

Approved Arthur Douville 3-28-89
Date

MINUTES OF THE House COMMITTEE ON Labor and Industry

The meeting was called to order by Representative Arthur Douville at
Chairperson

9:03 a.m./~~p.m.~~ on March 14, 1989 in room 526-S of the Capitol.

All members were present except:

Representative Gomez - Excused Representative Schauf - Excused
Representative O'Neal - Excused
Representative Roper - Excused

Committee staff present:

Jerry Donaldson - Legislative Research Department
Jim Wilson - Revisor of Statutes' Office
Kay Johnson - Committee Secretary

Conferees appearing before the committee:

Barbera Andres - Wichita Breakthrough Club
Derrick Cotton - Wichita Breakthrough Club
Howard Snyder - Past President, Kansas Alliance For The Mentally Ill
Carol Renzulli - Lobbyist, Lawrence Coalition For Citizens With Disabilities
Rich Halverson - Kansas Advisory Committee On Employment, Kansas Head-Injured Survivor
Council, Kansas Head-Injured Association, Whole Person, Inc.
Glen White - Director of Training, Research and Training Center on Independent Living at KU
Robert Mikesic - Residential Services Specialist, Independence, Inc.
Barbara Bradford
Joan Strickler - Kansas Advocacy & Protective Services, Inc.
Shelly Wakeman - American Civil Liberties Union of Kansas
Paul Klotz - Association of Community Mental Health Centers of Kansas
Ray Petty - Topeka Independent Living Resource Center

Chairman Douville called the meeting to order at 9:03 a.m.

HB 2083 - prohibiting discrimination based on mental handicap.

PROPOSERS:

Barbera Andres - Director, Wichita Breakthrough Club. The Breakthrough Club is for the long-term mentally ill. Citing her experience in job placements for the mentally ill, she said co-workers often are afraid of working with someone who is mentally ill. She submitted correspondence of such a case, a directory of companies who do work with the mentally ill and a synopsis of the Breakthrough Club, attachment #1.

Derrick Cotton - Member, Wichita Breakthrough Club. He has been diagnosed as mentally ill, but has been stable the last 2 or 3 years, yet has continued to have difficulty keeping a job. He said he is discriminated against because he is mentally ill and submitted testimony citing examples, attachment #2.

Howard Snyder - Past President, Kansas Alliance For The Mentally Ill. Because of his own experience with a son who has a brain disease, he feels that if the mentally ill are shut out of housing and the opportunity for productive work, that is discrimination, attachment #3.

Carol Renzulli - Lobbyist, Lawrence Coalition For Citizens With Disabilities. She has been rejected from many jobs because she is in a wheelchair and feels that the physically and mentally handicapped need a break. She supports this bill because it will give the handicapped legal redress and put Kansas in line with federal standards, attachment #4.

Rich Halverson - Mr. Halverson was speaking in conjunction with the Kansas Advisory Committee On Employment, Kansas Head-Injured Survivor Council, Kansas Head-Injured Association and Whole Person, Inc. He suffered severe head injuries in 1978, and since moving to the Kansas City area 3 years ago, has not been fully employed because of the discrimination he has faced. He feels it is time for Kansas to recognize the needs of the handicapped as has the federal government, attachment #5.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Labor and Industry,
room 526-S, Statehouse, at 9:03 a.m./~~p.m.~~ on March 14, 1989

- Glen White - Director of Training, Research and Training Center on Independent Living at KU. Mr. White cited examples faced by the disabled: transportation, seating at sporting events, building codes that do not provide access for the disabled and insurance rates. These are all problems he has faced in the last year, attachment #6.
- Robert Mikesic - Residential Services Specialist, Independence, Inc. Mr. Mikesic supports the bill in order for all people with disabilities to have the same legal means to prevent and eliminate discrimination in employment and public accomodation that has been given to other minority groups. The qualifications for a job are no different for a person with a disability. After the person has been hired, the practice of reasonable accomodation may come into play, attachment #7.

Chairman Douville asked if the federal law dealing with disability or the state law has been any help to Mr. Mikesic. He responded that he didn't have any personal examples, and added that reasonable accomodation is new to the state law. The federal law only specifies reasonable accomodation when dealing with federal funds.

- Frederick Markham - As Mr. Markham was unable to attend the meeting, Mr. Mikesic read his testimony which stated that through hard work and understanding special needs, employers and prospective handicapped employees can work together with productive results. He illustrated this with a personal example, attachment #8.
- Barbara Bradford - The "separate but equal" treatment of the handicapped is not a solution. The greatest need for the handicapped is to gain consistent, enforceable civil rights, attachment #9.

Chairman Douville asked if she has received any help with respect to housing and employment. She responded that the only instance was involving a school district where she was employed that was receiving federal funds. The state law was too loosely defined and too unenforceable. The federal law, at the lawsuit level, was ineffective because of a technicality where it had to be proven the federal funds went to her math department. That technicality has since been reversed.

