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# Minnesota State Council on Disability

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### Minnesota State Council on Disability

### **Small Agency Profile**

http://www.disability.state.mn.us/

#### AT A GLANCE

- MSCOD represents and advocates for 20% of Minnesota's population who have a disability (over a million people).
- In its 43 years, MSCOD has responded to over a quarter of a million requests for technical assistance from businesses, employers, state agencies, people with disabilities, and the general public.
- From 1973-2000 MSCOD provided technical and policy related disability assistance to 4,000 contacts/yr.; from 2001-2004: 6,500/yr.; from 2004-2010: 8,500/yr.; from 2010-present: 16,000/yr.
- MSCOD operates with a staffing compliment of 6.1 FTE. We are advised by a council of 17 Minnesotans appointed by the Governor. The Council is comprised of people with disabilities, family members of people with disabilities and professionals that interact with people with disabilities.
- MSCOD statute is M.S. 256.482

#### PURPOSE

Minnesota State Council on Disability (MSCOD) leads the development of public policy that empowers and strengthens the rights of Minnesotans with disabilities. We collaborate with the public and private sectors as a policy, training & technical resource.

Society recognizes the value of providing all people with the opportunity to engage in a fully productive life. We advance this goal by holding policymakers and state agencies accountable to the Americans with Disabilities Act (ADA), the Minnesota Human Rights Act, and other disability related laws ensuring accessibility in voting, employment, recreation/entertainment, transportation, housing, education, and public safety for all residents and visitors of Minnesota.

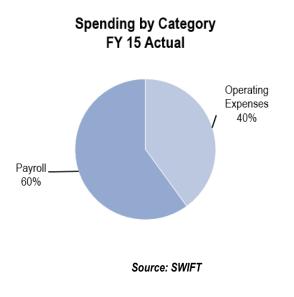
Our priority is to ensure programmatic, physical, and digital access to government and promote ADA accessibility compliance in the private sector. We serve people with disabilities and their families, the private sector, and federal, state and local governments. MSCOD is a free and readily available resource where individuals, agencies, and businesses can receive guidance on accessibility

MSCOD contributes to the statewide outcomes:

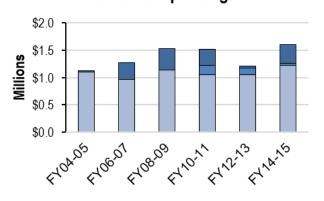
• A thriving economy that encourages business growth and employment opportunities

BUDGET

- Strong and stable families and communities
- People in Minnesota are safe
- Efficient and accountable government services



**Historical Spending** 



■ General Fund ■ Federal Funds ■ Other Funds Centers for Medicare/Medicaid Pathways to Employment infrastructure building grant. Federal funds have been categorized differently due to accounting requirements. Pathways to Employment funds received are represented in the graph as 'other' funds from SFY2006-2010. In SFY2011-2013 those funds were reclassified as 'federal funds'. In SFY2012-2013 MSCOD partnered with MN Dept. of Public Safety/Homeland Security and Emergency Management to further include people with disabilities in statewide emergency plans

#### STRATEGIES

MSCOD consults with and advises the Minnesota Legislature, Office of the Governor, Office of the MN Secretary of the State and numerous state agencies, to improve the accessibility of government services and to ensure compliance with civil rights laws. Agencies include the MN Dept. Human Services (DHS), MN Dept. of Employment and Economic Development (DEED), Olmstead Implementation Office (OIO), MN Dept. of Public Safety (DPS), Homeland Security & Emergency Management (HSEM), MN Dept. of Transportation (MnDOT), MN Dept. of Health (MDH), MN Dept. of Human Rights (DHR), Dept. of Labor and Industry (DLI), MNIT and others. MSCOD also represents the disability community on various public advisory boards and commissions; such as the Metropolitan Council, the City of Minneapolis and others.

MSCOD engages the disability community, the general public, legislators, and other policymakers through direct access to one another via live events, video and web-based conferences, to ensure that all voices are heard in policy discussions. MSCOD educates public and private employers, state employees, and other Minnesotans on issues related to disability. MSCOD serves as a representative of the disability community across the entire the state of Minnesota. Statutorily, MSCOD's scope is broad; given limited resources the agency must focus its priorities in order to best serve Minnesotans with disabilities.

