



NYSILC NEWS BRIEFS

The New York State Independent Living Council (NYSILC) is a champion of systemic change promoting opportunities and full participation in all aspects of society for people with disabilities.

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The Cost of Exclusion

By Brad Williams

In July of 2010 Governor Paterson signed a series of bills into law to amend Article 15-A of the Executive Law, which related to minority and women-owned business enterprise development and procurement. These new laws took effect in October of 2010 and were designed to increase opportunities for Minority and Women-owned Business Enterprises (MWBES) in New York State to impact their ability to conduct business with State agencies in various aspects of their contracting. The rationale for the measure was based on a disparity study conducted in 2010 that found “statistical and anecdotal evidence” of significant racial and gender discrimination. The study was required based on amendments made to Article 15-A during the Pataki Administration. It was recommended that the State take “constitutionally compliant” action.



I am not aware of the progress of these new laws. I certainly hope that they end up having the desired impact. My purpose today is to point out some of the new law’s unintended consequences.

First some background. I am a person with a disability, who in my work with the Independent Living network, looks to address the significant and wide-ranging needs of people with disabilities. We are a significant minority, representing approximately 20% of the total population. Based on U.S. Census Bureau 2009 estimates, this would translate into 61.4 million Americans or 3.9 million New Yorkers. Why is it then, that we are either excluded from the table or become an afterthought? People with disabilities are young, senior citizens, and middle-aged, of all races, cultures, and genders; we can be on fixed

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incomes or wealthy, and we are tax-paying citizens. As a group, we also experience one of the highest levels of unemployment in the country. For example, people with disabilities constitute 20.6% of the State's population, with a national unemployment rate of 15.6% versus 8.9% for persons without a disability (March 2011). The situation is magnified when you consider that the percentage of people with disabilities in the labor force is only 21% versus 69.7% for persons without a disability (March 2011). Given these facts, it is obvious that people with disabilities need more employment opportunities. Since some people with disabilities have to address access issues, they might do well to pursue self-employment as an option, which provides more flexibility in work scheduling and promotes the use of technology and telecommuting. Of course, this would not exclude other persons with disabilities from seeking inclusive employment in a more traditional and accessible work environment.

Second, our network is funded through the NYS Education Department. Based on the MWBE requirement, SED adopted a commitment to the MWBE requirement for all contracts in excess of \$25,000. This does not include school districts or BOCES. Why? Perhaps they have a stronger lobby and unions that provided pushback. The SED commitment calls for 17% of contracts to be provided to minority-owned businesses and 12% of contracted services to be provided to women-owned businesses. What are the unintended consequences? Some newly issued RFPs that have the combined 29% MWBE requirement are getting no response. The RFP is seen as being too difficult to manage for the funding level. Was this really the intent of the legislation – to take 29% of small State contracts and render them ineffective? Net effect – nobody wins. If the 29% combined requirement is applied to the Independent Living network contracts,

it will probably mean that people with disabilities will have to lose their jobs, in order to provide business for certified MWBEs. The end result may not even be conducive, consistent, or relevant to providing services to the target population. It will end up adding to the already high unemployment rate for people with disabilities. Some of these individuals are likely to also be women and minorities. Does any of this makes sense? SED needs to reexamine their "commitment" and make it more realistic, like 10-12% tops.

Third, why were individuals with disabilities excluded from the MWBE opportunity? It is hard to say. I suppose the people involved in the process were just representing their primary interests. This includes the Governor at the time, David Paterson, who probably identified more as a person of color than as a person with a disability. He knew the value of the legislation, but like many...oops...just forgot about those disabled people. Here's my solution: (the afterthought that we often have to deal with) Amend Article 15-A to expand the definition of "minority" to include a new section 8 (e) for businesses run by "people with disabilities", consistent with the definition in Human Rights Law Article 15, Section 292 (21)♦

Early Disability Voting Advocates in Our State

By Joe Adler

Don't look for names in this brief article; there aren't any. The purpose here is to describe the activities of a small group of staff members at independent living centers around the state, who didn't believe what they were being told by the governor and the State Board of Elections. The "party line" was that 90% of polling places in New York State were accessible to people with

disabilities. This assertion is not even true today and it certainly wasn't true a quarter of a century ago!

The heroes in this account are the handful of advocates who took action beginnings in the 1980s, thus paving the way for a somewhat larger and equally determined group today. The first and most formidable task of the earlier group was to establish facts on the ground, by inspecting and re-inspecting each polling site in the area served by their ILC. In the case of one upstate county, the advocate was successful in instructing election board officials on the needed changes (ie; sturdy ramps and signage) and within a few years all polling sites met recognized accessibility standards. Advocates from another upstate area covering a three county radius encountered much more opposition, and ultimately their findings were turned over to the State attorney general. The State successfully sued the non-compliant counties in 1999 under the provision of the federal Olmstead Act, which requires that services for persons with disabilities be provided in the "most integrated setting appropriate to their needs." A precedent was set here in New York State for the intervention by attorney generals in other states to enforce the civil right of equal access to polling sites.

There is much more to this story and it will be told in much greater detail in a forthcoming article, to be posted later this year on the NYSILC website. For the present, as we continue our work to fulfill the promise of HAVA, let us remember the proactive efforts and perseverance of the early disability voting advocates. They truly understood the meaning of the slogan, "Nothing About Us Without Us♦"

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Disability Community Mobilizes to Protect Medicaid

By Joe Adler

Disability stakeholders have joined together with civil rights advocates, health care experts, other stakeholders and many members of Congress to protect the Medicaid program. Congressman Paul Ryan's budget plan, which was passed by the House on April 15, 2011, would restructure Medicaid by converting it to a block grant and sharply cutting the program's funding.

"People throughout the world look up to the United States because of what we have done for people with disabilities. Medicaid is critical for health care for eight million people with disabilities. It's inhuman for us to consider these types of changes in our social programs when there are so many other ways of reducing deficits" – former Congressman Tony Coelho and current board chair of the American Association of People with Disabilities (AAPD)♦

VA Contracts with Private Provider of Neurorehab Services

Boston, June 8, 2011/PRNewswire/--

NeuroRestorative, a leading provider of post-acute rehabilitation services for people with brain injury, has been chosen as a contracted provider with the Veterans Health Administration Assisted Living Pilot Program for Veterans with Traumatic Brain Injury. This pilot program is the first time that the VA has contracted with civilian providers who offer post-acute brain injury rehabilitation services

NeuroRestorative programs integrate multidisciplinary individual and group therapeutic interventions, as well as vocational activities and social experiences to help Veterans build skills, develop self-esteem and actively participate in the community♦