



P.O. Box 7222, Madison, Wisconsin 53707

December 13, 2019

To: The Honorable Governor Tony Evers
Members and Advisors to the Governor's Council on Equity and Inclusion

From: Survival Coalition of Wisconsin Disability Organizations

Re: The Governor's Council on Equity and Inclusion

Survival Coalition is comprised of more than 30 statewide disability organizations that advocate and support policies and practices that lead to the full inclusion, participation, and contribution of people living with disability. Our members support Executive Order #59 which requires state agencies to develop and implement equity and inclusion action plans, directs the Wisconsin Department of Administration to develop and provide mandatory equity and inclusion training for all state agency employees, and creates the Governor's Advisory Council on Equity and Inclusion.

People with disabilities face incredible discrimination throughout publicly funded systems and structures and such discrimination is often compounded when the individual is also a member of another minority group.

According to the national Institute on Disability, people with disabilities are the nation's largest minority group, comprising an estimated 19% of the population. People with disabilities face both structural and attitudinal barriers that keep them from fully participating in society. The data on employment rates and wages, the criminal justice population, educational achievement scores, health care access and rates of violence and abuse against people with disabilities clearly demonstrate the need to ensure disability is a lens of discussion for the Council on Equity and Inclusion.

Although the original focus for the Council relates to racial diversity, the data shows that rates of discrimination or exclusion for people with disabilities of color are significantly worse. For example, women with disabilities have the lowest labor force participation rate when compared to men with disabilities, able-bodied women, and able-bodied men; adding other layers of diversity (being part of marginalized ethnic or racial groups or part of the lesbian, gay, bisexual, transgender, questioning community) and the unemployment rates for a woman with disabilities skyrocket. Women with disabilities make 72 cents on the dollar compared to men without disabilities and women of color with disabilities earn even less. In 37 states, including Wisconsin, parents with disabilities can lose their children solely based on disability. Wisconsin test scores demonstrate that African American boys with disabilities are consistently over-identified and perform the poorest when compared to any other group of students.

The Survival Coalition recommends that people with disabilities be appointed to the Council on Equity and Inclusion. We offer the following recommendations:

- Cindy Bentley – Director, People First Wisconsin: (414) 852-6462; peoplefirstwi@gmail.com
- Maia Stitt – Physical Disabilities Policy Analyst, Department of Health Services 608-266-3118; maia.stitt@dhs.wisconsin.gov
- Jenny Neugart, Disability Community Organizer. WI Board for People with Developmental Disabilities; (608) 266-7707; Jennifer.neugart@wisconsin.gov

In addition to ensuring that membership of the Council reflect disability perspectives, Survival makes the following recommendations related to the Executive Order charges:

The Department of Administration charge to review all equal employment opportunity programs and policies:

Recommendation: The Survival Coalition recommends that the state commit, like other states have done previously, to adopt State as a Model Employer (SAME) practices.

SAME practices ensure employment of people with disabilities throughout state government. <http://knowledgecenter.csg.org/kc/content/workforce-development-efforts-people-disabilities-hiring-retention-and-reentry> Some states have elevated a cabinet level position to address diversity and inclusion issues across state government and to embed disability considerations within the policymaking process. Washington is a state which set a goal for 5 percent of state employees to be individuals with disabilities. The state created a task force with the purpose of supporting recruitment and retention of employees with disabilities in state government, requiring every cabinet-level agency to dedicate staff to the effort and put a plan in place addressing staff underrepresentation.

The Department of Administration charge to collaborate with state agencies to review and analyze relevant data:

A [2015 audit](#) of the DVR program indicated significant systemic issues, including geographic disparities in annual average annual funding and rehabilitation rates for individuals (spending ranging from \$2,555 in western Wisconsin to \$1,138 in Milwaukee in 2013-2014; rehabilitation rates from 37.5 percent in Washington-Ozaukee-Waukesha to 20.2 percent in Milwaukee.) DVR participants continue to report difficulties receiving support in certain regions of the state.

Recommendation: Order an immediate review of DVR disparities data. Require an exit interview process for all DVR applicants, even those whose cases are closed.

Recommendation: Increase funding for the Client Assistance Program (CAP), authorized under the 1984 amendments to the Rehabilitation Act of 1973, to protect the rights of individuals with disabilities who are eligible to receive DVR services. Re-designate the CAP to a non-state agency (CAP is currently housed in DATCP).