MSCOD provides professional technical assistance to building officials, emergency managers, architects, attorneys, employers, businesses (small and large), communication professionals, and others on federal and state laws relating to civil rights and disability rights such as ADA, MN Human Rights Act, the MN Building Code, the federal Olmstead Act, and Section 508 (governs electronic accessibility to government). MSCOD partners with the private sector to provide education and outreach regarding building code development and enforcement, accessibility of and access to everything from major sports facilities to small businesses. In so doing, MSCOD aims to remove accessibility barriers, by working collaboratively with entities that have ADA obligations to proactively reach compliance. MSCOD helps businesses find a financially-feasible path to ADA compliance and increasing access for customers with disabilities.

MSCOD provides professional technical assistance in digital accessibility to state agencies (including IT professionals) by training agencies (i.e. MnDOT, Admin, MMB) on how to ensure electronic/digital communication (documents/websites) are accessible from every state agency. Under Title II of the ADA, State digital communications must be accessible. From the Governor down, the State of MN is committed to this goal, but has a long way to go to achieve full accessibility to all. MSCOD also provides resources to the private sector on ADA compliance with digital communications.

MSCOD provides professional technical assistance to the Secretary of State, cities and counties on voting rights and poll access for people with disabilities. MSCOD provides professional technical assistance on transportation issues including: increased transportation options in greater Minnesota, exploring new technologies and policies to increase equity and efficiency of our systems, and collaboration with the Metropolitan Council, MnDOT, and others to ensure needs are being met..

Type of Measure	Name of Measure	Previous	Current	Dates
Quantity	ADA compliance training: focus on "ADA Litigation Prevention" for small businesses delivered to Chambers of Commerce throughout Minnesota (in response to ADA lawsuits brought against small businesses throughout MN	0	6	FY15 & 16
Quality	Satisfaction of ADA Litigation Prevention training delivered to Chambers of Commerce throughout Minnesota (training participant evaluation average score).	NA	5 of 5	FY15 & 16
Quantity	Digital/electronic accessibility communication technical assistance provided to 1. State Agencies (SA); 2. Non-state agency (NSA)	SA: 132 NSA: 10	SA: 272 NSA: 18	FY15 & 16

#### RESULTS

Type of Measure	Name of Measure	Previous	Current	Dates
Result	Diversity and inclusion cultural competency (self) rating before and after "Integrating the ADA in Employment Practices" for MMB State of MN Managers Core Training (199 trained)	Before 3 of 5	After 4.13 of 5	FY16

The legal authority for the Minnesota State Council on Disability (MSCOD) comes from M.S. 256.482. (<u>https://www.revisor.mn.gov/statutes/?id=256.482</u>)

#### (Dollars in Thousands)

#### Expenditures By Fund

	Actual	Actual	Actual Actual Estimate Governor's   Recommendation Recommendation Recommendation		Forecasted Base			
	FY14	FY15	FY16	FY17	FY18	FY19	FY18	FY19
1000 - General	592	637	608	643	629	629	1,002	1,002
2000 - Restrict Misc Special Revenue	53	234	131	91	6	6	6	6
2001 - Other Misc Special Revenue	10	25	38	106	0	0	0	0
2403 - Gift	0	17	58	6	6	6	6	6
3000 - Federal	27	0	0	0	0	0	0	0
Total	683	913	835	846	641	641	1,014	1,014
Biennial Change Biennial % Change Governor's Change from Base Governor's % Change from Base				86 5		(400) (24)		346 21 746 58
Expenditures by Program								
Program: Council On Disability	683	913	835	846	641	641	1,014	1,014
Total	683	913	835	846	641	641	1,014	1,014
Expenditures by Category		1						
Compensation	446	533	532	587	493	492	743	741
Operating Expenses	235	378	302	259	148	149	271	273
Other Financial Transactions	2	2	1					
Grants, Aids and Subsidies			0					
Capital Outlay-Real Property	1							
Total	683	913	835	846	641	641	1,014	1,014
Full-Time Equivalents	6.9	8.0	7.5	7.9	6.5	6.5	8.9	8.9

