

MINUTES OF THE HOUSE COMMITTEE ON LABOR AND INDUSTRY.

The meeting was called to order by Vice Chairman Al Lane at 9:03 a.m. on February 3, 1993, in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Jerry Ann Donaldson, Legislative Research Department
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Brandon Myers, Chief Legal Counsel, Kansas Human Rights Commission
Jane Knight, Statewide ADA Coordinator

Others attending: See attached list

Representative Carmody moved approval of the minutes of January 12, 13, 14, 15, and 19. Representative Packer seconded the motion. Motion carried.

Brandon Myers, Chief Legal Counsel, Kansas Human Rights Commission, returned to address the committee on the disability provisions of the Kansas Act Against Discrimination. The KAAD as amended in 1991 was essentially patterned after the Federal Americans With Disability Act of 1990 and was intended to achieve the same basic public policy of assuring that otherwise qualified disabled individuals would be given the opportunity for employment and access accommodations. (Attachment 3, Minutes 1-27-93)

Mr. Myers had also provided a copy of the Kansas Register regrading regulations adopted with regard to disability in employment. (Attachment 4, Minutes 1-27-93)

Chairman Heinemann introduced Jane Knight, Statewide ADA Coordinator. She discussed Title II of the Americans with Disabilities Act which protects individuals with disabilities from discrimination on the basis of disability in the services, programs, and activities of all State and local governments. (Attachment 1)

To correct the first paragraph of her presentation, Ms. Knight told the committee President Bush signed the Americans With Disabilities Act on July 26, 1990.

The meeting adjourned at 9:55 a.m. The next meeting is scheduled for February 4, 1993.

GUEST LIST

COMMITTEE: HOUSE LABOR AND INDUSTRY

DATE: 2-3-93

NAME	ADDRESS	COMPANY/ORGANIZATION
Bill Morrissey	Topeka	DHR/Work Comp
Larry Courdin	Topeka	KDOT
Brandon Myers	"	K+RC
Craig Stromgren	TOPEKA	KAC
Kevin Woods	TOPEKA	KAC
Clyde Howard	Topeka	DA/DPS
George Welch	"	DPS
Sharon Duffman	"	KCDC
David Frankel	Lawrence	KTLC - student intern
Art Brown	topeka	KS LPR Dealer BPN
Terry Leatherman	Topeka	KCCI
Don Taylor	Topeka	Prof. Ind. Ins. Agents
Joe Furganic	Topeka	KCA
Dan W. Lanfer	St. David	First Baptist Church
Connie Stewart	Topeka	SPS/KRS
Judy Gron	"	Amer. Inst. of Architects
Mary Jane Sottelman	"	Attorney General
Cindy Kelly	"	KASB
SCOTT FEEKEN	TOPEKA	Governor's Office
Jane Knapp	Topeka	ADA
Jack R. Shipman	"	Dir. of Purchases

The Americans with Disabilities Act was signed by President Bush on July 26, 1992. There are five titles included in this act. The one I will address today will be Title II.

Title II protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs and activities of all State and local governments. It extends the prohibition of discrimination in federally assisted programs established by section 504 of the Rehabilitation Act of 1973 to all activities of State and Local governments, including those that do not receive Federal financial assistance.

It also sets forth standards for what constitutes discrimination on the basis of mental or physical disability and qualified individual with a disability, and established a complaint mechanism for resolving allegations of discrimination.

Title II became effective on January 26, 1992.

Five issues have or are being dealt with on the State level.

1. ADA Coordinators

Governor Finney appointed a Statewide ADA Coordinator and I, Jane Knight, stand before you today in that position. In addition, each state agency has appointed a coordinator within its agency which provides a network throughout the State.

2. Grievance Procedure

*House Labor and Industry
Attachment 1
2-3-93*

This mechanism was established to resolve complaints by both employees and other affected disabled persons without requiring the complainant to resort to federal complaint procedures. The State of Kansas ADA grievance procedure was adopted in accordance with Executive Order 92-154.

3. Public Notice

Under 28 C.F.R. §35.106, the State must disseminate sufficient information to applicants, participants beneficiaries, and other interested persons to inform them of the rights and protections afforded by the ADA. All state agencies have received a "Notice to the Public" from the Governor's office explaining the State's compliance to the Americans with Disabilities Act. The Statewide ADA Coordinator is listed in this notice.

4. Transition Plan

This plan, to be developed by July 26, 1992, must set forth the changes necessary and the steps necessary to complete such changes. A copy of the transition plan must be made available for public inspection and the State must provide an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. Each agency was responsible for developing their own Transition Plan and those are on file in the Division of Architectural Services.

5. Self-Evaluation Plan

The plan to be completed by January 26, 1993, requires the State to evaluate its current policies and practices to identify and correct any that are not consistent with the regulations and to the extent modification is required, proceed to make the necessary modifications. The State must provide an opportunity for interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments. This self-evaluation must remain on file for three years and made available for public inspection.

An ADA Steering Committee has been appointed and is in place. This group consists of state employees as well as persons with disabilities.

On February 9 & 10, 1993 a two-day training conference will be held for all state agency ADA Coordinators.