The charge directing State Agencies to develop equity and inclusion action plans and training.

Recommendation: Survival Coalition recommends ensuring that training efforts include content related to best practices in diversity and inclusion hiring of people with disabilities and that the State consult with UW-Whitewater's Disability:IN initiative, endorsing the nationally recognized Disability Equality Index.

The DEI is the most comprehensive benchmarking tool for disability inclusion. (DEI best practices here: https://disabilityin.org/wp-content/uploads/2019/06/2018_DEI_BestPractices.pdf) Disability:IN offers certifications and technical assistance through Disability:IN's Supplier Diversity program, Disability-Owned Businesses Enterprises (DOBEs®), Service-Disabled Veteran Disability-Owned Business Enterprises (SDV-DOBEs™) and Veteran Disability-Owned Business Enterprises (V-DOBEs™). The Wisconsin Disability:IN contact is Judy Quigley: (262)-472-2186; disabilityinwisconsin@gmail.com

Recommendation: Review the accessibility of state government facilities and programs, including websites. Survival Coalition recommends using the [Guidelines for Assisting Those with Accessibility Needs](#), developed to ensure accessibility of the nation's capital.

The charge directing DOA to improve supplier diversity and contracting and procurement policies.

Recommendation: Survival Coalition recommends a thorough review and update of the State Use Program.

The State Use Program (established in 1989 under Wis. Stat. 16.752) is a procurement program facilitated by DOA that gives priority in state contracting to businesses that employ a high percentage of people with disabilities. The statute limits State Use Contracts to businesses that have a 14 c (sub-minimum wage) license. Since 1989 the federal government has taken actions to restrict use of sub-minimum wage and has passed regulations to ensure that people with disabilities have access to competitive wage employment in typical business settings with natural proportions of co-workers without disabilities. Some states have already updated or eliminated their State Use programs.

Recommendation: Update the State Use Contract statute to remove the requirement that eligible state use contract participants must hold 14c licenses. Seek recommendations on how to open this state procurement program to private sector employers who meet certain high standards of employment of workers with disabilities.

The charge directing DOA to improve supplier diversity, including supports to foster minority-owned businesses.

Recommendation: In addition to incorporating Disability:IN's Supplier Diversity resources, Survival Coalition recommends working directly with Disability:IN to facilitate a state process to certify and recognize Disability-Owned Business Enterprises.

The following discriminatory issues should also be addressed as part of the Council's work and incorporated into State Agency equity and inclusion action plans:

DWD

Address sub-minimum wage employment policies that discriminate against people with disabilities.

According to the UW-Whitewater Career Interview project funded by DWD and mandated under the federal Workforce Innovation and Opportunity Act (WIOA) in FY17, 3483 individuals who were working in a subminimum wage facility reported having a goal of employment other than 14c (sub-minimum wage employment). In FY18, that number increased to 3578 individuals reporting a goal of employment other than 14c employment. Despite this great interest in competitive wage employment, the interview data has not resulted in a substantial number of direct referrals to DVR or other state-funded employment services.

There also is no data sharing between DVR and DHS to identify who has demonstrated interest in competitive employment, allowing individuals receiving supports through DHS Medicaid-funded long-term support programs to be connected to employment services.

Recommendation: Require data sharing between DVR and DHS regarding WIOA interview participants who indicate an interest in competitive employment. Require support for individuals who indicate employment interest to complete a DVR application on site.

Recommendation: Take a state position regarding a planned phase out of 14c sub-minimum wage employment in Wisconsin.

DHS

Accelerate lead poisoning prevention efforts.

Lead poisoning is a 100% preventable cause of Intellectual and Developmental Disabilities, and has lifelong impacts on learning, behavior, and health. More than 4,000 Wisconsin children under 6 years of age were found to have lead poisoning in 2016. Low income communities and minority populations are disproportionately impacted ([DHS 2016 Report on Childhood Lead Poisoning](#)). Milwaukee and Racine have the highest rates of lead poisoning in the state.

Recommendation: Create and fund initiatives to abate lead hazards in homes.

Recommendation: Provide grants and no-cost loans to local governments to replace lead pipes in public water systems.