#### 1000 - General

	Actual	Actual	Actual	Estimate	Forecas	st Base	Gover Recomme	
	FY14	FY15	FY16	FY17	FY18	FY19	FY18	FY19
Balance Forward In	0	23	0	14	0	0	0	0
Direct Appropriation	614	614	622	629	629	629	1,002	1,002
Net Transfers	0	0	0	0	0	0	0	0
Cancellations	0	0	0	0	0	0	0	0
Expenditures	592	637	608	643	629	629	1,002	1,002
Balance Forward Out	22	0	14	0	0	0	0	0
Biennial Change in Expenditures				22		7		753
Biennial % Change in Expenditures				2		1		60
Gov's Exp Change from Base								746
Gov's Exp % Change from Base								59
Full-Time Equivalents	6.0	6.4	6.8	6.5	6.5	6.5	8.9	8.9

#### 2000 - Restrict Misc Special Revenue

	Actual	Actual	Actual	Estimate	Forecas	st Base	Gover Recomm	
	FY14	FY15	FY16	FY17	FY18	FY19	FY18	FY19
Balance Forward In	1	29	33	0	0	0	0	0
Receipts	81	217	98	92	6	6	6	6
Net Transfers	0	0	0	0	0	0	0	0
Expenditures	53	234	131	91	6	6	6	6
Balance Forward Out	29	12	0	0	0	0	0	0
Biennial Change in Expenditures				(64)		(211)		(211)
Biennial % Change in Expenditures				(22)		(95)		(95)
Gov's Exp Change from Base								0
Gov's Exp % Change from Base								0
Full-Time Equivalents	0.6	1.5	0.7	0	0	0	0	0

#### 2001 - Other Misc Special Revenue

	Actual	Actual	Actual	Estimate	Forecas	t Base	Goveri Recomme	
-	FY14	FY15	FY16	FY17	FY18	FY19	FY18	FY19
Balance Forward In	0	0	0	0	0	0	0	0
Receipts	10	25	38	6	0	0	0	0
Net Transfers	0	0	0	100	0	0	0	0
Expenditures	10	25	38	106	0	0	0	0
Balance Forward Out	0	0	0	0	0	0	0	0

#### 2001 - Other Misc Special Revenue

Biennial Change in Expend	tures			109	(144)	(144)
Biennial % Change in Expe	nditures			310	(100)	(100)
Gov's Exp Change from Ba	se					0
Gov's Exp % Change from	Base					0
Full-Time Equivalents	0.	3 0.1	0.0	1.4	0 0	0 0

#### 2403 - Gift

	Actual	Actual Actual Es		Actual Estimate F		Forecast Base		Forecast Base		nor's endation
	FY14	FY15	FY16	FY17	FY18	FY19	FY18	FY19		
Balance Forward In	0	0	14	0	0	0	0	0		
Receipts	0	31	44	6	6	6	6	6		
Expenditures	0	17	58	6	6	6	6	6		
Balance Forward Out	0	14	0	0	0	0	0	0		
Biennial Change in Expenditures				47		(52)		(52)		
Biennial % Change in Expenditures				275		(81)		(81)		
Gov's Exp Change from Base								0		
Gov's Exp % Change from Base								0		

#### 3000 - Federal

	Actual	Actual	Actual	Estimate	Forecas	t Base	Goverr Recomme	
-	FY14	FY15	FY16	FY17	FY18	FY19	FY18	FY19
Receipts	27	0	0	0	0	0	0	0
Expenditures	27	0	0	0	0	0	0	0
Biennial Change in Expenditures				(27)				
Biennial % Change in Expenditures				(100)				

## Minnesota State Council on Disability (MSCOD)

## FY18-19 Biennial Budget Change Item

Fiscal Impact (\$000s)	FY 2018	FY 2019	FY 2020	FY 2021
General Fund	<u>.</u>	·	·	
Expenditures	264	263	227	229
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact =	264	263	227	229
(Expenditures – Revenues)				
FTEs	1.37	1.37	1.37	1.37

