd.eop.gov, Devorah_R._Adler@opd.eop.gov, Anna_Richter@opd.eop.gov
Message-id: <8525688E.0050D314.00@ingate3.eop.gov>
MIME-version: 1.0
X-Mailer: Internet Mail Service (5.5.2650.21)
Content-type: multipart/mixed; boundary="Boundary_(ID_n3PjLjml4tPkGcZwpJLvsg)"

Monday, 2/28 at 3pm in room 211 OEOB, it is. Thank you.

----- Forwarded by Eugenia Chough/OPD/EOP on 02/23/2000
09:42 AM -----

(Embedded image moved to file: PIC02308.PCX) Eugenia Chough
02/22/2000 05:49:32 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: NEW TIME: Implementation of Task Force Recommendation on
Enforcement

It sounds like Friday at 1:30pm does not work for many of you. Let's try
Monday, 2/28 at 3pm in room 211 OEOB. Let me know if you absolutely cannot
make that time. Thanks.

----- Forwarded by Eugenia Chough/OPD/EOP on 02/22/2000
05:33 PM -----

(Embedded image moved to file: PIC31235.PCX) Eugenia Chough
02/22/2000 12:31:00 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: POSTPONE: Implementation of Task Force Recommendation on
Enforcement

Task Force folks had a last minute scheduling change so we're going to have
to reschedule this for Friday, 2/25 at 1:30pm in room 211 of OEOB. Please
let me know if you have a conflict, and I'll followup with a confirmation.
Thanks.

----- Forwarded by Eugenia Chough/OPD/EOP on 02/22/2000
12:28 PM -----

(Embedded image moved to file: PIC13284.PCX) Eugenia Chough
02/17/2000 06:03:46 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: CONFIRM: Implementation of Task Force Recommendation on
Enforcement

This note is to confirm that we will be meeting on Wednesday, February 23
at 2pm in room 211 of OEOB.

For those of you who haven't sent me your DOB and SSN, please do so by
Tuesday morning.

Thank you.

Genie

----- Forwarded by Eugenia Chough/OPD/EOP on 02/17/2000
05:59 PM -----

(Embedded image moved to file: PIC00404.PCX) Eugenia Chough
02/10/2000 06:03:04 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Cynthia A. Rice/OPD/EOP@EOP, J. Eric Gould/OPD/EOP@EOP, Jeanne
Lambrew/OPD/EOP@EOP, Devorah R. Adler/OPD/EOP@EOP

Subject: MEETING: Implementation of Task Force Recommendation re:
Enforcement

We would like to meet on Wednesday, February 23 at 2pm in room 211 of OEOB
to discuss next steps on the directive (described below) recommended by the
President's Task Force on the Employment of Adults with Disabilities.
Please let me know if that time absolutely can't work for you.

Justice, EEOC, DOL, OFCCP folks: Please send me your DOB and SSN info for
entrance into the building.

I'll follow-up with a note to confirm.

Thank you.
Genie

The Task Force recommends that:

The President direct the Departments of Justice and Labor and the Equal Employment Opportunity Commission to collaborate in exploring methods for strengthening enforcement of employment-related nondiscrimination provisions of the Americans with Disabilities Act and the Rehabilitation Act. All efforts shall provide a clear and unequivocal message that expanded employment opportunities for individuals with disabilities are a high priority of the Administration. The efforts of the Department of Labor and the Equal Employment Opportunity Commission should include providing increased technical assistance to employers, strengthening compliance evaluations, and enhancing data collection as appropriate

Message Sent

To: _____

Edward W. Correia/WHO/EOP@EOP
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Message Copied

To: _____

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RECOMMENDATIONS
FOR THE
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

Joint Secretarial
Guidance from
Chomo + Shalanda
on Olmstead.

The lack of accessible, affordable housing continues to be a major barrier to participation of people with disabilities in the community and the economic life of the nation. Obtaining affordable housing, and the location of that housing, are often key to employment and the ability to climb the career ladder. Difficulty obtaining housing negatively affects opportunities for employment as well as access to public services and transportation to reach that employment. Housing barriers manifest themselves differently depending on the disability, and whether the individual is living in a community or an institutional setting. The impact of such barriers is severe.

In order to eradicate these barriers, HUD must lead the way in implementing policies and programs that recognize the housing needs of people with disabilities. This can be accomplished most effectively through actively seeking participation from the disability community; through interagency cooperation between HUD and other federal agencies (including SSA, DOT and HCFA); and through a conscientious and expeditious enforcement of existing laws, rules and regulations.

The following recommendations, if implemented, will go a long way toward eliminating many of the barriers to accessible, affordable housing that exist for people with disabilities. The first recommendation was included in the Presidential Task Force on Employment of Adults with Disabilities second report, *Re-charting the Course: If Not Now, When?* The next seven recommendations apply to all individuals with disabilities in need of community-based, affordable housing. The eighth recommendation targets individuals currently residing in nursing homes and institutional settings. In *Olmstead v. L.C.*, 119 S.Ct. 2176 (1999), the Supreme Court ruled that "unjustified isolation... is properly regarded as discrimination based on disability..." under Americans With Disabilities Act. Accordingly it is necessary for HUD to substantially increase housing opportunities for individuals with disabilities. Finally, the ninth through eleventh recommendation concerns implementation of strategies identified by HUD in its September 1999 report to the Presidential Task Force on Employment of Adults with Disabilities. The following recommendations seek to provide a basis from which to accomplish this goal.

I. 1999 Recommendation to the President from the Presidential Task Force on Employment of Adults with Disabilities

The President direct the Department of Housing and Urban Development to explore steps needed to establish an earned income disregard for tenants with disabilities living in other-than-Public Housing Authority housing who return to work, and to exempt any disability-related expenses incurred when a tenant goes to work from the "countable" income used to determine rents.

Background:

The Department of Housing and Urban Development has promulgated rules under recently enacted legislation aimed at providing additional incentives for low-income individuals in public housing to go to work, or work additional hours. Current rules, however, do not provide sufficient incentives for employment of people with disabilities who are assisted by the Department of Housing and Urban Development subsidies, but do not live in Public Housing Authority housing. The Department should explore ways to extend similar incentives to all HUD-subsidized tenants with disabilities.

II. CONSOLIDATED PLANS

HUD will ensure that Consolidated Plans address and fund the priority housing needs of people with disabilities.

Background: Perhaps the most critical and effective tool for eradicating barriers to housing for people with disabilities is a proactive review of and reconciliation between the Consolidated Plans received by HUD each year and data derived both from these plans and from other entities in terms of housing needs.

Since adoption of final regulations in January 1995, HUD has required local government recipients of certain federal housing funds (Community Development Block Grants, HOME funds, Housing Opportunities for People with AIDS and Emergency Shelter Grants) to submit a Consolidated Plan outlining the housing needs of low- and moderate-income residents. The Consolidated Plan is the planning tool for communities. HUD's regulations require that federal housing funds be spent in a manner that is "consistent" with this statement of needs identified through the planning process. However, HUD does little to examine whether housing funds are actually spent in areas of greatest need.

Many jurisdictions fail to even identify the priority housing needs of people with disabilities in this process. Often this is because of lack of access to data on housing needs of people with disabilities, as well as lack of inclusion of people with disabilities and organizations that represent them in discussions and planning regarding community development.

To address this problem, HUD should actively conduct random compliance reviews of five percent (5%) of the Consolidated Plans submitted by state and local governments, and should report to Congress and the Presidential Task Force on Employment of Adults with Disabilities on the extent to which such Plans (a) accurately identify the priority housing needs of people with disabilities; (b) direct the spending of federal housing funds to meet such priority needs; and (c) contain affirmative outreach efforts to ensure that people with disabilities and their advocates are included in the planning process. In concert with this review of consolidated plans, HUD should fund partnership initiatives with the disability community (e.g., centers for independent living, non-profit disability and community provider organizations) in those same locales in order to gather customer-focused input relating to plan development and housing needs of people with disabilities.

III. DATA COLLECTION

HUD should take affirmative steps to improve its efforts to assess the priority housing needs of people with disabilities.

Background: To fully determine the current and future housing needs of people with disabilities, it is essential to fully document the current use of HUD-funded programs by people with disabilities. The HUD Office of Policy Development and Research is the most appropriate vehicle to accomplish this important task. In conjunction with other federal agencies (such as HHS, SSA and DOT), and in consultation with national disability organizations, HUD should prepare a report annually delineating these data and projections of future public and assisted housing needs of people with disabilities.

IV. TAX CREDITS

The Department of Treasury must take affirmative steps to ensure that housing built with federal low income housing tax credits comply with the Accessibility and Nondiscrimination Requirements of the Fair Housing Act.

Background: Since 1986, the Low Income Housing Tax Credit program has been the nation's primary engine for affordable rental housing development. The program is administered by the Department of the Treasury, which makes allocations of credits available each year in cooperation with state housing finance agencies (HFAs). However, many Tax Credit units have been built in violation of the accessibility guidelines promulgated under the Fair Housing Act. This is in part because the Department of the Treasury has no special expertise in low-income housing or civil rights enforcement, and has not developed a compliance program for developers. In other instances, Tax Credit developers have failed to implement affirmative marketing programs or have adopted other policies which discourage the tenancy of people with disabilities.

Treasury, in conjunction with HUD and the Department of Justice, should issue policy guidance to state housing financing agencies (HFAs) directing them to develop adequate monitoring mechanisms to ensure (1) that housing built with tax credits fully comply with accessibility requirements, and (2) that developers do not discouraged the tenancy of people with disabilities.

V. INTERNATIONAL BUILDING CODE 2000

Federal, state and local governments must work together to incorporate the Accessibility Requirements of the Fair Housing Act into local building codes.

Background: The Fair Housing Act requires that multifamily buildings with four or more units which were built for first occupancy after March 13, 1991 must meet basic accessibility requirements. Pursuant to the statutory requirement, HUD promulgated the Fair Housing

Accessibility Guidelines on March 6, 1991. According to later HUD publications (including the Fair Housing Act Design Manual), these Guidelines demonstrate a number of ways that architects, builders, developers and others can satisfy the Act's accessibility requirements. However, Congress and HUD cannot require state and local governments to incorporate these requirements into local building codes. As a consequence, nine years after the effective date, a significant proportion of new multifamily units are being built in an inaccessible fashion.

HUD has worked with the International Code Council (ICC) and has determined that ICC's proposed International Building Code 2000 is consistent with the Act's accessibility requirements. This model should be offered to state and local governments as a means of ensuring that local building codes are consistent with the Act. The federal government should strongly encourage, through Secretarial memorandum, state and local adoption of the International Building Code 2000.

VI. HOME OWNERSHIP

*Talk to Margie Gabe Newton
Lloyd Davis*

Congress should amend the United States Housing Act to provide a single grant home ownership downpayment option under Section 8 housing assistance programs. This program can be implemented by HUD through a pilot program.

Background: In this record era of home buying by the American people, the dream of home ownership by most people with disabilities is simply unobtainable. Most people with significant disabilities do not have the savings or the income level to secure a loan and make monthly payments. Legislation must be passed which encourages and facilitates home ownership through policies that promote the production of affordable housing, encourage tax incentives, and facilitate the availability of flexible capital for homeownership opportunities, as well as provide local governments with increased flexibility under existing Federal programs to facilitate home ownership.

VII. HUD REGULATION ENFORCEMENT

Strengthen the ability of HUD and the Department of Justice to enforce the Fair Housing Act.

Background: When it passed the Fair Housing Amendments Act of 1988, Congress not only extended protection to people with disabilities, it also completely revised the enforcement process, giving significant new responsibility to the Departments of HUD and Justice to resolve complaints through conciliation, administrative hearings and the courts. The Act requires HUD to complete its initial investigation of complaints within 100 days of filing. However, this deadline is routinely missed and HUD and its cooperating state civil rights agencies have large backlogs of complaints. By statute, Justice handles cases involving zoning, and patterns and practices of discrimination. However, Justice currently lacks necessary resources to pursue all of the cases presented in a prompt fashion.

Actions should include: (a) increasing the civil rights enforcement budget for HUD and the

Department of Justice to ensure prompt resolution of discrimination complaints; and (b) providing intensive outreach, information and technical assistance from HUD to the disability community on housing laws and policy.

VIII. PROPOSED INITIATIVE: ACCESS HOUSING 2000

A proactive initiative should be implemented in response to the Olmstead decision to expand the availability of accessible, affordable housing and home ownership opportunities for people with disabilities and their families.

Background: As a federal response to the Olmstead decision, AccessHousing 2000 would be a partnership between HUD, HHS, and other agencies as appropriate, aimed at assisting individuals with disabilities to move from nursing homes and other institutions into the community. This would be done by improving and expanding the availability of accessible, affordable housing and home ownership opportunities for low to moderate income individuals with disabilities and their families; and an array of personal assistance and supports such individuals need in order to make a smooth and successful transition to living in the community.

HUD and HHS would launch this targeted initiative by:

- Setting aside a minimum of 2000 Section 8 certificates for use by people with disabilities and families of children with disabilities who currently reside in nursing homes or institutions in select States to rent, lease or purchase their own accessible and affordable homes and residences.
- Directing States receiving nursing home transition grants to work with HUD, State and local housing agencies and others to facilitate the use of Section 8 vouchers by those leaving institutions.
- Expressly permitting and encouraging States receiving WIIA infrastructure development grants to use a portion of the funds to work with these agencies and others to highlight the uses of Section 8 vouchers and otherwise expand housing and home ownership opportunities for employed individuals with disabilities.
- Urging State Medicaid Directors and other key stakeholders to tap into the initiative.
- Working with SSA in identifying ways Individual Development Accounts can be used by individuals with disabilities and families to purchase, rent or make necessary modifications to a home or residence.
- Funding a technical assistance exchange at \$500-750,000 a year for 4 years to assist States and others on supporting people with disabilities to rent or own homes and have a controlling say in how they live life.

- Encouraging other Federal agencies, Fannie Mae, States, the disability community, foundations and others to make specific contributions to the work of AccessHousing 2000, especially as it relates to the movement of individuals residing in nursing homes and institutions into community homes and apartments.

IX NEIGHBORHOOD NETWORK CENTERS

HUD should ensure that all existing or planned Neighborhood Network Centers are accessible --structurally and otherwise --to people with disabilities.