Address health disparities for people with disabilities.

Recommendation: Review policies and best practices for publicly funded or contracted medical providers to ensure appropriate accommodations for patients with disabilities, including accessible diagnostic equipment and facilities. Ensure that required data collection captures access issues for patients with disabilities. Authorize accessibility standards for diagnostic medical equipment so people with disabilities would get access to preventative healthcare screenings and appropriate diagnostic testing.

DOT

Prioritize transportation access and affordability.

Survival Coalition's [recent transportation survey](#) identified the lack of access to transportation and the inequity that results when low income working people, older adults, and people with physical, mental health, or intellectual/developmental disabilities cannot get where they need to go on their schedule. Affordable transportation options are critical to address health, employment, education, income, and housing disparities.

Recommendation: Assess the current transportation needs—including underserved and unmet needs—of people with disabilities, older adults, low-income workers, and others with transportation barriers. Analysis should consider current capacity of transportation system, and identify factors—including routes or service area, hours of service, advance scheduling requirements, accessibility, first and last mile options, cost etc.—that may limit or are barriers to access. Ensure future data collection identifies these needs.

Develop recommendations to facilitate affordable and accessible public transportation to major regional destinations, including regional medical facilities, public universities and technical college campuses, county seats, regional service centers or state agency offices, and concentrations of employers and businesses.

Elections Commission

Ensure accessibility of voting for all.

Wisconsinites with disabilities are underrepresented at the polls. The Rutgers University Fact Sheet on Disability and Voter Turnout in the 2018 Elections notes a 10.4% gap in Wisconsin voter turnout between citizens with and without disabilities.

Voters with disabilities may experience barriers to voting such as accessibility concerns at their polling places, or problems with the performance or support for accessible voting machines. As federal funding for accessibility support has decreased, the Wisconsin Election Commission has significantly reduced their accessibility audits. In the 2011-2012 elections, 1,614 audits were conducted. In 2019, only 48 audits were conducted. Given Wisconsin's aging population which will increase the need for accessibility at our polling places, audits are increasingly necessary to ensure all voters can exercise their right to vote.

In addition, requirements for photo ID may disenfranchise some voters with disabilities, particularly those who do not drive. While a free ID for voting can be obtained at Department of Motor Vehicle (DMV) offices, it may be difficult to get transportation to the DMV, especially in rural areas where locations have very limited hours and urban areas with no bus routes near the DMV office.

Recommendation: Increase state funding for the Wisconsin Election Commission Accessibility Audit Program to increase the number of audits, provide supplies to correct accessibility issues, and for WEC staff to provide additional oversight and monitoring with municipalities.

Recommendation: Expand the list of acceptable IDs for voting.

Recommendation: Work with the DMV to expand hours and locations where a state ID for voting may be obtained.

DOC

Prioritize the implementation of an accessible, transparent process for requesting a reasonable accommodation Under the Americans with Disabilities Act in the Wisconsin correctional system.

Title II of the Americans with Disabilities Act prohibits discrimination and ensures equal opportunities for persons with disabilities State and local government services, including Wisconsin's jails and prisons. The Bureau of Justice Statistics says that 40 percent of incarcerated persons in the U.S. report having at least one disability. These individuals have the right to request a reasonable accommodation for their disability, however, the current DOC process for doing this is uneven and opaque. In many of these facilities the mandated ADA coordinator receives very little training in the law or practicalities of what is entailed in accommodating a disability. Furthermore, there is often little follow-up to ensure that authorized accommodations are properly put in place.

Recommendation: Develop a transparent, easily accessible process for individuals with disabilities residing in Wisconsin's correctional facilities to request a reasonable accommodation for their disability. This should include standards and policies that require adequate training of the Department's ADA coordinators on both the law and practice, availability of content expertise to

evaluate specific disability needs and make accommodation recommendations. The process should also include a proactive method for identifying and reaching out to individuals who might benefit from an accommodation for their disability and assistance to those who need help with the procedures.

Thank you for sharing these recommendations with all Council members and ensuring discussion of these concerns and issues within the work of the Council on Equity and Inclusion and State agencies.

Contact Survival Co-Chairs:

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Real Lives, Real Work, Real Smart, Wisconsin
Investing in People with Disabilities