#### **Change Item Title: Critical Operating Needs**

#### **Recommendation:**

The Governor recommends \$527,000 in FY 2018-19 and \$456,000 in FY 2020-21 from the general fund for critical operating needs. Of the total amount requested in FY 2018-19, \$182,000 is sought to make permanent a 1.0 FTE hired in FY 2017 to provide Americans with Disabilities Act physical accessibility (building code) compliance assistance to Minnesota businesses and other organizations. This position was funded with one-time funds appropriated to the Department of Labor and Industry in the 2016 session and transferred to the Disability Council. Additionally, \$44,000 is requested for compensation cost increases, \$18,000 one-time in retirement costs for a known departure in FY 2018, \$44,000 to permanently retain a 0.37 FTE digital accessibility staff person (currently a temporary employee), \$115,000 for rent increases and acquisition of additional space and remodeling for accessibility, \$76,000 one-time for replacement of furniture in disrepair and acquisition of furniture for new staff, and \$48,000 for increasing MN.IT rates. The agency's direct appropriation base in FY 2018-19 is \$1.258 million; the amount requested in FY 2018-19 represents a 40.1% increase over that base.

#### Rationale/Background:

MSCOD serves as the State of Minnesota's only technical resource for physical and digital accessibility, for both public and private stakeholders. Each year, the agency provides technical assistance to state agencies and businesses in every region of the state to come into compliance with the Americans with Disabilities Act (ADA), Minnesota Human Rights Act, Section 508 of the Rehabilitation Act, and the Minnesota Accessibility Building Code, offering consultation on both physical and digital accessibility. In so doing, the agency reduces exposure to liability for public and private employers and allows the 1 in 5 Minnesotans who have a disability to live, work, and play in their community independently.

The current policy and legal landscape makes this work imperative. The U.S. Department of Justice is in the process of finalizing WACAG/Section 508 digital accessibility standards. Compliance to these standards which give people with disabilities access to government will reduce the risk of future litigation. The State of Minnesota must strive to make all its' digital communication accessible. MSCOD provides technical expertise to public and private entities so that the State and its partners are supported to meet this mandate, but MSCOD can only provide supports if basic, critical operating needs are funded. If these funding needs are not met, the State will be at risk of failing to comply with adopted standards. To that end, MSCOD is requesting funds for critical staffing and operating costs to assist bringing both the State and the agency itself into compliance with the ADA and Minnesota Accessibility Building Code.

Moreover, each year, compensation costs rise due to labor contract settlements, and changes in employer-paid contributions for insurance, FICA, Medicare, retirement, and other factors. Absorbing this increase in compensation costs within existing agency base appropriations results in reduced staffing and/or reduced non-compensation spending.

#### Proposal:

#### ADA/Access Coordinator—1 FTE (State Programs Administrator Principal)

Rising to the challenge of full inclusion and compliance with accessibility guidelines requires a change in how the State, the private sector, and MSCOD itself operate. During the 2016 Legislative session, MSCOD was given authority, through an

amendment to Statute 363, to proactively engage stakeholders around the state to remove architectural barriers; thus MSCOD received a one-time appropriation for that work to be done by the ADA/Access Coordinator. While the statutory authority is ongoing, the funding is not. The purpose of this request is to have the position added to our salary base to institutionalize this work. The core functions of the position are:

1. Change how the State does business

The ADA/Access Coordinator will provide technical assistance to ensure compliance with accessibility laws, policies and standards, as well as diversity and inclusion goals on multiple fronts.

- a) Pursuant to the Governor's Executive Order 14-14, this position will provide the technical assistance to enhance the State's recruitment of talented and qualified Minnesotans with disabilities for state employment. Recent national data show a sharp decrease in unemployment for people with disabilities. This is proof that diversity and inclusion efforts in hiring are effective, and we as a state must therefore double down on that work.
- b) Ensure that members of the disability community are aware and have access to apply to serve on boards and commissions, in order that boards and commissions reflect the diversity of the state they serve. We will also provide technical assistance to those boards and commissions to comply with accessibility standards.
- c) Ensuring the state is fully accessible to the disability community by promoting compliance in procurement/contracting, workforce development, and inclusion of under-represented communities. Disability cuts across every demographic including: veterans, socio-economic status, race, sexual orientation, immigrant status etc. As the State increases inclusion of people with disabilities, it will almost certainly increase inclusion of other under-represented communities.
- d) State law now dictates that recipients of Legacy funds should use a portion of the funds to make progress towards providing access for people with disabilities, in consultation with MSCOD. This mandate increases the agency's scope and authority and will create an additional workload. The ADA Access Coordinator will provide this technical guidance.
- e) The ADA/Access Coordinator will advocate for the culture change needed to make the State of Minnesota become a more welcoming environment for employees with disabilities.
- 2. Change how the private sector does business