Background: A Neighborhood Networks is a community-based initiative of the U.S. Department of Housing and Urban Development (HUD) that encourages the development of resource and computer learning centers in privately owned HUD-assisted and/or insured housing. The mission of the Neighborhood Networks is to create vibrant communities that foster economic opportunity and encourage life-long learning, primarily in HUD-assisted and/or insured housing. Accordingly, Neighborhood Networks are working to increase employment opportunities and access to health and wellness, improve education performance of children, empower residents, increase participation by property owners and decrease dependency on federal funding. Currently, there more that 608 Neighborhood Network Centers (NNC) in operation and at least 705 additional NNC sites being planned.

A significant percentage f the HUD-assisted and/or insured housing is occupied by people with disabilities. Yet, by HUD's own admission, most of the NNCs connected with HUD-assisted and or insured housing where people with disabilities live is not fully equipped to accommodate the needs of people with disabilities. In fact, many of the NNC sites are physically inaccessible or the computers and/or other information technology is not usable by people with disabilities. Id.

NNCs present an extraordinary opportunity for people with disabilities to develop and/or improve marketable skills for the purposes of employment and the overall enhancement of everyday life, and should be accessible to people with disabilities to the same extent that they are accessible to people with without disabilities.

X. SECTION III OF THE HOUSING AND URBAN DEVELOPMENT ACT

Section 3 of the Housing and Urban Development Act (Section 3) is an existing and powerful mechanism that can be utilized to effectively reduce the unemployment rate of public housing residents with disabilities through data collection and enforcement.

Background: Section 3 requires that, pertaining to housing development programs and community development programs, recipients of Department of Housing and Urban Development (HUD) funds, their contractors and their subcontractors provide jobs and other economic opportunities to low- and very low-income persons. The intent of the Section 3 requirement is to provide training, job, and entrepreneurial opportunities to public housing residents and lower income residents of assisted neighborhoods through opportunities generated

by housing and community development projects that require physical skills -- such as, but not limited to appliance repair, custodial services, landscaping, bricklaying, masonry, carpentry, drywall installation, demolition and electrical work -- and administrative or management skills, such as, but not limited to, accounting, purchasing and word processing. Where there are indications and a subsequent satisfactory investigation demonstrating that the recipient agency and/or its contractors have not made a good faith effort to meet the Section 3 mandate, HUD is vested with the authority to conduct further review, and take appropriate actions to resolve the issue of non-compliance. Appropriate actions in this case include sanctions, debarment, suspension and limited denial of participation in HUD programs.

Currently, HUD does not collect data on the extent to which persons seek, obtain or are denied employment from HUD recipients and/or contractors. Consequently, HUD is incapable of targeting its Section 3 enforcement efforts effectively with respect to people with disabilities. With rigorous enforcement of the Section 3 authority, people with disabilities living in public housing and assisted neighborhoods will be presented with enhanced training, employment and entrepreneurial opportunities in and around their own communities. If the employment opportunity is near the home there will be greater community involvement and other barriers to employment for people with disabilities, such as transportation, are alleviated. This translates into the full participation by people with disabilities in all aspects of American society .

XI. REVITALIZATION OF THE FAIR HOUSING COUNCIL

The Fair Housing Council should could convene and conduct regular meeting to examine the programs, activities, policies and practices of all Federal Departments and Agencies to identify those programs, activities policies, and practices that make housing unobtainable to people with disabilities and develop a plan for implementation that will increase the housing opportunities for said group.

Background: The Fair Housing Council was established by Executive Order 12092 on January 17, 1994 for the purpose of affirmatively furthering fair housing in all Federal programs and activities relating to housing and urban development throughout the United States. The Executive Order provides that the Fair Housing Council be chaired by the Secretary of Housing and Urban Development and consists of the Secretary of Health and Human Services, the Secretary of Transportation, the Secretary of Education, the Secretary of Labor, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Veterans Affairs, the Secretary of the Treasury, the Attorney General, Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Chair of the Federal Deposit Insurance Cooperation and such other officials of executive department and agencies as the President may designate. The primary duty of the Council is to review the design and delivery of Federal programs to ensure that they support a coordinated strategy to affirmatively further fair housing. The Executive Order also authorizes the Council to revise existing programs or activities, develop pilot programs and activities and propose new programs and activities to achieve the goal of affirmatively furthering fair housing.

In the six years since this Executive Order was published, the Fair Housing Council has never convened. Accordingly, there has been no tangible accomplishments or agenda. During this

time, there have been many changes in federal agencies that may weigh upon the effectiveness of the Council. For example, a number of new agencies have been created, programs and functions have changed, and actions that were supposed to have been taken to affirmatively further fair housing have not been fully implemented or may be no longer relevant.

Affordable and accessible housing near the workplace or within easy access to public transportation spells the difference between a stable, good paying job and unemployment for many people with disabilities. Given the diverse Agency representation of the Council, it is clear that the Council presents an extraordinary vehicle by which to address the housing barriers people with disabilities face on a daily basis.

**DEPARTMENT OF HEALTH & HUMAN SERVICES**

200 Independence Avenue, SW
Washington, D.C. 20201

January 14, 2000

Dear State Medicaid Director:

The recent Supreme Court decision in *Olmstead v. L. C.*, 119 S.Ct. 2176 (1999), provides an important legal framework for our mutual efforts to enable individuals with disabilities to live in the most integrated setting appropriate to their needs. The Court's decision clearly challenges us to develop more opportunities for individuals with disabilities through more accessible systems of cost-effective community-based services.

This decision confirms what this Administration already believes: that no one should have to live in an institution or a nursing home if they can live in the community with the right support. Our goal is to integrate people with disabilities into the social mainstream, promote equality of opportunity and maximize individual choice.

The Department of Health and Human Services (DHHS) is committed to working with all affected parties to craft comprehensive, fiscally responsible solutions that comply with the Americans with Disabilities Act of 1990 (ADA). Although the ADA applies to all State programs, Medicaid programs play a critical role in making community services available. As a consequence, State Medicaid Directors play an important role in helping their States comply with the ADA. This letter conveys our initial approach to *Olmstead* and outlines a framework for us to respond to the challenge.

The Olmstead Decision

The *Olmstead* case was brought by two Georgia women whose disabilities include mental retardation and mental illness. At the time the suit was filed, both plaintiffs lived in State-run institutions, despite the fact that their treatment professionals had determined that they could be appropriately served in a community setting. The plaintiffs asserted that continued institutionalization was a violation of their right under the ADA to live in the most integrated setting appropriate. The *Olmstead* decision interpreted Title II of the ADA and its implementing regulation, which oblige States to administer their services, programs, and activities "in the most integrated setting appropriate to the needs of qualified individuals with disabilities." (28 CFR 35.130(d)). In doing so, the Supreme Court answered the fundamental question of whether it is discrimination to deny people with disabilities services in the most integrated setting appropriate. The Court stated directly that "Unjustified isolation . . . is properly regarded as discrimination based on disability." It observed that (a) "institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life," and (b) "confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment."

Under the Court's decision, States are required to provide community-based services for persons with disabilities who would otherwise be entitled to institutional services when: (a) the State's treatment professionals reasonably determine that such placement is appropriate; (b) the affected persons do not oppose such treatment; and (c) the placement can be reasonably accommodated, taking into account the resources available to the State and the needs of others who are receiving State-supported disability services. The Court cautioned however, that nothing in the ADA condones termination of institutional settings for persons unable to handle or benefit from community settings. Moreover, the State's responsibility, once it provides community-based treatment to qualified persons with disabilities, is not unlimited.

Under the ADA, States are obliged to “make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program or activity.” (28 CFR 35.130(b)(7)). The Supreme Court indicated that the test as to whether a modification entails “fundamental alteration” of a program takes into account three factors: the cost of providing services to the individual in the most integrated setting appropriate; the resources available to the State; and how the provision of services affects the ability of the State to meet the needs of others with disabilities. Significantly, the Court suggests that a State could establish compliance with title II of the ADA if it demonstrates that it has:

- a comprehensive, effectively working plan for placing qualified persons with disabilities in less restrictive settings, and
- a waiting list that moves at a reasonable pace not controlled by the State’s endeavors to keep its institutions fully populated.

Olmstead and the Medicaid Program

Olmstead challenges States to prevent and correct inappropriate institutionalization and to review intake and admissions processes to assure that persons with disabilities are served in the most integrated setting appropriate. Medicaid can be an important resource to assist States in meeting these goals. We want to work closely with States to make effective use of Medicaid support in your planning and implementation of Olmstead. As an example of the interface between Olmstead’s explanation of the State’s ADA obligation and your Medicaid program we would point to the State’s responsibility, under Medicaid, to periodically review the services of all residents in Medicaid-funded institutional settings. Those reviews may provide a useful component of the State’s planning for a comprehensive response to Olmstead. States must also be responsive to institutionalized individuals who request that their situation be reviewed to determine if a community setting is appropriate. In such a case the State has a duty to redress the situation, subject to the limits outlined by the Court and the ADA. As another example, States may choose to utilize their Medicaid funds to provide appropriate services in a range of settings from institutions to fully integrated community support.

Comprehensive, Effectively Working Plans

As we have noted, the Supreme Court in Olmstead indicated that a State may be able to meet its obligation under the ADA by demonstrating that it has a comprehensive, effectively working plan for placing qualified persons with disabilities in the most integrated setting appropriate, and a waiting list that moves at a reasonable pace not controlled by a State’s objective of keeping its institutions fully populated. The Department believes that comprehensive, effectively working plans are best achieved with the active involvement of individuals with disabilities and their representatives in design, development and implementation.

The Court’s Olmstead decision regarding the integration requirement applies to all individuals with disabilities protected from discrimination by title II of the ADA. Although Olmstead involved two individuals with mental disabilities, the scope of the ADA is not limited only to such individuals, nor is the scope of Olmstead limited to Medicaid beneficiaries or to services financed by the Medicaid program. In addition, the requirement to provide services in the most integrated setting appropriate applies not only to persons already in institutional settings but to those being assessed for possible institutionalization.

The enclosure to this letter offers some recommendations about key principles and practices for States to consider as they develop plans. We recognize that there is no single plan that is best suited for all States, and accordingly that there are many ways to meet the requirements of the ADA. We certainly hope States and people with disabilities will expand and improve on these ideas. Although these plans encompass more than just the Medicaid program, we realize the important role played by State Medicaid Directors in this area. As just one example, Federal financial participation will be available at the administrative rate to design and administer methods to meet these requirements, subject to the normal

condition that the changes must be necessary for the proper and efficient administration of the State's Medicaid program. Because of your significant role, we have taken this opportunity to raise these issues with you.

The principles and practices contained in the accompanying technical assistance enclosure also serve as an important foundation for the DHHS Office for Civil Rights' (OCR) activities in this area. As you know, OCR has responsibility for investigating discrimination complaints involving the most integrated setting issue. OCR also has authority to conduct compliance reviews of State programs and has already contacted a number of States to discuss complaints. OCR strongly desires to resolve these complaints through collaboration and cooperation with all interested parties.

Next Steps for the Department of Health and Human Services

Consultation: We have begun consultation with States (including State Medicaid Directors and members of the long term care technical advisory group, who share responsibility for Medicaid) and with people with disabilities. We look forward to building on this start. Many States have made great strides toward enabling individuals with disabilities to live in their communities. There is much that we can learn from these States. We are interested in your ideas regarding the methods by which we might accomplish such continuing consultation effectively and economically.

Addressing Issues and Questions Regarding Olmstead and Medicaid: As we move forward, we recognize that States may have specific issues and questions about the interaction between the ADA and the Medicaid program. In response to the issues and questions we receive, we will review relevant federal Medicaid regulations, policies and previous guidance to assure that they (a) are compatible with the requirements of the ADA and the Olmstead decision, and (b) facilitate States' efforts to comply with the law.

Technical Assistance: In response to any issues raised by the States, the DHHS working group will develop a plan to provide technical assistance and information sharing among States and stakeholders. Responses to questions and technical assistance materials will be published on a special website. We are also funding projects in a number of States to assist with nursing home transition. Finally, we seek your ideas on the additional forms of technical assistance you would find most helpful for home and community-based services and conferences for State policy makers. We will use your suggestions to facilitate the implementation of the integration requirement. We invite all States and stakeholders to submit questions and recommendations to our departmental workgroup co-chaired by the Director of HCFA's Center for Medicaid and State Operations and the Director of the DHHS Office for Civil Rights. Please send such written correspondence to:

DHHS Working Group for ADA/Olmstead

***c/o Center for Medicaid and State Operations
HCFA, Room S2-14-26, DEHPG
7500 Security Blvd.
Baltimore MD 21244-1850***

Conclusion

The Administration and DHHS have a commitment to expanding home and community-based services and offering consumers choices in how services are organized and delivered. Over the past few years, DHHS has focused on expanding and promoting home and community-based services, offering support and technical assistance to States, and using the flexibility of the Medicaid program. The Olmstead decision affirms that we are moving in the right direction and we intend to continue these efforts.

We recognize that this interim guidance leaves many questions unanswered; with your input, we expect to develop further guidance and technical assistance. We recommend that States do the following:

- Develop a comprehensive, effectively working plan (or plans) to strengthen community service

systems and serve people with disabilities in the most integrated setting appropriate to their needs;

- Actively involve people with disabilities, and where appropriate, their family members or representatives, in design, development and implementation;
- Use the attached technical assistance material as one of the guides in the planning process;
- Inform us of questions that need resolution and of ideas regarding technical assistance that would be helpful.

We look forward to working with you to improve the nation's community services system.

Sincerely,

/s/

Timothy M. Westmoreland
Director
Center for Medicaid and State Operations
Health Care Financing Administration

/s/

Thomas Perez
DirectorOffice for Civil Rights

Enclosure

cc:

All HCFA Regional Administrators

All HCFA Associate Regional Administrators

Division of Medicaid and State Operations

American Public Human Services Association

National Association of State Alcohol and Drug Abuse Directors, Inc.

National Association of State Directors of Developmental Disabilities Services

National Association for State Mental Health Program Directors

National Association of State Units on Aging

National Conference of State Legislatures

National Governors' Association

Enclosure

Developing Comprehensive, Effectively Working Plans
Initial Technical Assistance Recommendations

In ruling on the case of *Olmstead v L.C.*, the Supreme Court affirmed the right of individuals with disabilities to receive public benefits and services in the most integrated setting appropriate to their needs. The Supreme Court indicated that a State can demonstrate compliance with its ADA obligations by showing that it has a comprehensive, effectively working plan for placing qualified persons with disabilities in less restrictive settings, and a waiting list that moves at a reasonable pace not controlled by the State's endeavors to keep its institutions fully populated.

