

New Jersey State Employment & Training Commission
Disability Issues Committee
The Leadership Council for DiscoverAbility NJ
Meeting Minutes
June 2, 2011

Welcome/Opening Discussion

The meeting commenced at 10:45 with a welcome by Judy Formalarie with greetings from the Chair Nicky Gacos, who was representing a national blindness association at a meeting in Chicago; Alice Hunnicutt, who was on vacation; and Michele Horst, the new Executive Director of the SETC. Introductions were done and minutes from the prior meeting were approved.

DiscoverAbility Update

Paula Barber went to Denver to the MIG national conference but noted that the event was somber as this is the last year of the grant. She continued to encourage all OSCCs to become Employment Networks (ENs).

She announced that there is a competitive grant of \$250,000 for 20 states to work with the Affordability Care Act. DHS is considering applying.

The Voorhees Transportation Center sent out a survey regarding volunteer drivers and legislation to hold volunteers harmless and not liable in the case of an accident.

Michele Martin encouraged all to enroll in the DiscoverAbility blog and PLLN, which she explained is more for staff as professional development rather than for consumers. Members can get and give information. Two webinars are coming up: *Resume Writing* and *Disclosure*. Ms. Martin will send out a follow up email with links. The PLLN held a webinar on social media and LinkedIn that went well. Upcoming DB101 training will be on June 15, 2011 and October 1, 2011 at the Heldrich Center and on June 16, 2011 and September 12, 2011 at DHS in Trenton. Ms. Martin will send out registration links. She also noted that one can get a synopsis from the DiscoverAbility blog if a participant doesn't want to receive the emails daily.

On June 23, 2011 there will be DBTAC training at Mercer County College on the ADA and Disability Etiquette. Links will be sent to all members.

A question was raised on the Affordable Care Act and Medicaid Waivers in New Jersey and if there has been a discussion on the Medicaid buy-in. Cynthia Mapp has new literature that she will be glad to send out. She stated that it is difficult the program is County operated and many times the county workforce is not fully educated on the programs. Currently, 50-80 per month sign up but the state would like more. Ms. Mapp will post more information on blog and we will also have DPNs spread the word. It was suggested that we also work with local WIB Disability Issues Committees.

- Will invite Cynthia to SETC WIB Director's meeting to promote these programs in local areas.
- Will also see if DHS can do regional training to staff at County social services.

Judy Keenan, EEOC

Ms. Keenan presented information on the Americans with Disability Act Amendment Act (ADAAA). The "new" amendments have been around since 2009 but the regulations just came out last week. The amendments were to make it easier for people to prove they have a disability, to uncover if employers are following the law, what accommodations are needed, and if they are being provided. To be an employer under the regulations of the ADA, the employer must have minimum of 15 employees.

Ms. Keenan stated that there are the same three prongs:

- Have physical and mental disability, in which the employer must make accommodations;
- Have a record of impairment in the past, in which the employer must make accommodations; and,
- Regarded as having a disability in which the employer does not have to make accommodations.

The goal is to broaden the definitions and make it easier and quicker to find the disability without needing a demanding analysis. She stated that there is a huge change as now the disability can be episodic or in remission if they would be limiting their normal life activities if they were active. She noted that employment should be based on facts and not perceptions.

The focus of the new act is more on employer actions, rather than on the person with a disability.

"Qualification standards" may be the area where more ADA issues come up (i.e.: job descriptions that require lifting or driver's license when those are not really needed for the job). Online applications that are "timed" or not accessible can also be seen as discriminatory.

The EEOC is seeing more "safety" defenses from employers who are cited for violations.

She noted that there is no problem with firing due to conduct. For example, for outbursts and swearing, if a non-disabled employee would be fired, a disabled employee can be fired. It is important that the employee is qualified to do the job as the goal is to have productive employees.

Uniform job description and fixed leave policies are areas of concern for employers under new law as leave could be considered a reasonable accommodation. For example, if an employee needs a day off once a week for chemotherapy treatments.

Guides on reasonable accommodations, medical inquiry and selection criteria are on the ADA website and employers can be directed there for more information.

The committee would like to form a sub-committee to focus on how to positively present this information to employers. Everyone was instructed to contact Judy Formalarie if they would like to work on this topic.

UPDATES

Anthony Camuso- National Organization on Disability (NOD)

Mr. Camuso reminded everyone of the NOD event, Bridges to Business Forum, on Tuesday, June 7, 2011 at the Heldrich Center. Perhaps through this event, we can get more employers to become involved in this committee, or an employer subcommittee.

Brian Burns- DEI

The DEI grant is kicking off a boot camp with *Learn, Do, Earn* (LDE) partnering with the New Jersey State Chamber of Commerce the first week of July to simulate a business experience. The goal is to have 50 high school students in each of the four DEI counties with a diversity of 1/3 with a visual disability, 1/3 with a hidden disability, and 1/3 not disabled. They will be starting with students in 9th grade, as they find that youth with disabilities are not usually worked with at a young enough age.

Mr. Burns is in need of employers to be judges for the event. It was suggested that they look to the local WIBs. Mr. Burns stated that it is the hope that WIBs will eventually take LDE over to do continuously. The US DOL is very interested in LDE and will come to visit the boot camp.

Jan Goodman- DPN

Ms. Goodman has new responsibilities regarding her work within the One-Stop Career Center:

- Resources
- Assessments for career exploration
- Will teach workshops and train staff

She is also working with The Boggs Center for an October 28, 2011 event to be held at the Heldrich Center. The day will focus on transitioning youth and she is looking for parents and schools who may have best practices they would like to share. The event also hopes to begin an “Employment First” discussion. Ms. Goodman asked that any contacts for youth, parents, or schools be sent to her.

Judy Formalarie- SETC

Ms. Formalarie directed everyone to the information given to them in their meeting packets. This information included the executive summary from the new NTAR Leadership Center report, *Ready and Able: Addressing Labor Market Needs and Building Productive Careers for People with Disabilities through Collaborative Approaches*. Also included was a news release from the US DOL Office of Disability Employment Policy which named the theme for 2011 National Disability Employment Awareness Month. The theme for October 2011 will be “Profit by Investing in Workers with Disabilities.” Ms. Formalarie also included employment data from

the USDOL which looked at statistics from April 2010 to April 2011. There was also a Disability Statistics Q & A that described some of the statistics.

Cynthia Mapp- DHS

Ms. Mapp noted that Joe Amoroso has now been named the official Director of Division of Disability Services.

The meeting closed at 12:45 with a reminder that the next meeting would be August 2, 2011.

Attendees:

Paula Barber

Brian Burns

Anthony Camuso

Dana Egreczky

Judy Formalarie

Eileen Gallo

Joe Gazzara

Jan Goodman

Elaine Katz

Judy Keenan

Sara Mace

Cynthia Mapp

Nils Richardson

Clara Rivera-Pacheco