The ADA/Access Coordinator will provide technical assistance to private stakeholders, in the following ways:

- a) Providing technical assistance to vendors seeking to do business with the state to ensure that their proposals, facilities and services are all physically and digitally accessible.
- b) Conducting trainings with private sector stakeholders around the state, to inform them of their obligations under the ADA and advise them on requisite steps for coming into compliance. If this work is not done, it is likely that accessibility improvements will not be made to businesses around the state, systematically shutting customers with disabilities out of the market and leaving business owners liable under the ADA and Minnesota Accessibility Building Code and the Minnesota Human Rights Act.
- 3. Change how MSCOD does business
  - a) Given the legal mandate for private and public entities to comply with the ADA and the breadth assistance that is needed, and with the understanding that the current Access Specialist is a high impact position and will retire in 2017, knowledge transfer to this position is critical to the State. Access consultation is a core function of MSCOD and the loss of any institutional knowledge in that area would have a highly negative, organizational impact. As such, one of the major justifications for the ADA Access Coordinator position is to commence a succession plan for that position. If this position is not created, MSCOD faces the risk of a service gap, in the next year.

#### Staffing: Digital Communications Coordinator - .37 FTE

WACAG/508 Compliance, Consultation, and Technical Assistance: The Digital Communications Coordinator provides technical assistance for both partner agencies and the public on WACAG/508 compliance, in the same way our Building Code Specialist does for physical accessibility.

Making government digitally accessible to all will require a rapid growth in programmatic capacity. MNIT has confirmed that MSCOD is a vital and valued component of that capacity. Currently, and into the foreseeable future, digital accessibility technical assistance demand will continue to increase. As the state trains existing staff in all agencies, the agency provides digital accessibility technical assistance to agencies that do not have staffing capacity to be compliant (small agencies, boards, etc.). MSCOD has seen a dramatic increase in demand for these services. Demand has grown from 142 requests for technical assistance in FY15 to 290 in FY16 and 350 to date (October) in FY17 indicating a dramatic increase.

For the past three years, the Digital Communications Coordinator has been a temporary position, funded through grants, interagency agreements and by deferring necessary purchases such as office furniture. Labor contracts dictate that temporary appointments cannot exceed 3 years, thus this position became a permanent position and is projected—but not funded—in our salary base. This position is now a core function of the agency, and it can no longer be funded by deferring other basic costs.

Maintain current operations with known incremental increases:

Lease, Salary/Insurance premiums, Office Space Enhancements (updates to become ADA compliant), and IT cost increases: It is insufficient for MSCOD to simply deliver the aforementioned services; the agency must deliver them in an accessible setting. For that reason, the second component of this change item focuses on basic investment in the environment in which the agency serves the public, our council and accommodate staff. MSCOD's office space is not currently in compliance with the ADA and Minnesota Accessibility Building Code. MSCOD is therefore requesting structural improvements, as part of lease negotiations, to bring the office into compliance. The Governor recommends funds for both these improvements and existing known lease cost increases. If funds are not appropriated, MSCOD will have to choose between staff reductions, which reduces service levels as demand for those services is dramatically increasing, or compliance with the mandates of the ADA and Minnesota Accessibility Building Code.

Through lease negotiations with Ramsey County (lessor), MSCOD has secured a lease agreement (pending appropriation) that includes remodeling costs for necessary accessibility improvements to bring the agency's office space into ADA and State Building Accessibility Code compliance. Remodeling involves increasing rental lease space to approximately 4,400 SF (from approximately 3,000). This includes total tenant improvements of \$340,000. The lessor would contribute \$89,420 toward those tenant improvements as a matter of building maintenance. The lessor would finance the remaining \$250,580 over the ten-year term of the lease.

This necessary remodel request includes installing accessible height working surfaces, reducing push-pull weight of office doors, and improving hallway access and egress. It also includes energy and waste reducing design features (DIRTT systems), allowing the agency to be more cost/energy efficient. The lessor (Ramsey County) utilizes these practices/products and has found them to be an efficient use of taxpayer dollars. It would be especially cost efficient in this case because the remodeling costs would eliminate the costs associated with increasing FTEs, which is also part of our change item(s) request.