We strongly urge States to increase access to community-based services for individuals with disabilities by developing comprehensive, effectively working plans for ensuring compliance with the ADA. There

is no single model plan appropriate for all States and situations. In developing their plans, States must take into account their particular circumstances. However, we believe there are some factors that are critically important for States that seek to develop comprehensive, effectively working plans. Our intent in this enclosure is to identify some of the key principles, including the involvement of people with disabilities throughout the planning and implementation process. These principles also will be used by the Office for Civil Rights as it investigates complaints and conducts compliance reviews involving "most integrated setting" issues. We strongly recommend that States factor in these principles and practices as they develop plans tailored to their needs.

Comprehensive, Effectively Working Plans

Principle: Develop and implement a comprehensive, effectively working plan (or plans) for providing services to eligible individuals with disabilities in more integrated, community-based settings. When effectively carrying out this principle:

- The State develops a plan or plans to ensure that people with disabilities are served in the most integrated setting appropriate. It considers the extent to which there are programs that can serve as a framework for the development of an effectively working plan. It also considers the level of awareness and agreement among stakeholders and decision-makers regarding the elements needed to create an effective system, and how this foundation can be strengthened.
- The plan ensures the transition of qualified individuals into community-based settings at a reasonable pace. The State identifies improvements that could be made.
- The plan ensures that individuals with disabilities benefit from assessments to determine how community living might be possible (without limiting consideration to what is currently available in the community). In this process, individuals are provided the opportunity for informed choice.
- The plan evaluates the adequacy with which the State is conducting thorough, objective and periodic reviews of all individuals with disabilities in institutional settings (such as State institutions, ICFs/MR, nursing facilities, psychiatric hospitals, and residential service facilities for children) to determine the extent to which they can and should receive services in a more integrated setting.
- The plan establishes similar procedures to avoid unjustifiable institutionalization in the first place.

Plan Development and Implementation Process

Principle: Provide an opportunity for interested persons, including individuals with disabilities and their representatives, to be integral participants in plan development and follow-up. When effectively carrying out this principle:

- The State involves people with disabilities (and their representatives, where appropriate) in the plan development and implementation process. It considers what methods could be employed to ensure constructive, on-going involvement and dialogue.
- The State assesses what partnerships are needed to ensure that any plan is comprehensive and works effectively.

Assessments on Behalf of Potentially Eligible Populations

Principle: Take steps to prevent or correct current and future unjustified institutionalization of individuals with disabilities. When effectively carrying out this principle:

- The State has a reliable sense of how many individuals with disabilities are currently institutionalized and are eligible for services in community-based settings. The plan considers what information and data collection systems exist to enable the State to make this determination. Where appropriate, the State considers improvements to data collection systems to enable it to plan adequately to meet needs.
- The State evaluates whether existing assessment procedures are adequate to identify institutionalized individuals with disabilities who could benefit from services in a more integrated setting.

- The State also evaluates whether existing assessment procedures are adequate to identify individuals in the community who are at risk of placement in an unnecessarily restrictive setting.
- The plan ensures that the State can act in a timely and effective manner in response to the findings of any assessment process.

Availability of Community-Integrated Services

Principle: Ensure the Availability of Community-Integrated Services. When effectively carrying out this principle:

- The plan identifies what community-based services are available in the State. It assesses the extent to which these programs are able to serve people in the most integrated setting appropriate (as described in the ADA). The State identifies what improvements could be accomplished, including in information systems, to make this an even better system, and how the system might be made comprehensive.
- The plan evaluates whether the identified supports and services meet the needs of persons who are likely to require assistance in order to live in community. It identifies what changes could be made to improve the availability, quality and adequacy of the supports.
- The State evaluates whether its system adequately plans for making supports and services available to assist individuals who reside in their own homes with the presence of other family members. It also considers whether its plan is adequate to address the needs of those without family members or other informal caregivers.
- The State examines how the identified supports and services integrate the individual into the community.
- The State reviews what funding sources are available (both Medicaid and other funding sources) to increase the availability of community-based services. It also considers what efforts are under way to coordinate access to these services. Planners assess the extent to which these funding sources can be organized into a coherent system of long term care which affords people with reasonable, timely access to community-based services.
- Planners also assess how well the current service system works for different groups (e.g. elderly people with disabilities, people with physical disabilities, developmental disabilities, mental illness, HIV-AIDS, etc.). The assessment includes a review of changes that might be desirable to make services a reality in the most integrated setting appropriate for all populations.
- The plan examines the operation of waiting lists, if any. It examines what might be done to ensure that people are able to come off waiting lists and receive needed community services at a reasonable pace.

Informed Choice

Principle: Afford individuals with disabilities and their families the opportunity to make informed choices regarding how their needs can best be met in community or institutional settings. When effectively carrying out this principle:

- The plan ensures that individuals who may be eligible to receive services in more integrated community-based settings (and their representatives, where appropriate) are given the opportunity to make informed choices regarding whether -and how- their needs can best be met.
- Planners address what information, education, and referral systems would be useful to ensure that people with disabilities receive the information necessary to make informed choices.

Implications for State and Community Infrastructure

Principle: Take steps to ensure that quality assurance, quality improvement and sound management support implementation of the plan. When effectively carrying out this principle:

- Planners evaluate how quality assurance and quality improvement can be conducted effectively as more people with disabilities live in community settings.
- The State also examines how it can best manage the overall system of health and long term care so

that placement in the most integrated setting appropriate becomes the norm. It considers what planning, contracting and management infrastructure might be necessary to achieve this result at the State and the community level.

[To top](#)

jhunt@os.dhhs.gov

Date of last revision: January 18, 2000

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THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

January 14, 2000

Dear Governor :

In recent years, we have made great strides in enabling individuals with disabilities to participate fully in our communities by removing barriers to access in employment, public accommodations, and state and local government programs. Many States have led the way in designing innovative and fiscally responsible ways to enable more persons with disabilities to receive necessary services in their communities instead of in institutions.

Our country's progress in this regard reflects a shared belief that no person should have to live in a nursing home or other institution if he or she can live in his or her community. The recent Supreme Court decision in *Olmstead v. L.C.* affirms this shared value, by finding that unnecessary institutionalization of individuals with disabilities is discrimination under the Americans with Disabilities Act (ADA). In the decision, the Court explained that a State may be able to meet its obligation under the ADA by having comprehensive, effectively working plans ensuring that individuals with disabilities receive services in the most integrated setting appropriate to their needs.

We encourage you to develop and implement such plans, and to involve individuals with disabilities and other stakeholders in the process of design and implementation. This Department stands ready to assist you in these efforts. To begin that process, attached is a letter from the Department of Health and Human Services to all State Medicaid Directors regarding the Olmstead decision. I want to also encourage you to share this letter with other state agencies operating programs affected by the Olmstead decision, since the ADA applies to all state programs.

The Department is committed to continuing to work in partnership with you, individuals with disabilities and all other stakeholders to ensure that States have in place effective, fiscally responsible policies designed to increase access to community-based services. As you identify your priorities for the coming year, I hope you will continue to place substantial emphasis on developing programs and services for individuals with disabilities that will further our shared goal of integrating individuals with disabilities into the social mainstream, promoting equality of opportunity and maximizing individual choice.

I deeply appreciate the leadership that you and your colleagues have provided, and I look forward to working with you as we continue to make progress in this important area.

Sincerely,

/s/

Donna E. Shalala

Enclosure

To topjhunt@os.dhhs.gov

Date of last revision: January 18, 2000

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Edward W. Correia

04/04/2000 10:36:36 AM

Record Type: Record

To: Lisa M. Brown/OVP@OVP, Andrea Kane/OPD/EOP@EOP, J. Eric Gould/OPD/EOP@EOP

cc: Lon Sorensen/OVP@OVP, Eugenia Chough/OPD/EOP@EOP

Subject: Olmstead Meeting

The meeting, which is at 1:30 Wednesday in 472 OEOP, will deal with implementation of the Olmstead decision. The idea is to talk about how implementation is going, what HHS is doing, and what we might be prepared to announce at the ADA event this summer. These people are coming:

Tom Perez
Shelia Foran
Henry Claypool
Bob Williams
Claudia Schlosberg
William McKinnon
Becky Ogle

Drafted -
Mark

EXECUTIVE ORDER

- - - - -

REQUIRING FEDERAL AGENCIES TO ESTABLISH EFFECTIVE WRITTEN PROCEDURES FOR PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

By the authority invested in me as President by the Constitution and the laws of the United States of America, and in order to promote a model Federal workplace that grants: (1) reasonable accommodations for qualified individuals with disabilities in the Federal application process; (2) reasonable accommodations that enable qualified disabled Federal employees to perform the essential functions of the position in question; and (3) reasonable accommodations that enable the qualified disabled Federal employee to enjoy equal benefits and privileges of employment as are enjoyed by employees without disabilities, as required by the Rehabilitation Act of 1973 as amended and the Americans with Disabilities Act of 1990, it is hereby ordered as follows:

Section 1. Establishment of Effective Written Procedures For Processing Requests for Reasonable Accommodation.

Standalone (a) Each Federal agency shall establish effective written procedures for processing requests for reasonable accommodation. The procedures are applicable to all qualified disabled employees within the agency who request a reasonable accommodation. The agency is not required to institute a single agency-wide procedure but may, in their discretion, establish different procedures for different components of their agency.

(b) As set forth in *Re-charting the Course: The First Report of the Presidential Task Force on Employment of Adults with Disabilities* (1998), effective written procedures for processing requests for reasonable accommodation are those procedures that:

1. Explain how an employee or job applicant initiates a request for reasonable accommodation. If the agency requires an applicant or employee to complete a reasonable accommodation request form, the form must be provided as an attachment to the written procedures.

2. Specify to whom the request must be submitted and from whom the employee will receive a final decision.

3. Designate a time period during which reasonable accommodation requests will be granted or denied, absent extenuating circumstances. If designated time deadlines are not met, responsible agency officials should explain the delay to the employee.

4. Explain the responsibility of the employee or applicant to provide appropriate medical information related to the functional impairment at issue and the requested accommodation.

5. Explain the agency's right to request relevant supplemental medical information if the

information submitted does not clearly explain the nature of the disability, the need for the reasonable accommodation, or does not otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace.

6. Explain the agency's right to have medical information reviewed by a medical expert of the agency's choosing at the agency's expense.

7. Provide that reasonable accommodation decisions should be in writing and specify the reasons for denial, when applicable.

8. Provide a "plain English" explanation of certain key legal terms used in the policy (e.g., reasonable accommodations, disability, qualified person with a disability, and undue hardship), and reference applicable statutes and regulations as a source of the actual wording of the terms.

9. Provide that reassignment will be considered as a reasonable accommodation if the agency determines that no other reasonable accommodation will permit the employee to perform the essential functions of his or her current position. In the case of reassignment to a lower graded position, the agency has the option of providing pay retention because the action is not for personal cause.

10. Designate a system of record keeping that tracks the processing of requests for reasonable accommodation and maintains the confidentiality of medical information received in accordance with applicable law and regulations.

11. State in the policy that employees have the right to file a complaint in the event that their requests for reasonable accommodation are denied.

12. Clearly and expressly explain the role and responsibility of each agency official or office in the grant or denial of reasonable accommodation requests.

Section 2. Submission of agency reasonable accommodation procedures for approval to the EEOC

Each agency shall submit their procedures to the EEOC for review and approval. Upon completion of the review the EEOC shall certify the procedures. All agencies must have EEOC certified reasonable accommodation procedures within two years of the effective date of this Executive Order. Agencies must honor their obligations to notify their collective bargaining representative(s) and bargain over such procedures to the extent required by law.

Section 3. Information and training regarding the procedures.

All employees in an agency will receive a copy of the reasonable accommodation procedures. At a minimum all supervisors will receive training on these procedures within one

year of the establishment of the EEOC certified procedures. Each agency shall notify the EEOC when they have completed the training.

● Eugenia Chough

05/17/2000 11:58:52 AM

Record Type: Record

To: J. Eric Gould/OPD/EOP@EOP
cc: Andrea Kane/OPD/EOP@EOP
bcc:
Subject: Things to do on disability 

OK -- I scheduled a meeting for Mon at 2pm. In meantime, here's some stuff to followup on:

(1) Youth transition summit (different from WH conference, which I've heard may be off) is nailed down for June 20-21 at the Academy of Educational Development. Attached is one-pager. **Do you want me to send to Karin for video request?**

(2) EO requires task force to submit an annual report. Becky doesn't see a point to doing one this transition year -- task force cmtes have little interest, little interest from readers. Is there any way to amend the EO? I also suggested to Bill that another alternative is to do way scaled-down 10 page report this year, instead of fancy-bound thesis like they usually do.

(3) HUD and DOT possible actions. Bill wants you to call Nancy McFadden and someone on HUD to get them to commit to some or all of the recommendations that the task force had for them (Bill sent in separate emails, which I can forward to you). If HUD and DOT agreed to any of these possible actions, they could be potential deliverables, along with plans to do WH conference and disability.gov.

(4) OFCCP Directive #2. Let's talk about where we are on this w/ Michelle Aronowitz and Lisa B, and then have a followup mtg on this with Task force, EEOC, DOJ and OFCCP folks.

J. Eric Gould 05/16/2000 08:22:26 PM

● J. Eric Gould

05/16/2000 08:22:26 PM

Record Type: Record

To: Andrea Kane/OPD/EOP
cc: Eugenia Chough/OPD/EOP
bcc:
Subject: Re: disabilities update 

EOP only
Andrea Kane

Andrea Kane

Record Type: Record

To: Eugenia Chough/OPD/EOP@EOP, J. Eric Gould/OPD/EOP@EOP

cc:

Subject: disabilities update

As you may have heard, Michelle Aronowitz joined WH Counsel's office last week and is taking over a number of Eddie C's issues including civil rights and ADA. She comes from DOJ civil rights office. Eric, she was in the food stamp rule meeting too. She'd like to sit down with us to get a briefing on the disability issues we're working on and to walk through who does what on these issues. She's heard mention of a possible July event (i.e. WH conference), and she's heard that we, Lisa and Becky are key players. She also says there's an important ADA case the Sup Ct is likely to rule on at the end of their term (i.e. late June) that she wants to make sure we're aware of. I think it would also be helpful to include Lisa Brown in this meeting. Do you think we should also include Becky in this initial discussion, or start with EOP-only? Genie, can you schedule a meeting for the 4 of us (or 5 if you and Eric think including Becky makes sense)?



