



THE MINNESOTA GOVERNOR'S COUNCIL ON DEVELOPMENTAL DISABILITIES

Wednesday, April 3, 2024
Council Meeting
12:15 pm –2:30 pm

The Masonic Institute for the Developing Brain
2025 East Riverway Parkway, Minneapolis, MN 55414

Minutes

MEMBERS PRESENT

Lee Shervheim, Council Chair
Jenny Arndt
Jason Blomquist
Dupree Edwards
Lisa Gemlo
Amy Hewitt
Lisa Jemtrud
Heather Kainz
Lesli Kerkhoff
Joel Liestman
Elizabeth Marsh
Katie McDermott
Alan Morrison
Michael Nichols
Garrett Petrie
Jennifer Purrington
Connie Rabideaux (online)
Jenny Santema
Erin Schwab
Bonnie Jean Smith
Sumukha Terakanambi

MEMBERS EXCUSED

Amy Hewitt
Abdi Matan
Christine Mueller
Mary Raasch

GUESTS

Thryn Hare
Susan McCollough
Justin Page
Tom Pearson
Kart Queeglay.
Dan Reed
Lynn Schreifels
Ana Voss

STAFF PRESENT

Stephanie Nelson
Paul Nevin
Colleen Wieck

I. **CALL TO ORDER**

The meeting was called to order by Chair Lee Shervheim at 12:15 pm.

II. **INTRODUCTIONS**

All present introduced themselves.

III. **APPROVAL OF AGENDA**

Shervheim asked for approval of agenda. **Motion** by Kainz seconded by Edwards to approve the agenda. Motion carried.

IV. **APPROVAL OF MINUTES (February 7, 2024)**

Shervheim requested the Minutes be approved from the February 7, 2024 meeting. **Motion** by Liestman seconded by Morrison to approve the Minutes. Motion carried.

V. **ADA ENFORCEMENT**

Ana Voss, Civil Chief, US Attorney’s Office and Justin Page, Assistant US Attorney presented a PowerPoint that is summarized here. The Department of Justice enforces both Title II (state and local entities and transportation) and Title III (public accommodations) of the ADA. The US Attorney’s Office enforcement handles both programmatic reviews and individual complaints. The typical cases are physical access and barrier removal; access to programs and services; and service animals.

The tools for enforcement include litigation, consent decrees, formal settlements, informal settlements, mediation, injunctions, damages for individual complainants, technical assistance, and outreach to individuals with disabilities.

In order to file a complaint, go to www.ada.gov or send a letter to
US Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington DC 20530

There have been several service animal cases (Le Petit Nails and Spa (WDNY), Brookside Bar and Grill (CT), and Comfort Inn (CT). Two voting cases were described (Board of Election Commissioners for the City of St Louis (MO) and US v. Los Angeles County (ongoing). There were two suits about testing including Minnesota Department of Corrections (GED) and Educational Testing Services (New Jersey) about the GRE and Praxis Test. Effective Communication lawsuits included Kent Hospital (RI), Julie B. Griffiths Law Office (MI), and St Vrain Valley School District (CO). The final lawsuit described was New Jersey Transit Corporation which required performance standards for telephone hold times, timeliness of paratransit trip pickups and drop-offs, paratransit trip length, paratransit trip denials, and paratransit missed trips.

Discussion points:

- The ADA does not apply to the federal courts.
- The Minnesota US Attorney's Office has completed program reviews of restaurants, hotels, and sports stadiums in the past.
- They have also conducted a voting access review at Red Lake.
- There are exemptions from accessibility standards.
- Top issues are day care cases, interpreter cases, and service animals.
- The US Department of Justice receives 20,000 complaints in their portal and they refer complaints back to states.
- New regulations being proposed for accessibility of health care services and processes (exam tables, inaccessible exam rooms, etc.)
- Website accessibility continues to be a hot topic, and there is a difference between accessibility and good navigational design.
- When the US Attorney's Office becomes involved then they are filing a lawsuit on behalf of the US Government. The US Attorney's Office does not act as an attorney for an individual.
- The issue of bike lanes vs. the ADA was raised.
- The US Attorney's Office can use one case to assist in other cases, they can analyze trends and they can use cases when updating regulations.

VI. **MINNESOTA STATE GOVERNMENT DISABILITY EMPLOYMENT STUDY (Preliminary Findings)**

Tom Pearson provided preliminary findings from qualitative interviews with state government officials about employment of people with disabilities. The PowerPoint is summarized here.