Improvements necessary for bringing the office into ADA compliance result in the following: having an on-site conference room that will accommodate Governor-appointed Council Members who use wheelchairs, service animals, and/or personal care attendants, for monthly and quarterly meetings in a dignified and legal manner. Further, ADA compliance in the office space ensures MSCOD staff, all of whom are people with disabilities, will have the ability to utilize work space independently and safely, in accordance to their civil rights guaranteed under the ADA.

The Governor also recommends appropriation dollars for office furniture, including replacement of furniture in disrepair and the provision of furniture and equipment that is fully accessible for staff needs.

#### **Results:**

This proposal is intended to allow agencies to continue to provide current levels of service and information to the public.

## Statutory Change(s):

N.A.

## Minnesota State Council on Disability (MSCOD)

## FY18-19 Biennial Budget Change Item

Fiscal Impact (\$000s)	FY 2018	FY 2019	FY 2020	FY 2021
General Fund				
Expenditures	109	110	110	110
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact =	109	110	110	110
(Expenditures – Revenues)				
FTEs	1.0	1.0	1.0	1.0

#### Change Item Title: Increasing Accessibility Compliance Services to the Public

#### **Recommendation:**

The Governor recommends \$219,000 in FY 2018-19 and \$220,000 in FY 2020-21 from the general fund for the addition of 0.5 new FTEs at \$90,000 in FY 2018-19 to provide digital accessibility assistance to state agencies and other organizations, primarily document remediation, as well as \$129,000 in FY 2018-19 to retain a retiree, an accessibility expert, at 0.5 FTE for succession planning. The agency has seen a marked increase the amount of digital accessibility services requested. In FY 2018-19 the agency's general fund appropriation base is \$1.258 million; the amount requested in FY 2018-19 represents a 17.4% increase over that base.

#### Rationale/Background:

Providing technical assistance on the Americans with Disabilities Act and the Minnesota Human Rights Act has always been a core function of MSCOD. With countless public and private entities around the state in need of assistance to come into compliance, the workload has consistently exceeded our capacity to provide this assistance.

Just as there is a need for technical guidance on physical accessibility, public and private stakeholders around the state are feeling pressure to come into compliance with digital accessibility standards. In December 2016, the U.S. Department of Justice (DOJ) will publish updated standards for digital accessibility and begin enforcing them. MSCOD has always occupied a niche in state government, providing both outward facing assistance to the public and inward facing assistance to other government agencies, boards and commissions. We believe that the onset of DOJ enforcement will result in a spike in demand for digital accessibility technical assistance.

#### Proposal:

Document Remediation Specialist-0.5 FTE (Office & Admin Specialist Intermediate)

This position will provide document remediation for partner agencies, in order to ensure compliance with digital accessibility standards. The MNIT Office of Accessibility has requested our assistance in remediating documents for state agencies. The Document Remediation Master Contract is expensive and MNIT reports that vendor performance is poor for this service. MNIT believes that MSCOD is able to provide a higher level of service for a fraction of the cost.

Succession costs: .5 FTE - State Program Administrator Coordinator - (Pro-Plan)

It is anticipated that one high-impact staff member will retire within the coming biennium (August 2017). Similar to recent appropriations to the health boards, MSCOD is seeking funds to help with Pro-Plan institutional and technical knowledge transfer.

Procurement of services is governed by Minn. Stat. 16C.08. Recently, the State has adopted policies and standards governing accessibility in all professional and technical contracts. Also, agencies are required to certify that no state agency employee is (a) able and (b) available to perform the services called for by the contract. This position is able and available for assisting other agencies, and will address the technical assistance needed for agencies to remediate currently web-published documents as

well as assisting during the procurement process, ensuring compliance to accessibility standards during the RFP and contract negotiation and evaluation process.

#### Equity and Inclusion:

By expanding MSCOD's capacity to provide technical assistance on physical and digital accessibility, the State will make major strides in reducing disparities.

#### **Results:**

Our information and referral database tells us that requests in these activities are increasing agency-wide.

Type of Measure	Name of Measure	Previous	Current	Dates
Quantity	Digital/electronic accessibility communication technical assistance provided to 1. State Agencies (SA); 2. Non-state agency (NSA)	SA: 132 NSA: 10	SA: 272 NSA: 18	FY15, 16, 17 FY17: daily increases