McKinnon William <mckinnon-william@dol.gov>
05/11/2000 11:02:16 AM

Record Type: Record

To: J. Eric Gould/OPD/EOP, Eugenia Chough/OPD/EOP
cc: McKinnon William <mckinnon-william@dol.gov>
Subject: RE: Recommendation #2

> Recommendation #2

>

> these are Becky's points concerning the reason for pursue this(see
> below)....the people that need to come to the meeting are the same ones
> invited to the last....see attached message thanks again, Bill
<<CONFIRM: Implementation of Task Force Recommendation on
Enforcement>>

Becky writes:

As to date, the White House has not seen the proposed rule from OFCCP, apparently there have been no further conversations between OFCCP, EEOC or DOJ on this issue of collaboration. NO one, especially OFCCP and EEOC has brought any new ideas to light on how to capture the data in a systemic way. This can not be lost. This is important and they need to come to the table ready to discuss this very important issue. Before Eddie left we had discussed the long term plans of ending up with an Ex. Order, like the one for women and minorities, but we cannot do anything of this nature until we capture the data. This is probably the most important part of the directive and this needs to be the resounding point made in the memo from the White House.

WE are looking to announce this at the July 25 or 26th event and need to move forward asap.

Date: Wed, 23 Feb 2000 17:36:21 -0400

From: Eugenia_Chough@opd.eop.gov

Subject: CONFIRM: Implementation of Task Force Recommendation on Enforcement

To: Edward_W._Correia@who.eop.gov, Lisa_M._Brown%OVP@oa.eop.gov, Alison_Perkins-Cohen@omb.eop.gov, Debra_J._Bond@omb.eop.gov, Stuart_Shapiro@omb.eop.gov, Daniel_I._Werfel@omb.eop.gov, John_E._Thompson@omb.eop.gov, ogle-becky@dol.gov, Klein-cheryl@dol.gov, reed-gary@dol.gov, mckinnon-william@dol.gov, Solano-henry@dol.gov, mccants-artenia@dol.gov, sjw@fenix2.dol-esa.gov, paxton-sally@dol.gov, stewart-marilyn@dol.gov, benita.lucy@eeoc.gov, Ellen.vargyas@eeoc.gov, mark.i.gross@usdoj.gov, liz.savage@usdoj.gov, LLOP EZ@EEOC.GOV, peggy.mastroianni@eeoc.gov, peter.gray@eeoc.gov, carol.miaskoff@eeoc.gov, Susan_M._Carr@omb.eop.gov

Cc: Cynthia_A._Rice@opd.eop.gov, J._Eric_Gould@opd.eop.gov, EOP_Operations@oa.eop.gov,

Jeanne_Lambrew@opd.eop.gov, Devorah_R._Adler@opd.eop.gov, Anna_Richter@opd.eop.gov
Message-id: <8525688E.0050D314.00@ingate3.eop.gov>
MIME-version: 1.0
X-Mailer: Internet Mail Service (5.5.2650.21)
Content-type: multipart/mixed; boundary="Boundary_(ID_n3PjLjml4tPkGcZwpJLvsg)"

Monday, 2/28 at 3pm in room 211 OEOB, it is. Thank you.

----- Forwarded by Eugenia Chough/OPD/EOP on 02/23/2000
09:42 AM -----

(Embedded image moved to file: PIC02308.PCX) Eugenia Chough
02/22/2000 05:49:32 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: NEW TIME: Implementation of Task Force Recommendation on
Enforcement

It sounds like Friday at 1:30pm does not work for many of you. Let's try
Monday, 2/28 at 3pm in room 211 OEOB. Let me know if you absolutely cannot
make that time. Thanks.

----- Forwarded by Eugenia Chough/OPD/EOP on 02/22/2000
05:33 PM -----

(Embedded image moved to file: PIC31235.PCX) Eugenia Chough
02/22/2000 12:31:00 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: POSTPONE: Implementation of Task Force Recommendation on
Enforcement

Task Force folks had a last minute scheduling change so we're going to have
to reschedule this for Friday, 2/25 at 1:30pm in room 211 of OEOB. Please
let me know if you have a conflict, and I'll followup with a confirmation.
Thanks.

----- Forwarded by Eugenia Chough/OPD/EOP on 02/22/2000
12:28 PM -----

(Embedded image moved to file: PIC13284.PCX) Eugenia Chough
02/17/2000 06:03:46 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: CONFIRM: Implementation of Task Force Recommendation on
Enforcement

This note is to confirm that we will be meeting on Wednesday, February 23
at 2pm in room 211 of OEOP.

For those of you who haven't sent me your DOB and SSN, please do so by
Tuesday morning.

Thank you.

Genie

----- Forwarded by Eugenia Chough/OPD/EOP on 02/17/2000
05:59 PM -----

(Embedded image moved to file: PIC00404.PCX) Eugenia Chough
02/10/2000 06:03:04 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Cynthia A. Rice/OPD/EOP@EOP, J. Eric Gould/OPD/EOP@EOP, Jeanne
Lambrew/OPD/EOP@EOP, Devorah R. Adler/OPD/EOP@EOP

Subject: MEETING: Implementation of Task Force Recommendation re:
Enforcement

We would like to meet on Wednesday, February 23 at 2pm in room 211 of OEOP
to discuss next steps on the directive (described below) recommended by the
President's Task Force on the Employment of Adults with Disabilities.
Please let me know if that time absolutely can't work for you.

Justice, EEOC, DOL, OFCCP folks: Please send me your DOB and SSN info for
entrance into the building.

I'll follow-up with a note to confirm.

Thank you.
Genie

The Task Force recommends that:

The President direct the Departments of Justice and Labor and the Equal Employment Opportunity Commission to collaborate in exploring methods for strengthening enforcement of employment-related nondiscrimination provisions of the Americans with Disabilities Act and the Rehabilitation Act. All efforts shall provide a clear and unequivocal message that expanded employment opportunities for individuals with disabilities are a high priority of the Administration. The efforts of the Department of Labor and the Equal Employment Opportunity Commission should include providing increased technical assistance to employers, strengthening compliance evaluations, and enhancing data collection as appropriate

Message Sent

To: _____

Edward W. Correia/WHO/EOP@EOP
Lisa M. Brown/OVP@OVP
Alison Perkins-Cohen/OMB/EOP@EOP
Debra J. Bond/OMB/EOP@EOP
Stuart Shapiro/OMB/EOP@EOP
Daniel I. Werfel/OMB/EOP@EOP
Andrea E. Jacobson/OMB/EOP@EOP
John E. Thompson/OMB/EOP@EOP
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mark.l.gross@usdoj
liz.savage@usdoj.gov @ inet

National Transition Summit on Young People with Disabilities

Theme: *Bridging Systems to Improve Transition Results*

Date: June 20-21, 2000

Location: Academy for Educational Development 1825 Connecticut Avenue, N.W.
Washington, DC 20009-5721 Tel: 202-884-8000 Fax: 202-884-8400

Purpose: The purpose of the *National Transition Summit* is to explore policy options for improving the transition results for young people with disabilities. The National Transition Summit will identify concise and detailed recommendations for strengthening, linking, and coordinating Federal, state, and local programs that serve young people with disabilities.

Participants: The National Summit will include 125-150 stakeholders from across the country. Federal agency participants include: DOL, ED, OPM, SSA, HHS, PCEPD, NCD, Transportation, HUD, Interior, among others.

Topic Areas: The summit will address the following fundamental questions:

1. How can we improve transition results for all young people with disabilities?
 - What needs to be done to increase the high school graduation rates of young people with disabilities?
 - What can we do to improve postsecondary education participation of young people with disabilities?
 - What can we do to improve access to and utilization of health insurance and health care by young people with disabilities?
 - What can we do to improve the employment rate of young people with disabilities?
2. How can we increase knowledge and understanding of young people with disabilities and families so that they can direct community partnerships, identify and remove barriers, and maximize results?
3. How can we achieve systems integration at the state level and foster community partnerships at the local level to improve outcomes for all young people with disabilities?

Outcomes: Through facilitated dialogue, participants will develop short and long term recommendations for strengthening and coordinating Federal programs, and impacting the planning of systems serving youth at the state and local levels. Based on all of the input from the National Summit, recommendations will be made and forwarded to the Task Force for consideration in shaping the course of transition policy at the National level.



Cynthia A. Rice

03/10/2000 01:04:08 PM

Record Type: Record

To: J. Eric Gould/OPD/EOP@EOP

cc: Eugenia Chough/OPD/EOP@EOP, Edward W. Correia/WHO/EOP@EOP

Subject: Disability Management Directive

----- Forwarded by Cynthia A. Rice/OPD/EOP on 03/10/2000 01:04 PM -----

Edward W. Correia

03/10/2000 01:02:52 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP@EOP, Lisa M. Brown/OVP@OVP

cc:

Subject: Disability Management Directive

Are you interested in being a co-author of the attached?



Draft Memo to ME.d

To: Maria Echaveste

From: Eddie Correia, Lisa Brown, Cynthia Rice

We have been working on a variety of initiatives to further the Administration's goal of increasing employment of adults with disabilities. One of our efforts has been working with EEOC to develop a "management directive" to all federal agencies, which gives agencies guidance about how to comply with the requirement in the Rehabilitation Act to develop affirmative action plans for disabled employees. We met with EEOC staff, DOJ, and others to reach consensus on a draft of the directive, which we believe will greatly improve agencies' efforts to increase hiring. Once EEOC issues it, the directive would be circulated for agency comment before it becomes final. Unfortunately, the issuance of the directive has been delayed because of disagreements among the EEOC Commissioners about how to proceed.

The draft of the directive that was the subject of our discussions dealt with affirmative action plans for groups covered under Title VII (women and minorities) as well as disabled employees, which are covered under the Rehabilitation Act. We understand that there is general agreement among the EEOC Commissioners about how to deal with the Rehabilitation Act component of the directive. However, there is disagreement about how to deal with the Title VII component. In particular, some Commissioners apparently want to press for requirements that may go beyond those that DOJ (and we) would recommend. In our judgment, reaching consensus on the Title VII component will take some time, and it is not realistic to expect EEOC to release it soon. However, if EEOC was willing to deal with the Rehabilitation Act component separately, it could be issued in the near future. That step would be enthusiastically applauded by the disability community and could spur private employers to take similar steps.

Ida Castro, the Chair of the EEOC is somewhat reluctant to press for issuance of the Rehabilitation. We understand her primary concern to be that the groups covered by Title VII will feel left behind if the directive is not comprehensive. While it would be preferable to have a comprehensive directive, we cannot realistically expect EEOC to issue one in the foreseeable future. Consequently, our judgment is that the EEOC should move ahead on the Rehabilitation Act component, and we recommend that you call Ida to make that point.

EEOC

**Initiatives of the EEOC to Implement the Recommendation
of the President's Task Force on Adults with Disabilities that the
Departments of Justice and Labor and the EEOC Collaborate to Strengthen
Enforcement of the Americans with Disabilities Act and the Rehabilitation Act**

1. **EEOC, DOJ, and DOL** have initiated a coordinated enforcement project aimed at combating unnecessary qualification standards in state and local laws, ordinances, regulations, and professional certification requirements that bar individuals with disabilities from employment in violation of the ADA.

This project focuses on two areas: Requirements that apply across the board to all state employees; and teacher certification requirements. EEOC and DOJ are in the process of reviewing these types of state hiring requirements to identify those that violate the ADA.

Once EEOC and DOJ identify disqualifying qualification standards, they will educate state and local governing bodies about their current laws and ordinances that must be brought into line with the requirements of the ADA and the Rehabilitation Act. When voluntary compliance is not achieved, the EEOC, DOJ, and DOL will develop a coordinated enforcement approach to challenge such laws.

2. **EEOC, DOJ, and DOL** also have surveyed and catalogued their existing training materials and resources for agency investigators on disability discrimination laws for the purpose of making these training materials and resources more accessible to other enforcement agencies, such as OFCCP.
3. **EEOC and OFCCP** will engage in various coordinated enforcement-related activities, designed to foster cooperation between the agencies in their enforcement of the ADA and section 503 of the Rehabilitation Act, respectively. EEOC and OFCCP are discussing the sharing of information that each agency collects in the enforcement of the ADA and section 503. For the past several years, the agencies have worked cooperatively in the sharing of information concerning enforcement of Title VII and Executive Order 11246, which prohibit discrimination on the bases of race, color, national origin, religion, and sex. In this regard, OFCCP has sought information from EEOC's Case Data System and EEOC has sought information that OFCCP has developed during compliance reviews of federal contractors. Both agencies currently are discussing expanding these activities to include disability-related information, and a meeting is being scheduled between the agencies that will include information technology specialists from each agency, who will be able to discuss the feasibility of providing each agency with greater access to the information of the other agency.

INITIATIVES TO IMPLEMENT THE RECOMMENDATIONS OF THE PRESIDENT'S TASK FORCE ON ADULTS WITH DISABILITIES

1. The OFCCP will develop a publication setting forth a list of best practices for the recruitment and retention of persons with disabilities. The document will address many ways outstanding federal contractors comply with the spirit and the letter of the nondiscrimination and affirmative action requirements of Section 503 of the Rehabilitation Act of 1973.
2. Conduct seminars with regional/local industry liaison groups to share information concerning best practices and to develop better linkages with organizations (e.g. rehabilitation services programs, association for the blind, Thresholds, disabled veterans organizations) that train and/or refer persons with disabilities who are qualified to work at federal contractor facilities.
3. Develop additional methods of selecting contractors for compliance evaluations where disability rights issues are involved. For example, OFCCP and EEOC could share information regarding multiple Americans with Disabilities Act (ADA) complaints filed against a single facility or contractor. With that and other evidence of noncompliance, OFCCP could institute a compliance evaluation or include that information for investigation during the course of regularly scheduled compliance reviews. Currently OFCCP selection procedures allow priority scheduling of contractor establishments for compliance evaluations. Specifically, the current selection guidelines provide that contractor establishments are to be given the highest priority in scheduling where: (1) a class action discrimination complaint filed with OFCCP against an establishment is pending resolution or other closure and (2) three or more individual discrimination complaints filed with OFCCP against an establishment are pending resolution or other closure. This provides an avenue for scheduling contractor establishments when disability issues are reported. Given the current regulatory provisions that allow "focused" reviews, OFCCP is able to determine compliance with Section 503 of the Rehabilitation Act of 1973 using this procedure. In addition, OFCCP routinely contacts the EEOC and State and local fair employment practice agencies for information concerning complaints filed against contractor establishments when it evaluates compliance with all three programs as a normal operating procedure. With this information, OFCCP will be able to do more compliance evaluations specifically targeted to issues related to disability.
4. Sign memoranda of understanding (MOUs) with state rehabilitation services agencies and assisted living organizations to promote more and better exchanges of information and to promote greater linkages between the federal contractors and the service providers.

exists auth
to do focused
reviews for all
① VFA
② minority
③ disabled
diving reg. & minor

5. Host a national conference on equal employment opportunity for persons with disabilities. Using the resources of local and national disability services and advocacy organizations, OFCCP may convene a conference to promote best practices and provide compliance assistance for contractors needing guidance. This conference could be co-sponsored with EEOC, the President's Task Force and/or the Department of Justice. Contractor organizations, including the National Industry Liaison Group, could also be asked to participate as organizers.
6. Provide more emphasis on disability related issues in press announcements of OFCCP settlements with federal contractors. 1:55 5/4/00
7. Develop more fully the OFCCP interactive website (E-laws) to answer questions regarding the laws protecting persons with disabilities.
8. In FY 2000, consider Exemplary Voluntary Efforts Awards (EVE) for contractors with outstanding results in the employment of persons with disabilities.
9. Conduct informational visits to local disability agencies on the role of OFCCP. The OFCCP Ombudsperson will work with the regional offices to plan and implement these visits.