In 2023 MarketResponse International completed research among 201 Minnesota private sector companies regarding employment of people with developmental and other disabilities. In 2024 the employment study is focused on the public sector, specifically the State of Minnesota. Twenty-six in-depth interviews have been conducted with representatives from DEED and MMB (n=15), contractors (n=4), and state agency hiring managers (n=7). Seven of the interviewees identified as persons with disabilities.

Among the benefits of hiring people with disabilities were enhancing diversity, fostering exposure to different perspectives, communication styles, and promoting more inclusive and considerate environments. Several barriers were identified such as lack of disability awareness and training, unwelcoming work environments, and lack of support and accommodations. Solutions were identified including continuous promotion and training for leadership and staff about the benefits of hiring people with disabilities; and ensuring proper onboarding, training, and support so they are set up for success.

Connect 700 is one strategy to achieving the goal of Governor Walz's 2019 Executive Order. Connect 700 is an alternative path to hiring by allowing an individual to demonstrate their qualifications in a pre-probationary, trial-work opportunity. Connect 700 requires a person with a disability to meet the minimum qualifications, have a disability, and provide proof of eligibility. Among Vocational Rehabilitation Services providers, there is a generally positive perception of Connect 700. However, there have been negative experiences for both hiring managers and employees. Not all managers are trained or fully comply with the Connect 700 requirements. Some hiring managers believe there should be a clearer process for screening out some candidates.

In terms of employment of people with developmental disabilities, most respondents assumed the level was very low inside state government. Several suggestions were offered to increase employment of people with disabilities including creating more flexible job opportunities, addressing concerns about loss of benefits, and making the website friendlier, simplifying the application process, increasing disability awareness and training, better training for hiring managers, more training about Connect 700, ensuring needed accommodations are provided as quickly as possible, and making a concerted effort to place more people with developmental disabilities into positions that match abilities.

A quantitative study will begin soon to measure awareness of the Governor's Executive Order, measure attitudes and experiences with the Connect 700 program, and assess awareness of the Supported Worker program.

Discussion points:

- The 2019 Governor's Executive Order set a goal of 10% employment of people with disabilities in state government. According to MMB, the State has surpassed that goal.
- Connect 700 allows a non-competitive interview approach if a person meets minimum qualifications and is certified as having a disability.
- MMB has numbers that show the drop out rate of employment is the same between Connect 700 employees and those hired through traditional hiring methods.
- Job coaches are available if the Connect 700 employee is connected through Vocational Rehabilitation Services.

VII. **GRANT REVIEW COMMITTEE**

Arndt presented the report from the Grant Review Committee. MSS was the only applicant in response to the Council's Employment RFP. The Grant Review Committee makes the following recommendation. **Motion:** Arndt moved to award \$90,000 to MSS for the Employment RFP. Motion was seconded by McDermott. The motion carried. Shervheim abstained.

VIII. **PUBLIC POLICY COMMITTEE**

Petrie and Terakanambi summarized the presentations by Sarah St Louis and by Christina Schaffer. Copies of the PowerPoint presentations were sent to all Council members on April 4, 2024. Overall, there are lots of problems with the ADA especially enforcement. Sarah St Louis urged going above minimum standards. Schaffer from the Minnesota Department of Human Rights discussed the types of cases they receive, how the process works, the availability of mediation. The basic issue continues to be that the ADA is not being followed or enforced.

IX. **EXECUTIVE DIRECTOR'S REPORT**

Wieck showed a PowerPoint of photos taken at the US District Court outreach project held on March 19, 2024. Several Council members attended the event. Katy Read, Star Tribune, profiled the initiative in a March 29, 2024 article that was distributed to all members.

X. **PUBLIC COMMENT**

- A. Sumukha Terakanambi will be publishing a blog about employment issues (Uber and Lyft) on the MCD site.
- B. The State Adaptive Softball tournament will be held on May 17-18, 2024 at Chanhassen.
- C. Opportunity Partners closed a few group homes during the pandemic and now have reopened them to serve individuals with developmental disabilities and identify as LGBTQIA+.
- D. Jenn Purrington announced that MDLC will be sponsoring training on how to conduct voting access surveys. The training will be scheduled for August or September. More information will be provided.
- E. June 5, 2024 is the next Council meeting.

XI. **ADJOURNMENT**

Shervheim adjourned the meeting at 2:33 pm.

Respectfully submitted,

Colleen Wieck
Executive Director