2/28/00

Disability Web. Mtg

- Update on what SSA/NRA have done - July 10
workers.gov

- Goal -

→ website for indiv. w/ disabilities who are wks
→ or website for ali?

- ~~Best~~ Options?

- Recommendation?

Seven

1. Tools

2. Learning

3. money + margins

- Department of Labor -
\$500,000 - ETA →

- Transactions as possible -

4. News footer

5. Easy template

SSA

- Access to Seniors Site

- Return to Work - Ticket to Work

Voc Rehab - Part of SSA

Eventually interactive.

24th Apr

Separate Site for people w/ disabilities

\$100,000 maintain

37 FTEs - New depart

1 1/2 to maintain

Office of Dis. Policy (ODPET)

CIA

- Workers Gov -

① Stakeholders

② Linking policy - link to any site
that is govt. supported in any way.

Press Roll-out

2L. disability.gov

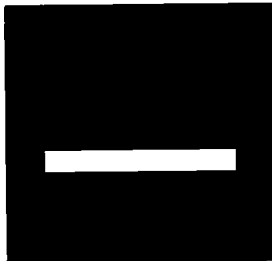
GSA - runs the site.

- skillsnetwork.gov -

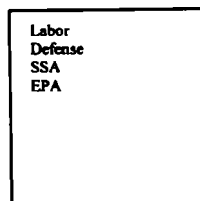
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Federal Agencies



Access America for Seniors Disability Resource Guide

The purpose of this site is to bring together all of the various Federal government programs and information sources related to disabilities. The DRG will provide a trustworthy, free, and convenient access to the latest information related to services for the disabled.

What's New and Exciting...

SSA Disability Notes...

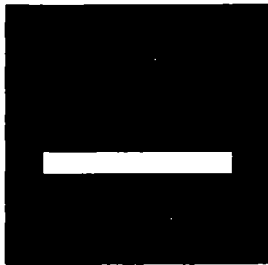
The newsletter of SSA's disability program. SSA delivers responsive world-class service to its customers. They strive to deliver the highest level of service by making fair, consistent and timely decisions at all adjudicative levels. We are moving forward on many fronts in our efforts to make the disability program work for the individuals it is designed to serve and for the public. Read about how SSA began prototyping the new disability process; read a special edition on *The Ticket to Work and Work Incentives Improvement Act*, learn more about the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).

[http://www.ssa.gov/odhome/odhome.htm#disability notes](http://www.ssa.gov/odhome/odhome.htm#disability%20notes)

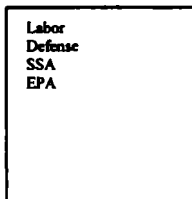
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Rehabilitation Services...

U.S. Department of Education

Office of Special Education and Rehabilitative Services:

Rehabilitation Services Administration

Find information on funding for programs serving individuals with disabilities on the national and state levels.

<<http://www.ed.gov/offices/OSERS/RSA/rsa.html>>

Office of Special Education Programs

The Office of Special Education Programs (OSEP) has primary responsibility for administering programs and projects relating to the free appropriate public education of all children, youth and adults with disabilities, from birth through age 21.

<<http://www.ed.gov/offices/OSERS/OSEP/index.html>>

National Institute on Disability and Rehabilitation Research

The National Institute on Disability and Rehabilitation Research (NIDRR), provides leadership and support for a comprehensive program of research related to the rehabilitation of individuals with disabilities.

<<http://www.ed.gov/offices/OSERS/NIDRR/>>

The National Rehabilitation Information Center (NARIC):

The National Rehabilitation Information Center collects and disseminates the results of federally funded research projects. Find an extensive literature collection and five searchable databases containing disability and rehabilitation resources.

<http://www.naric.com/>

Search through NARIC's disability research center, an online database containing rehabilitation resources organized by subject.

<http://www.naric.com/search/>

Find the latest information on projects funded by the National Institute on Disability and Rehabilitation Research.

<http://www.naric.com/projects/>

Department of Veterans Affairs

Vocational Rehabilitation and Employment

The Vocational Rehabilitation and Employment (VR&E) program is the element within the VA which assists veterans with service-related injuries achieve suitable employment or enhance their ability to function independently at home and in the community.

<http://www.vba.va.gov/bln/vre/vbsvre.htm>

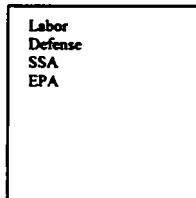
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Re-employment Services...

Social Security Administration Office of Employment Support Programs

Find out about employment programs and work incentives for people with disabilities.

<<http://www.ssa.gov/work/>>

President's Committee on the Employment of People with Disabilities

Find speeches, job links, projects, and publications for people with disabilities.

<<http://www50.pcepd.gov/pcepd/>>

Presidential Task Force on Employment of Adults with Disabilities

Find information on Task Force activities and employment links.

<<http://www.dol.gov/dol/sec/public/programs/ptfead/main.htm>>

U.S. Office of Personnel Management

USA Jobs

The U.S. Government's official site for jobs and employment information provided by the United States Office of Personnel Management.

<<http://www.usajobs.opm.gov/>>

Department of Veterans Affairs

Vocational Rehabilitation and Employment

The Vocational Rehabilitation and Employment (VR&E) program is the element within the VA which assists veterans with service-related injuries achieve suitable employment or enhance their ability to function independently at home and in the community.

<http://www.vba.va.gov/bln/vre/vbsvre.htm>

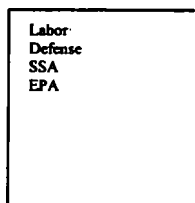
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Benefits and Personal Services...

Social Security Administration:

Office of Disability and Income Security Programs

Office of Disability

Find programmatic information, Congressional testimony, and current developments about disability benefits at the Social Security Administration.

<<http://www.ssa.gov/odhome/odhome.htm>>

Social Security Administration

Office of Policy

Find research information and policy papers on the Social Security Administration disability program.

<<http://www.ssa.gov/policy/programs/disability/index.html>>

Health Care Financing Administration:

Medicaid Consumer Information

Find information on the Medicaid program for individuals who are medically indigent.

<http://www.hcfa.gov/medicaid/mcaicnsm.htm>

Medicaid Contact Information

Find state and federal Medicaid contact information.

<http://www.hcfa.gov/medicaid/mcontact.htm>

Railroad Retirement Board

Office of Programs:

Find information on disability benefits for railroad employees.

<http://www.rrb.gov/g177.html>

Find information on disability benefits for widows and children of deceased railroad employees.

http://www.rrb.gov/pub_9705.html

Find information on short-term sickness (disability) benefits for active railroad employees.

<http://www.rrb.gov/uisi.html> General Requirements

Department of Veterans Affairs:

Find information about the Veteran's Benefits Administration's disability compensation.

<http://www.vba.va.gov/bln/21/compinfo.htm>

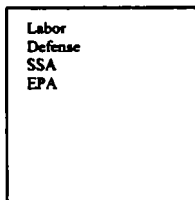
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Links to Disability Organizations...

The Arc of the United States

The national organization of and for people with mental retardation and related disabilities and their families.

<http://www.thearc.org/>

Center for Research on Women with Disabilities

The Center for Research on Women with Disabilities (CROWD) is a research center that focuses on issues related to health, aging, civil rights, abuse, and independent living. CROWD's purpose is to promote, develop, and disseminate information to expand the life choices of women with disabilities so that they may fully participate in community life.

<http://www.bcm.tmc.edu/crowd/>

American Association of People with Disabilities

The American Association of People with Disabilities is a non-profit, non-partisan, cross-disability organization whose goals are unity, leadership and impact.

<http://www.aapd.com/>

World Association of People with Disabilities (WAPD)

WAPD is a nonpartisan, nonprofit association represents large portions of the one in five residents of earth that are being.... Alive! Involved! Effective! in their daily living.

<http://www.wapd.org/>

The National Organization on Disability

The National Organization on Disability promotes the full and equal participation of America's 54 million men, women and children with disabilities in all aspects of life.

<http://www.nod.org/>

National Information Center for Children and Youth with Disabilities

NICHCY is the national information and referral center that provides information on disabilities and disability-related issues for families, educators, and other professionals. NICHCY is specially focused on children and youth (birth to age 22).

<http://www.nichcy.org/>

Disabled Peoples' International

The purpose of Disabled Peoples' International (DPI) is to promote the Human Rights of People with Disabilities through full participation, equalization of opportunity and development. DPI is a grassroots, cross-disability network with member organizations in over 158 countries, over half of which are in the developing world.

<http://www.escape.ca/~dpi/>

The National Alliance OF The DisAbled, Inc.

The National Alliance OF The DisAbled, Inc. (NAOTD) is a Tax exempt organization under section 501(c)(3) of the Internal Revenue Code and is an online informational and advocacy organization dedicated to working towards gaining equal rights for the disAbled in all areas of life.

<http://www.naotd.org/home.html>

Disability Resources

Disability Resources is a nonprofit organization that provides information about resources for independent living.

<http://www.disabilityresources.org/>

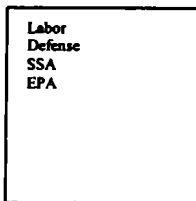
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Federal Resources...

Department of Health and Human Services:

Administration on Developmental Disabilities

Administration on Developmental Disabilities gathers, analyzes and distributes information about mental retardation, autism, cerebral palsy, and other developmental disabilities that can occur before the individual reaches adulthood.
<<http://www.acf.dhhs.gov/programs/add/index.htm>>

Administration for Children, Youth and Families

The Administration for Children, Youth and Families advises the Health and Human Services department on plans and programs related to early childhood development; operates the Head Start day care and other related child service programs; provides leadership, advice, and services that affect the general well-being of children and youths.
<<http://www.acf.dhhs.gov/>>

National Women's Health Information Center

Find a wealth of useful information together into one place for women with disabilities, caretakers, health professionals, and researchers.
<<http://www.4woman.gov/www/>>

Department of Housing and Urban Development:

Find housing information on fair housing laws, accessible housing designs, and independent living centers.

<<http://www.hud.gov/disabled.html>>

U.S. Equal Opportunity Employment Commission:

This agency is responsible for drafting and implementing the regulations of Title 1 of the ADA.

<<http://www.hud.gov/disabled.html>>

U.S. Census Bureau:

The United States Bureau of the Census provides data on disability based on three primary sources: the Survey of Income and Program Participation (SIPP), the decennial census of population, and the Current Population Survey (CPS).

<http://www.census.gov/hhes/www/disable.html>

U.S. Department of State

International Information Programs

Find information on current developments in the United States on disability awareness.

<http://usinfo.state.gov/usa/able/>

The United States Access Board

The U.S. Access Board is also known as the Architectural and Transportation Barriers Compliance Board. The Board, created in 1973, has served the nation as

the only independent federal agency whose primary mission is accessibility for people with disabilities.
<http://www.access-board.gov/>

Centers for Disease Control and Prevention:

Disability and Health Branch

The branch supports several programs, projects, and activities aimed at maintaining and improving the health of families, adults, and children living with disabilities. Find information about disability grants, current initiatives, and news and events for people with disabilities.
<http://www.cdc.gov/nceh/programs/cddh/schome.htm>

Kids' Quest

This site is intended to get kids to think about people with disabilities and some of the issues related to participation in daily activities, health, and accessibility.
<http://www.cdc.gov/nceh/programs/cddh/kids/kdhpage.htm>

Department of Labor

Employment Standards Administration:

Monitors compliance with sub-minimum wage requirements for handicapped workers in sheltered workshops, competitive industry and hospitals and institutions under Section 14 of the Fair Labor Standards Act of 1983.
<<http://www.dol.gov/dol/esa/>>

National Council on Disability:

Purpose of the National Council is to promote policies, programs, practices and procedures that guarantee equal opportunity for all people with disabilities.
<<http://www.ncd.gov/>>

Department of Justice:

Americans with Disabilities Act Home Page

Find ADA information and new or proposed regulations.
<<http://www.usdoj.gov/crt/ada/adahom1.htm>>

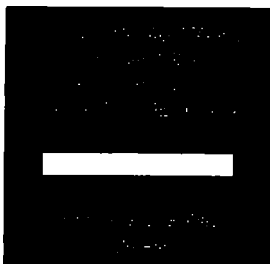
Civil Rights Division

Coordinates implementation by federal agencies of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in federally assisted programs and in programs and activities conducted by federal executive agencies.
<<http://www.usdoj.gov/crt/crt-home.html>>

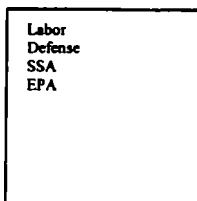
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State Resources...

Department of Health and Human Services

Administration on Developmental Disabilities

Find information on the Developmental Disabilities Administration's activities on the state level.

<http://www.acf.dhhs.gov/programs/add/state.htm>

Department of Housing and Urban Development

Independent Living Office

Find information on independent living centers on the state level.

<http://www.hud.gov/indepliv.html>

President's Committee on the Employment of People with Disabilities

Find the staff of the state commissions, committees or councils can often provide information on a multitude of resources available to people with disabilities.

<http://www50.pcepd.gov/pcepd/state.htm>

Health Care Financing Administration

Medicaid Consumer Information

Find contact information for state Medicaid officials.

<http://www.hcfa.gov/medicaid/scontact.htm>

Disability Resources

State Index

Find online resources for state disability organizations and agencies.

<http://www.disabilityresources.org/DRMreg.html>

workers.gov

Featured Web Sites for the Disabled

As of April 11, 2000

State Vocational and Rehabilitation Agencies

<http://trfn.clpgh.org/srac/state-vr.html>

Links to state agencies that provide counseling, evaluation, training and job placement services for disabled persons

How Social Security Can Help With Vocational Rehabilitation?

<http://www.ssa.gov/work/rehabpro.htm>

Information about the Social Security Administration's programs to help people with disabilities get the vocational rehabilitation services they need to return to work or to go to work for the first time

Links to One-Stop Career Center Disability Coordinators

<http://www.wdsc.org/disability/htmldocs/onestop.html>

Contact information for disability coordinators at the U.S. Department of Labor's One-Stop Career Centers

EASI: Equal Access to Software and Information

<http://www.rit.edu/~easi/>

Online workshops and links to teaching/training resources for students and professionals with disabilities

College and Career Programs for Deaf Students

<http://www.gallaudet.edu/~cadsweb/ccg/>

Lists 149 programs in the U.S. available to interested, qualified deaf students, including program listings by geographic region and state, information about admissions, enrollment, costs, and degrees available for each program

National Resources for Adults with Learning Disabilities

<http://novel.nifl.gov/nalld/resource.htm>

Information for adults who suspect or know they have a learning disability, and for family and friends who wish to help

National Library Service for the Blind and Physically Handicapped

<http://www.loc.gov/nls/nls.html>

Administers a free library program of braille and recorded materials circulated to eligible borrowers through a network of cooperating libraries

Where Do I Get Help in My State?

http://www.idonline.org/finding_help/local_org/locorg-help.html

Click on your state's name to find local chapters of helpful organizations and other available resources for learning disabilities

Disabilities Agencies

<http://www.nasire.org/stateSearch/displayCategory.cfm?Category=disabilities>

State-by-state services for persons with disabilities

Career Resource Library

<http://www.acinet.org/acinet/resource/jobbank.htm>

Links to sites for special groups such as blind and visually impaired, deaf and hard of hearing, Hispanic professional engineers, information technology professionals, and marketing personnel to name a few

Resources for Diverse Groups

<http://www.acinet.org/acinet/resource/diverse.htm>

Links to special services for groups including disabled workers, ethnic groups, older workers, veterans and women

Federal Job Opportunities for People with Disabilities

<http://www.usajobs.opm.gov/b1h.htm>

The Federal Government strives to offer an environment in which all can reach their highest potential and make a difference for our country

Job Accommodation Network

<http://www.jan.wvu.edu>

International, toll-free consulting service that provides information about job accommodations and the employability of people with disabilities

Project ABLE

<http://www.ssa.gov/work/projectable.htm>

Project ABLE is a national resume bank that provides employers easy access to people receiving Social Security or SSI disability benefits who want to work and are qualified for various positions

Disability and Technical Assistance Centers

<http://www.adata.org/text-dbtac.html>

Ten regional "one-stop" centers are available to provide information and assistance on Americans with Disabilities Act (ADA) issues

President's Committee on Employment of People with Disabilities

<http://www50.pcepd.gov/pcepd/pubs/publicat.htm>

Facts sheets, brochures and other publications on various disability issues

Disability Services

<http://disserv3.stu.umn.edu/COL/>

Provides online job search and employment information to people with disabilities through a grant from the U.S. Department of Education and administered by the University of Minnesota, Twin Cities

Small Business and Self-Employment Service

<http://janweb.icdi.wvu.edu/sbses>

Resources related to self-employment and small business options for people with disabilities

Project Hired

<http://www.projecthired.org>

This organization's mission is to make Silicon Valley workplaces fully inclusive of people with disabilities

The Task Force recommends that:

The President direct the Social Security Administration and the Department of Labor to create an "Access America for People with Disabilities" website that targets individuals with disabilities.

In February, Vice President Gore announced "Access America for Seniors," an Internet site providing a wide range of services to older Americans -- an example of his vision of one-stop Internet access to government services. A new web site, "Access America for People with Disabilities," would likewise provide information and services offered by virtually every major Federal Government agency, civilian and the military, by linking to an abundance of helpful federal agency sites, information, programs and services.

for disability policy within the Department of Labor; improving individuals with disabilities' access to employment and training programs; and, enhancing current programs for individuals with disabilities.

Ticket to Work and Work Incentives Improvement Act: In 1999, the President signed the Ticket to Work and Work Incentives Improvement Act, landmark legislation that begins reducing the institutional barriers that have limited the employment opportunities of individuals with disabilities.

- *Health insurance protections for working people with disabilities:* People with disabilities who want to return to work may face the loss of Medicaid or Medicare coverage or incur prohibitive work-related costs, such as personal assistance and assistive technology. The Act seeks to remove these barriers by creating new options and incentives for States to offer a Medicaid buy-in for disabled workers and extending Medicare coverage for Disability Insurance beneficiaries who return to work.
- *Ticket to Work and Self-Sufficiency:* The Act establishes a new program to enhance employment-related services to help Disability Insurance and Supplemental Security Income disabled beneficiaries re-enter the workforce, giving individuals more choice in their selection of vocational rehabilitation service providers.

Office on Disability Policy, Evaluation, and Technical Assistance: The budget reconstitutes the President's Committee on Employment of People with Disabilities as the Office on Disability Policy, Evaluation, and Technical Assistance (ODPET). Headed by an Assistant Secretary, this new office will bring a permanent focus to the significant employment obstacles faced by individuals with disabilities and provide a forum for addressing those obstacles. The Presidential Task Force on Employment of Adults with Disabilities will work with the ODPET to ensure interagency policy coordination.

Assistive Technology: To help individuals with disabilities overcome obstacles to employment, the budget also provides \$41 million for the Department of Education's Assistive

Technology program to help make assistive technology devices and services available. Within this total is \$15 million to help States establish low-interest loan programs to help individuals with disabilities purchase assistive technology. In addition, the budget includes \$18 million in the National Institute of Disability and Rehabilitation Research and the National Science Foundation for research, demonstrations, and technical assistance on how to make technology more accessible. Lastly, to increase employment of people with disabilities in the Federal Government, the budget also includes \$3.5 million for the General Services Administration to make assistive technology available to Federal employees.

Work Incentive Grants: The budget continues competitive grants enacted in 2000 (totaling \$20 million a year) to be awarded by DOL to partnerships of organizations in every State, including organizations of people with disabilities, to help One-Stop Career Centers and Workforce Investment Boards provide a range of high-quality services to people with disabilities working or returning to work.

Limit on Medicare Coverage in the Ticket to Work and Work Incentives Improvement Act: In the compromise on the Act, its Medicare benefit was limited to an additional four and a half years. Because of this limit, the provision postpones rather than eliminates the disincentive to work since Medicare provides the necessary coverage that is often unavailable or unaffordable on the job. The budget proposes to remove this limit and extend Medicare coverage indefinitely.

Tax Credit for Workers with Disabilities: The budget proposes a \$1,000 tax credit for workers with disabilities or their spouses to defray additional work-related costs such as personal assistance services.

In addition, the budget continues to invest in other programs which help disabled individuals prepare for the workforce, including \$6.4 billion for Special Education programs, described earlier in this chapter, which serve individuals with disabilities up to age 21; and \$2.8 billion for Vocational Rehabilitation. The budget also supports other important disability programs, including the Committee for Purchase From People Who are Blind

**Initiatives of the EEOC to Implement the Recommendation
of the President's Task Force on Adults with Disabilities that the
Departments of Justice and Labor and the EEOC Collaborate to Strengthen
Enforcement of the Americans with Disabilities Act and the Rehabilitation Act**

1. **EEOC, DOJ, and DOL** have initiated a coordinated enforcement project aimed at combating unnecessary qualification standards in state and local laws, ordinances, regulations, and professional certification requirements that bar individuals with disabilities from employment in violation of the ADA.

This project focuses on two areas: Requirements that apply across the board to all state employees; and teacher certification requirements. EEOC and DOJ are in the process of reviewing these types of state hiring requirements to identify those that violate the ADA.

Once EEOC and DOJ identify disqualifying qualification standards, they will educate state and local governing bodies about their current laws and ordinances that must be brought into line with the requirements of the ADA and the Rehabilitation Act. When voluntary compliance is not achieved, the EEOC, DOJ, and DOL will develop a coordinated enforcement approach to challenge such laws.

2. **EEOC, DOJ, and DOL** also have surveyed and catalogued their existing training materials and resources for agency investigators on disability discrimination laws for the purpose of making these training materials and resources more accessible to other enforcement agencies, such as OFCCP.
3. **EEOC and OFCCP** will engage in various coordinated enforcement-related activities, designed to foster cooperation between the agencies in their enforcement of the ADA and section 503 of the Rehabilitation Act, respectively. EEOC and OFCCP are discussing the sharing of information that each agency collects in the enforcement of the ADA and section 503. For the past several years, the agencies have worked cooperatively in the sharing of information concerning enforcement of Title VII and Executive Order 11246, which prohibit discrimination on the bases of race, color, national origin, religion, and sex. In this regard, OFCCP has sought information from EEOC's Case Data System and EEOC has sought information that OFCCP has developed during compliance reviews of federal contractors. Both agencies currently are discussing expanding these activities to include disability-related information, and a meeting is being scheduled between the agencies that will include information technology specialists from each agency, who will be able to discuss the feasibility of providing each agency with greater access to the information of the other agency.



PHOTOCOPY
PRESERVATION

ADA 10th - White House Conference

Distribution List

Ashby, Roseann
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Richards, Curtis
Rizzo, Juliette
Roffee, Larry
Savage, Liz
Simpson, Jennifer
Strahan, Marie
Swenson, Sue
Williams, Bob
Young, Jonathan

2000 Conference Schedule

Tuesday, July 25

11 am-7 pm Registration
1-3 pm Board Meeting
3:30-5:30 pm Legislative Update Workshop
7-9:30 pm Opening Session: Not Just Responding to Change...But Leading It

Wednesday, July 26

8-9 am Registration
8-9 am Breakfast Carts in Hotel
9-9:30 am Organizing for March
9:30 am Depart for Rally
11 am-12:30 pm Rally on the Hill
1-5 pm Hill Visits
7-12 midnite ADA Gala

Thursday, July 27

9:30 am-12:30 pm/
2-4:30 pm Registration
10:30-11:45 am Concurrent Workshops
12-1:30 pm Lunch on your Own
1:30-2:30 pm General Session: Making Olmstead Work in Your State
2:45-4 pm Concurrent Workshops
4:30-5:45 pm Concurrent Workshops
7:30-10 pm Multi-Cultural Reception

Friday, July 28

9-10:15 am General Session: Unequal Protection Under the Law
10-11:45 am Concurrent Workshops
12-2:30 pm Awards Luncheon
3-5 pm Federal Agency Updates
7-10 pm Evening on Your Own

Saturday, July 29

~~8-9 am~~ NCIL Cup of Coffee
9-10:15 am Concurrent Workshops
10:30-11:45 am Concurrent Workshops
12-1:30 pm Lunch on Your Own
2-6 pm NCIL Annual Meeting
8-1 am DJ Social Event

Sunday, July 30

11-12 noon Closing Session
12:30-2 pm Incoming Board Meeting

OREFF/NCIL

THIS SUGGESTS NO ADDITIONAL COST...

*SHOW REGISTRATION TIMES ON Fri & Sat

1999 Recommendations to the President from the Presidential Task Force on Employment of Adults with Disabilities

The Task Force wishes to recognize the outstanding work by the Clinton-Gore Administration in acting on the recommendations made to the President in last year's report — *Re-charting the Course: First Report of the Presidential Task Force on Employment of Adults with Disabilities*. Prompt action and strong support by the Administration on these recommendations has resulted in significant achievements that are leading to increased employment opportunities for people with disabilities. See Chapter Two for a complete review of the status of last years' recommendations.

The Task Force also wishes to acknowledge the efforts of Task Force Committee members, particularly those who chaired the various committees established in the spring of 1999 to guide and focus the work of the Task Force. The Task Force has received a report from each committee on their activities in 1999, which largely have focused on putting in place plans for more specific activity in 2000 and beyond. The Task Force will be reviewing and using these reports as the basis for future activities as appropriate. Highlights of these reports are included in Chapter Four.

The Task Force respectfully submits the following recommendations to the President of the United States of America for immediate consideration:

The Task Force recommends that:

- 1** *The President direct the Department of Labor to develop a proposal for consideration in the FY 2001 budget process for an Office of Disability Policy, Evaluation and Technical Assistance (ODPET) to be headed by an Assistant Secretary of Labor. ODPET functions could include:*
 - *Ensuring ongoing efforts to integrate people with disabilities into the Department of Labor's mainstream employment and training programs.*
 - *Establishing the National Disability Business Development Board to be comprised of the membership of the President's Committee on Employment of People with Disabilities and to serve as the advisory body to ODPET.*
 - *Maintaining the principle functions of the President's Committee on Employment of People with Disabilities.*
 - *Assisting the Presidential Task Force on Employment of Adults with Disabilities in implementing a coordinated and aggressive national employment strategy for people with disabilities.*

The Office of Disability Policy, Evaluation and Technical Assistance could provide a long-term, permanent force to continue the work needed to ensure that persons with disabilities are integrated into mainstream employment and training programs within the Labor Department. The Presidential Task Force would continue to be responsible in the short-term for developing, refining and monitoring the implementation of an aggressive, national employment strategy for persons with disabilities.

The Task Force recommends that:

- 2 ***The President direct the Departments of Justice and Labor, and the Equal Employment Opportunity Commission to collaborate in exploring methods for strengthening enforcement of employment-related nondiscrimination provisions of the Americans with Disabilities Act and the Rehabilitation Act. All efforts shall provide a clear and unequivocal message that expanded employment opportunities for individuals with disabilities are a high priority of the Administration. The efforts of the Department of Labor and the Equal Employment Opportunity Commission should include providing increased technical assistance to employers, strengthening compliance evaluations, and enhancing data collection as appropriate.***

Effective enforcement of employment-related nondiscrimination requirements is crucial to increasing employment opportunities for individuals with disabilities. The agencies responsible for enforcement must continue to explore new and more effective approaches for increasing compliance with laws requiring equal opportunities for job applicants and employees with disabilities. The enforcement agencies should develop and disseminate technical assistance guides to assist employers in understanding and implementing nondiscrimination requirements. These agencies should also develop educational tools to inform individuals with disabilities of the full range of protections under the ADA and the Rehabilitation Act. The enforcement agencies also should explore

methods to strengthen their investigation processes. For example, the Department of Labor, through the Office of Federal Contract Compliance Programs, should utilize compliance evaluation procedures that allow the agency to focus on systemic barriers to the employment of individuals with disabilities. The Equal Employment Opportunity Commission, in coordination with the Departments of Justice and Labor, should explore enhancing data collection efforts with respect to the employment and the availability of persons with disabilities in the workforce, possibly through new regulations. Consistent with their complementary responsibilities for enforcement, Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Program should explore joint enforcement strategies.

The Task Force recommends that:

- 3 ***The President direct the Departments of Labor, Education, and Health and Human Services, the Social Security Administration, the Office of Personnel Management, and other appropriate Federal agencies to construct and coordinate, under the leadership of the Presidential Task Force on Employment of Adults with Disabilities, a Youth-to-Work Initiative.***

Barriers to employment for youth with disabilities include: low educational attainment; low educational and employment expectations; and confusing governmental programs with conflicting eligibility criteria and goals. As a result, many youth with disabilities transition from youth welfare to adult welfare without access to the education and training opportunities needed to make a transition to work and achieve independence. This Youth-to-Work Initiative would test alternative approaches to helping youth with disabilities gain access needed to education and training opportunities and overcome barriers to employment.

Each year, about 40,000 eighteen-year-olds are subject to a continuing disability review for Supplemental Security Income (SSI) benefits, but only 25,000 are determined eligible for such assistance. On average, the young adults deter-

mined to still be eligible will remain on SSI for 27 years, while those found ineligible are likely to live in poverty. Many youth with disabilities spend a significant portion of their lives living in poverty, dependent upon public assistance programs, and relegated to the margins of society. In addition, compared to students without disabilities, students with disabilities drop out of school much more frequently and enroll in post-secondary education less frequently.

The Task Force recommends that:

- 4 The President direct the Department of Health and Human Services to develop a proposal to allow the Maternal and Child Health Programs for Children with Special Needs to provide Healthy and Ready to Work services to youth with disabilities who are under the age of 16.

The Maternal and Child Health Programs for Children with Special Needs (Title V of the Social Security Act) provides Healthy and Ready to Work services to youth with disabilities that are essential to preparing them for continued education and training, but are restricted to serving only youth 16 years and older. As a result, many youth with disabilities are ready to drop out of the education stream just at a time when they become eligible to receive services that would enable them to benefit from continued education. There is a clear need to provide these services to youth with disabilities at an earlier age.

The Task Force recommends that:

- 5 The President direct the Department of Housing and Urban Development to explore steps needed to establish an earned income disregard for tenants with disabilities living in other-than-Public Housing Authority housing who return to work, and to exempt any disability-related expenses incurred when a tenant goes to work from the "countable" income used to determine rents.

The Department of Housing and Urban Development has promulgated rules under recently enacted legislation aimed at providing additional incentives for low-income individuals

in public housing to go to work, or work additional hours. Current rules, however, do not provide sufficient incentives for employment of people with disabilities who are assisted by the Department of Housing and Urban Development subsidies, but do not live in Public Housing Authority housing. The Department should explore ways to extend similar incentives to all HUD-subsidized tenants with disabilities.

The Task Force recommends that:

- The President continue to work with Congress to secure adequate funding proposed in the Administration's FY 2000 budget, for their program to accelerate the development and adoption of information and communication technologies that can be used by the 54 million Americans with disabilities.

The President should continue to push for this initiative that would: (1) help make the Federal Government a "model user" of accessible electronic and information technology through the implementation of Section 508 of the Rehabilitation Act; (2) support new and expanded State loan programs making assistive technology more affordable for adults with disabilities; and (3) invest in research, development, and technology transfer in areas such as "text to speech," speech recognition, and eye-tracking for people who cannot use a keyboard.

The Task Force recommends that:

- 7 The President continue to work with Congress to pass the tax credit proposed in the Administration's FY 2000 budget, in order to assist adults with disabilities with expenses related to work.

Working-age adults with disabilities are often discouraged from working because of the high cost of personal attendant services and other services or technologies required for employment. Similarly, the cost to employers of hiring an individual requiring personal attendant services can sometimes be prohibitive. Tax credits provide a flexible way to assist people with disabilities in defraying these expenses.

The Task Force recommends that:

8 The President continue to work with Congress to pass a strong, enforceable Patients' Bill of Rights.

It is critically important to people with disabilities that we enact a strong, enforceable Patients' Bill of Rights. This legislation must include the following: guaranteed access to needed health care specialists; access to emergency room services when and where the need arises; continuity of care protections so that patients will not have an abrupt transition in care if their providers are dropped; access to a fair, unbiased, and timely internal and independent external appeals process to address health plan grievances and to help govern decisions about medically necessary treatments; an enforcement mechanism that ensures recourse for patients who have been harmed as a result of a health plan's actions.

The Task Force recommends that:

9 The President convene a White House Conference on Employment of Adults with Disabilities that will include representatives from the Administration, Congress, elected officials from State and local governments, small and large businesses, the disability community and other stakeholders.

A White House Conference would provide heightened visibility to the issue of employing persons with disabilities and help build partnerships between public and private sectors. It would also provide the opportunity to showcase "best practices" and innovative strategies for employment of people with disabilities, and highlight actions taken by Task Force member agencies, departments, and other Federal agencies. Finally, it could commemorate the 10th anniversary of the Americans with Disabilities Act, the 25th anniversary of the Individuals with Disabilities Education Act, and the 35th anniversary of the Equal Employment Opportunity Commission.

The Task Force recommends that:

10 The President direct the Task Force members' departments and agencies to collaborate on the development and implementation of a multimedia, interagency public awareness campaign to eliminate the negative and erroneous stereotypes about employment of people with disabilities. This campaign would focus on the benefits of employing people with disabilities.

There is an immediate need for leadership to address negative attitudes and prejudices against people with disabilities. An aggressive public awareness campaign, conducted in partnership with the disability community, businesses, and other influential entities would help to eliminate erroneous and prejudicial thinking about disability that results in limiting employment opportunities.

The Task Force recommends that:

11 The President direct the Social Security Administration and the Department of Labor to create an "Access America for People with Disabilities" Web site that targets individuals with disabilities.

In February, Vice President Gore announced "Access America for Seniors," a Web site providing a wide range of services to older Americans — an example of his vision of "one-stop" Web access to government services. A new Web site, "Access America for People with Disabilities," would likewise provide information and services offered by virtually every major Federal Government agency by linking to an abundance of helpful Federal agency sites, information, programs, and services.

Erie Gowen
will convene
meet with
individual
who have
conducted
previous
confer

Social
Security
SSN

*Lisa will call Nancy McFadden
Lisa calls
Nancy McFadden at Transit*

SSA-10118

The Task Force recommends that:

The Task Force recommends that:

- 12** The President direct the Department of Transportation to work with the Departments of Labor, Education, and Health and Human Services, the Social Security Administration, and other relevant Task Force members to develop a comprehensive plan of action to address the lack of transportation services and systems for persons with disabilities.

The lack of available public transportation is a major employment barrier for persons with disabilities. This fact is cited by many individuals with disabilities at recent Town Hall meetings held by the Task Force and at other events as the major impediment to finding and keeping jobs. The Department of Transportation has been vigorous in addressing public and private accessibility issues for people with disabilities. This directive would be to concentrate Federal efforts on developing an interagency action plan that addresses the lack of available transportation.

The Task Force recommends that:

- 13** The President direct all Federal agencies with customer service call centers and other appropriate services to explore ways to encourage hiring people with disabilities.

Cutting-edge telecommunications technology has recently made it possible for customer service centers to send voice and data to home-based customer service representatives who work just as if they were in a call center. Many agencies in the Federal Government operate significant customer service call center activities. This cutting-edge technology needs to be widely available in the Federal Government, and used to increase the employment rate of individuals with disabilities as much as possible.

Research has shown that the percentage of individuals with significant disabilities who are employed is the lowest of disadvantaged groups in the nation. It is critical that we seek out as many strategies as possible to change this picture.

- 14** The President direct the Social Security Administration to explore options for raising the Earned Income Exclusion in the Supplemental Security Income program, for both adults and students, in order to encourage work efforts.

Supplemental Security Income (SSI) is a means-tested program, but beneficiaries are able to have limited earnings without impact on their benefit amounts. Allowing such earnings not only increases overall income security, but also provides an incentive to work. The earned income exclusions for both adults and students, however, have not been raised since the early 1970's, even though the SSI Federal Benefit Rate is indexed annually for inflation. The Earned Income Exclusion remains at \$65 per month for adults and up to \$400 per month for students for a limited time period. As a result, SSI beneficiaries with non-SSI income do not receive full indexing of their benefits, and work effort is less rewarded than it was previously.

Eric Gould will take the list and find out how to approach agencies

Willard knows federal agencies involved in this

do they contract process of contracts set
O.P.M. -

ADA Relay Sponsorship Calls

March 15, 2000

Revised 3/17/2000

It would be appropriate for the Secretary of Labor (because she is the Task Force Chair), Attorney General, or Chair of the EEOC to be at any of the cities or events because they will all in some way involve civil rights.

The following document points out tie-in possibilities with other Task Force members as well.

[* = one of the 11 Cities VW wants to pay particular attention to]

KICKOFF

Sunday, June 11--Houston, TX*

Doug Drey--Mayor's Committee on People With Disabilities

Event Information:

Will include a gathering at the Multi Service Center (where the February mini-relay ended).

Wants his events to coordinate with AAASP (American Association of Adaptive Sports Programs), now wants to shift date to June 9 to coincide with the AAASP competition. Wants to announce torch takeoff on Friday 6/9, then have a more intense kickoff on Saturday 6/10. Also wants to incorporate George Strait concert on Sunday.

Aiming for 1pm on Friday.

Saturday--noon or 1 start--then a barbecue. . .

AAASP is getting youth from Atlanta, along with local VIPs (mayor, etc.), together to compete in various sports events (basketball, indoor soccer & track and field) -- trying to get schools to incorporate these programs.

Wants to get Commissioner of the EEOC in to town (esp. For the Saturday event--which is to be more disability related--whereas the Friday event is to be more able-body Awareness focused.

Also trying to get Trans. Sec'y Slater there because the bus system will be 100% disability Compliant by December (the rest of the system at 90%).

Wants at least 1000 Know Your Rights packets.

Tuesday, June 13,--Austin, TX*

Ron Lucey--contact from Austin Mayor's Committee

Austin was recognized last year by Rodney Slater for innovative transportation programs.

As for Technology, Austin is "Silicon Hill Country")

Trying to keep things bipartisan (but not so easy)

Partnerships with Vocational Rehabilitation Agencies

Event Information:

State Capitol is booked for the 13th. Speaker's Rally. Objective is to connect with the civil rights struggle of the 1960's, so they're including the African-American leaders in the community. Dolores Gonzales (512-499-3256)—ADA coordinator, is heading up speaker list. She was the rep that came to Washington to receive visionary award last year from the Department of Transportation from Secretary Rodney Slater.

Unfortunately, Mayor Kirk Watson will be out at a national conference of mayors . . .
So the Mayor Pro-Tem [] will read the city's ADA proclamation

Route is 6.2 miles, begins downtown, passes through UT, ends at complex where [] are located.

Wants to start torch moving by lunchtime.

No firm time yet for speakers, but kickoff may be 9:30 or even by 9:00am

Pace expected to avg. 3mph.

Capital Metro will run a shuttle to help folks get to the Capital.

Need @ 1000 "Know Your Rights" flyers for beginning and end of rally

No firm commitments yet—big committee meeting on Monday.

Speaking Opportunities for Task Force Members:

Secretary of Transportation Slater's connection with Dolores Gonzales.

June 17—San Francisco, CA*

Theme: Birth of Independent Living Movement

Event Information: Day begins with ceremony with Mayor Brown of S.F. and a media tour of new baseball stadium (with disability advisory committee that helped in design) showing they exceed ADA compliance; torch appears at pregame; Mayor hands off torch and is boated across the bay by disabled sailors; Mayor Brown of Oakland receives torch and conveys to Jack London Square, where 100 organizations are coordinating a family festival lasting into the afternoon.

Speaking Opportunities for Task Force Members:

(HHS Sec'y Shalala?; HUD Sec'y Cuomo?)

Minimum 5,000 "Know Your Rights" Brochures

June 19—Los Angeles, CA*

Theme: Disability in the Media/Historical Portrayal

Event Information:

L.A. planning fund-raising concert at House of Blues in advance of torch visit;

requesting celebrity involvement in Relay (possibly Relay through Hollywood's Walk of Fame)

Speaking Opportunities for Task Force Members:

Task Force Representative: FCC Chairman Kennard

Wednesday, June 21—Phoenix, AZ

Donna Redford

Denise Thompson

Event Information: Plans:

Speaking Opportunities for Secretary:

1. Breakfast Meeting

(NB: Phoenix in June is HOT)

2. Evening*: *Pregame Ceremony at BankOne Ballpark–AZ Diamondbacks Baseball Game*

(no more than 15 minutes) (40,000 to 50,000 Attendance + TV Coverage?)

“Community Corner” at the game where a non-profit can come in and do their thing.

FOCUS/THEME: Governor’s Committee on Developmental Disabilities has been working on Entrepreneurship Opportunities

Know Your Rights Brochures—maybe 40,000?

Speaking Opportunities for Task Force Members:

Because of Entrepreneurship emphasis—Possible Tie-In w/ SBA Administrator Alvarez; EEOC; HUD (re. pushing for acceptance of Architectural Compliance on Local Levels);

N.B.: Transportation Tax initiative just passed 3/14 via grassroots effort (defeated 3 times prior)—possible connection to Transportation Secretary Slater.

Saturday, June 24—Salt Lake City, UT

No coordinated Events Plan Yet

Event Information:

Speaking Opportunities for Task Force Members:

Tuesday, June 27—Denver, CO*

Torch Relay and Associated Events

Theme: Transportation? Celebration of Civil Rights

Event Information:

Night of June 26 is a Colo. Rockies Game—they will run the torch around the bases and make an announcement.

10:00 a.m at the court building

Mayor Wellington Webb (Chairman of the National Conference of Mayors) will speak—

Torch leaves at 10:30 Two “satellites”—one going east, one going west

meets back at Civic Center Park at 4:00

hour and a half rally with several speakers

Congresswoman Diana DeGette (confirmed)

Senator Wayne Allard and Senator Ben Nighthorse-Campbell are invited

Rally Ends at 6:30

Speaking Opportunities for Task Force Members:

(Task Force Representative: Transportation Sec’y Rodney Slater)

Relay Caravan plans off-day visit to Pike’s Peak for crew sightseeing and photo opportunity with torch at the summit

Friday, June 30—Topeka, KS

contacts: Vicki Nelson, Susan Briggs

Theme: Agriculture?

Also Home of Brown v. Board of Education Decision

Transportation (Bob Dole is to be invited because of his connection with Accessible Bussing in Topeka)

Becka Vaughn, local DRACH (Disability Rights Action Coalition for Housing) coordinator has already made a request to HUD offices (Sec'y Cuomo) re. Accessibility in Housing

Event Information:

Working on the Local Hockey Team–Scarecrows.

Setting up a Dinner after the torch run

Speakers in the morning at the Statehouse

10 am - ish. . .

Governors Office and Mayors Office already involved

Know Your Rights packets: maybe 10,000

Speaking Opportunities for Task Force Members:

Possible tie-in with Secretary of Agriculture because of importance of industry in Kansas.

Already made a request to HUD offices (Secretary Cuomo) re. Accessibility in Housing

Connection to Secretary of Education because of Brown decision (but don't forget about recent State Board decision not to teach Evolution. . .)

Tuesday, July 4–St. Louis, MO

Event Information:

St. Louis Fair (4th of July – huge event)

Possible Cardinals Baseball Game

Speaking Opportunities for Task Force Members:

Friday, July 7–Madison, WI

Theme: Recreation (potentially) both participation and spectatorship–

Event Information:

Disabled Sports USA & Kawasaki, Inc. work together of a school administrated program–their Accessible Waterskiing Workshop runs June 6-8, the torch route will pass by.

Madison has the World's Most Accessible Sports Facility (toured by advisors for the Sydney Olympic Games).

The U of W has the World's Largest Outing Program (HOOFERS) (self-funded within the student union) with a significant accessibility component.(eg. :free-ski day for pwd's, etc.) And they will participate.

ArtFair on the Square (Capital Square) is that weekend (possible connection with Renovation of the civic center; fully accessible children's museum, other projects recently funded by a local philanthropist).

The Torch Route (proposed) begins at the Capital, moves to new Frank Lloyd Wright Civic Center and then through town using Bike Paths (Madison has an extremely comprehensive Bike

Path system, best in US along with Davis, CA)

Speaking Opportunities for Task Force Members:

Interior Secretary Bruce Babbitt

(A US Geological Survey Office is in Madison. There is also a Bald Eagle Sanctuary USGS and Interior, have always been very strong and leading edge on hiring pwd's)

Probably NOT Donna Shallala [even though she used to be chancellor of UW] because of the recent politicization of the Organ Donation Program--she's currently pretty unpopular there.

ALSO-potentially Dept. of Agriculture (Wisconsin is highly Agricultural, but timing might not be great)

Their Torch Relay Committee will meet on the 27th and have more info after that.

Know Your Rights Brochures?--10,000 easily--up to 100,000 possible . . .

Sunday, July 9--Chicago, IL

per Karen Tamley 312/226-5900

Theme: ADA and the Everyday

Wanting to bring to attention to the diversity of the city and its many different communities.

Event Information:

(2 committees:

Steering Committee-next. Mtg. Is Monday--if we can call Karen on Tues. or Wed. to find out more.

Celebration Committee)

Opening Ceremony--maybe in Londale (African American Neighborhood in the "near west side" with an accessible playground)

Ballgame--Cubs vs. White Sox: In discussion with Wrigley field for Cubs/Sox game (12:30 starting time)

May use new wheelchair accessible taxis to shuttle torch.

Closing Event in Lincoln Park

Taste of Chicago is that weekend in Grant Park (they plan to steer well clear. . .)

Speaking Opportunities for Task Force Members:

HUD Secretary Cuomo (Karen is a housing person who has been to DC & met the Sec'y)

Transportation? -- (N.B. Recently filed suit against Transit Authority for lax accessibility compliance. . .possibility for protest)

Tuesday, July 11--Memphis, TN

"Not a very positive civil rights area."

Gary Vanasek—local DOJ contact

Theme: “Pro-Se—doing it for ourselves”

Speaking Opportunities for Task Force Members: They would like to have Janet Reno come out to emphasize that Disability Rights are of significant importance.

No events yet scheduled—not getting a receptive response from anyone in State or Local Govt.

Thursday, July 13—Jackson, MS

Event Information:

Speaking Opportunities for Task Force Members:

Saturday, July 15—Montgomery, AL

Event Information:

Two blocks of Dexter Avenue will be shut down for a street celebration featuring food, music and crafts

Speaking Opportunities for Task Force Members:

Civil Rights

Monday, July 17—Tallahassee, FL

Event Information:

April 14th—Youth Leadership Forum—on-line internet hookup, large web event

On July 16th, the night before, Independent Living Showcase in the Doubletree to highlight the 14 independent living centers and 4 “stand-alone” centers.

300-500 attending

ADA Celebration in the Evening—Unveiling a “Wall of Fame” honoring Floridians

Civic Center gathering with Bands including Van Gogh (musical duo) at close of Relay

Speaking Opportunities for Task Force Members:

Florida has a more strident accessibility code than the rest of the nations—more so than the ADA itself.

Also proud of the work in recreation (Possibly Interior Sec’y Bruce Babbitt)

—HUD Secretary Cuomo because of their emphasis on the Visitability Initiative and the Fannie Mae Initiative for Mortgages for First-Time Buyers with Disabilities

Kenneth Apfel—Commissioner of the Social Security Administration because of the importance of the Ticket to Work and Medicaid Buy-In

KYR Brochures: ideally 1000 per center (13,000), plus 5,000k for torch relay = 18,000k

Wednesday, July 19—Warm Springs, GA

Event Information:

Speaking Opportunities for Task Force Members:

Thursday & Friday, July 20 & 21—Atlanta, GA*

Event Information:

Midday Celebration in Centennial Olympic Park with speakers and performances

Speaking Opportunities for Task Force Members:

Saturday, July 22—Columbia, SC

Event Information:

Picnic/rally in public park as part of the relay day.

Speaking Opportunities for Task Force Members:

Tuesday, July 25—Arlington, VA & Washington, DC*

Theme: Political Empowerment/Civic Involvement

Arlington—

9:30a.m. Welcoming Ceremony--Relay from local resource center--End Dependence Center near the Clarendon Metro--

10:30 Torch should leave, go past Arlington National Cemetery and ending at FDR Memorial by noon.

No speaker ready yet. May ask Justin (but 9:30 is early for him).

"Know Your Rights" Brochures – 650 on mailing list

Michael's input re. Brochures: Important to release in Alternative Formats: Large Print; Braille, Audio Tape & Computer Disk

Wednesday, July 26--Washington, DC*

Friday, July 28—Philadelphia, PE*

Theme: Accessible Transportation for All

2 Committees are meeting

Internal--planning food, etc.

Broader Committee focusing on Torch Reception

THEME: 10 points of what is positive about the ADA (one for each year)

Mapped out route will pass torch from point to point--around Liberty Bell, to end at the Penn Treaty Park for a picnic--this is the location for speakers.

Republican Convention Goers are invited (the convention center; Senator Arlen Specter (sponsor for Mi Casa) is invited; the

Event Information:

Emphasis on Cross-Disability event, incl. Mayor's office,

5-7 organizations are joining up with Liberty Resources (core group) to plan and produce the event

"Rolling Justice" marchers coming to the Republican Convention from across PA;

Torch Relay will be joined by, and leads.

Relay to Liberty Bell;

picnic/rally in public park (Possible)

Speaking Opportunities for Task Force Members:

Arlen Specter--sponsor of Mi Cassa--has been invited, which could tie in with HHS Sec'y Donna Shalala.

[NB--lawsuits have been filed in Philly this year vs. Transportation and Housing. . .it could be

awkward for Transpo. Sec'y and Sec'y of HUD (ADAPT would probably stage a protest)]
Ginny Thornburg has offered her husband, Ex-Attorney General Dick Thornburgh (AG during
ADA signing)
Need Minimum 600 "Know Your Rights" (KYR) packets.

Monday, July 31—Auburn Hills/Detroit, MI*

Theme: Highlight Advances made in Private Transportation?/Strength of Disability Marketplace
to Affect Change

Committee meeting on Tuesday

Event Information:

situation is unique because it is in 2 places
Auburn Hills is the site of VW HQ—
Then will end up in Detroit.

Speaking Opportunities for Task Force Members:

Commerce Secretary William F. Daley?
"Mi Casa" Attendant Care Service Bill—HHS Sec'y Donna Shalala
Labor Sec'y Herman

Thursday, August 3—Boston, MA*

No Organized Events yet planned.

Event Information:

Speaking Opportunities for Task Force Members:

Monday, August 7—NYC, NY*

Event Information:

Ceremony at the UN for policy makers; rally/concert at nearby public park for local residents

Speaking Opportunities for Task Force Members:

Del Moon

adarelay@atl.mediaone.net

Relay Operations—also marketing

Coordinating the 24 cities

Each city to have a local Scene

(Montgomery, obviously

Denver has various transportation issues

Bay Area is the birthplace of the independent living movement)

Deeply involved with providing technical asst., making sure that each city's events are truly
being developed as a community event—making sure that logistics are being handled

I2K born of the idea that there should be serious activity re: 10th Anniversary of the ADA
(est, over 500 events nationwide)

Torch Relay was one idea to integrate all these celebrations with a major awareness-building

project.

AAPD designated as best agent for putting together/coordinating the Torch Relay

Still in Development in Salt Lake (June 24)[almost in stand-by] and in Boston (Aug. 3)

[Paul Timmons, Jr.

404-248-9857

email: presslord@aol.com

Lead Contact to finding out what each city is doing (esp. W/ regard to website. . .)

*SPEAKER's BUREAU--to raise awareness of the torch coming into town

6 wks. Prior to torch arrival (in 11 cities [decided by VW--VW sponsors and funds the whole event]), get speakers to come in and speak to civic organizations (eg. Chambers of Commerce, Atlanta's 100 Black Men, etc.)

1. Identify who is available to speak.
2. Identify what groups want speakers.
3. Bring them together.

Object: to Identify a theme or tie-in, for example:

Houston/

Austin/

LA--Disability in the Media/Historical Portrayal (FCC Chairman Kennard)

San Francisco--Birth of the Independent Living Movement (HHS Sec'y Shalala?; HUD Sec'y Cuomo?)

Denver--Public Transportation (Transpo. Sec'y Slater)

Atlanta--Civil Rights

DC--Political Empowerment/Civic Involvement]

Philly--Rural Transportation?;

Detroit--Highlight Advances made in Private Transportation?/Strength of Disability Marketplace to Affect Change (Commerce?)

Boston--undecided;

NYC--International flavor (UN?, State);

To: Lisa Brown, Counsel to the Vice President

From: Rhonda L. Basha

Re: SUMMARY OF CONFERENCE CALL SUGGESTIONS RE: ADA CONFERENCE

The purpose of this memo is to summarize the suggestions and issues raised during the focus group conference calls which took place on March 14, 2000, regarding the ADA conference being planned for July. Consistent with the recommendations made at the meeting held in your office on March 1, 2000, the focus group agreed that there should be a conference, and that the target group should be businesses. It was suggested that the conference highlight best practices of employers, particularly those in the I.T. industry that have utilized innovative strategies for employing persons with disabilities. Employers identified as potential best practice presenters included Marriott, Hilton, and Microsoft, as well as those currently working with the President's Committee on Employment of Persons with Disabilities. The conferees also indicated that entrepreneurs with disabilities should also be featured.

The focus group participants also generally agreed that the conference should last about five hours and that the format should include breakout sessions headed by Task Force members, and a plenary session followed by a reception at the White House. Suggested sites for the conference included Galludet University and the Chamber of Commerce, with the later being contingent on their buying in generally.¹ The conferees further agreed that the conference should include a display of assistive technology.

In addition to targeting employers, it was also felt that the conference should be utilized as an opportunity for a public relations "myth busting" campaign to reach the general public and the media. Ted Koppel, Oprah Winfrey², and Larry King, were suggested as possible venues for obtaining media buy-in.

It was further proposed that consideration be given to focusing on the ADA as a civil rights, versus an entitlement statute, with employment viewed as the means for bridging the gap between the two. Other suggestions along the same lines included repackaging the civil rights message with a more "main stream" diversity spin.

Several of the participants emphasized the need to take a pragmatic approach given the current climate of growing anti-ADA sentiment. To this end, it was suggested that the conference highlight progress/accomplishments in substantive areas covered under the ADA, while at the same time emphasizing that much remains to be done, and that the inclusion of individuals with disabilities as meaningful members of the workforce is not only not difficult; it is good business. One possible product suggested was an "ADA 10th Anniversary-10 Lessons Learned" publication.

The need to have something measurable come out of the conference was a repeated theme. It was suggested that rather than simply preaching to the choir that businesses, including small

¹Tom Donaghue was suggested as a contact at the Chamber.

²Secretary of Labor Alexis M. Herman has an ongoing relationship with Oprah Winfrey.

businesses, currently "sitting on the fence" be asked for a hiring commitment prior to the conference, consistent with the model used in the Welfare to Work initiative. Other recommendations in this vein included outreach to business foundations, to small business lobbyists and association, to the Chamber, and to the Business Roundtable.

While no one clear idea on a banner message was evidenced, integration, inclusion, and independence emerged as recurring themes. I would suggest that we add "innovation" to this list which encompasses not only advancements in technology, but creative employment strategies. Perhaps, the conference could be entitled something along the lines of *The 10th Anniversary of the ADA-A Celebration of Integration, Inclusion, Independence, and Innovation*.

We are looking forward to hearing from you on next steps. I can be reached by phone at 202-693-6112.