- Joan Strickler - Kansas Advocacy and Protective Services. This agency has found that unrealistic fears and prejudices continue to build barriers for persons with handicapping conditions - barriers that exclude persons from jobs, housing and public accomodations, attachment #10.
- Shelly Wakeman - American Civil Liberties Union of Kansas. Just as the ACLU supported the federal version passed in 1988, it also supports this bill to insure equal protection to classes of persons not now covered by state law, attachment #11.
- Paul Klotz - Association of Community Mental Health Centers of Kansas. The mentally disabled face discrimination in housing, employment and the social experience. He also listed common myths of the mentally ill, attachment #12.
- Ray Petty - Topeka Independent Living Resource Center. He supports the bill because it will provide that when persons are qualified but denied employment, they will have an opportunity to challenge the system. He cited a study showing the cost of reasonable accomodation was not expensive, attachment #13.

The following also submitted written testimony: Brandon Myers, Kansas Commission on Civil Rights, attachment #14; Meryl Dye, Human Relations Department, City of Hutchinson, attachment #15.

Chairman Douville stated that testimony would continue tomorrow. He asked all committee members to carefully read the testimony that was provided. The meeting adjourned at 9:56 a.m. The next meeting will be Wednesday, March 15, 1989 at 9:00 a.m. in room 526-S.

Testimony For House Bill 2083

Hi Im Barbera Andres and I am the Director of the Breakthrough Club in Wichita Ks. Breakthrough is a social vocational club for the long term mentally ill. (See enclosed program description). Part of my job is to develop jobs in the community for the members at the Breakthrough Club. This is a difficult task because of the public fear of people who are mentally ill.

Last January the Breakthrough Club had developed a job at a local airplane part manufacturer. We explained our program to a company supervisor and he offered us the opportunity to develop jobs in their factory. We placed Derrick in the first job opening and job coached him. On the third day of the job placement it became evident that co-workers from other parts of the building were complaining to the company management that they were afraid of having someone who is mentally ill working in their factory.

The company president called a management meeting and decided that they did not want our job program in their company and instructed the area supervisor to ask us to leave immendiatly. I made inquiries of several people to try to understand what the problem was. The line foreman said that Derricks work was fine, but people were afraid he might be unstable, because he is mentally ill.

The feeling of frustration and embarrassment that both Derrick and I felt when we left the work place was overwhelming. We retuned to the Breakthrough Club and were comforted and supported by our friends in the club. This situation should have never happen. If an individual is capable of doing a job and wants to work, he/she should have the right to work.

I am enclosing the follow up letter I wrote to the company in question in this testimony. It summarizes the efforts that other companies around the country are making to provide jobs for the mentally ill.

Mr. Darrel Dugan, President
Burnham Products, Inc.
2700 S. Custer
P.O. Box 67277

Feb. 1, 1989

Dear Mr. Dugan:

I am disappointed that the Breakthrough Club Work Experience Program did not work out with your company. Several of your employees stated that the complaints about our program centered around the fear and misunderstanding of mental illness. Usually these fears can be dissipated with education and personal contact with an individual who is Mentally Ill. One of our goals at the Breakthrough Club is to educate the greater community about mental illness.

Our Work Experience Program is based on a program out of New York City called Fountain House. Fountain House has helped the Long Term Mentally Ill find jobs in the community for the past 40 years. Other club houses around the country have developed programs based on the Fountain House model. Enclosed is a listing of companies that provide jobs for the Long Term Mentally Ill. These jobs were developed through the clubhouse network through out the country. Breakthrough Club is part of this network.

Breakthrough Club has developed the following jobs in the Wichita area:

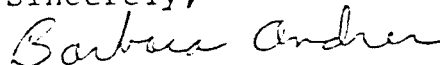
Marriott Hotel
Sedgwick County Maintenance Dept.
Episcopal Social Services
St. Francis Medical Center
Sears
Pizza Hut

Enclosed is a letter written by the Marriott Hotel personnel manager about the Work Experience Program. This letter was originally written to the Vocational Rehabilitation Services. I wanted to share it with you.

Finally I have enclosed a letter from a volunteer of the Breakthrough Club. This individual suffers from a mental illness and knows what it is like to experience the stigma that is attached to people who are mentally ill.

I hope this information has been helpful.

Sincerely,



Barbara Andres LMSW
Breakthrough Club
Director



Venture House

*Programs of
Episcopal Social Services*

MINISTRY WITH THE POOR
MINISTRY WITH THE SICK
MINISTRY WITH THE HUNGRY
MINISTRY WITH THE
MENTALLY ILL

The Breakthrough Club

RESIDENTIAL LIVING FOR
THE ELDERLY & MENTALLY ILL

EXECUTIVE DIRECTOR
THE REV. ROBERT V. PARKER

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Bishop,
Episcopal Diocese of Kansas

HONORARY BOARD MEMBER
RHODA GLICKMAN

413 NORTH EMPORIA
WICHITA, KS 67202
(316) 269-4160

Mr. Darrel Dugan, President
Burnham Products, Inc.
2700 S. Custer
P.O. Box 12950
Wichita, Kansas 67277

Feb. 1, 1989

Dear Mr. Dugan:

As you know, our rationale for placing long term mentally ill persons in work experience programs is to bring normalization to their lives and to allow them to become a part of society and enjoy the obvious benefits of being a real person.

Since there have been successful job placements with businesses across the country and here in Wichita, we know what we are trying to accomplish has merit for mentally ill persons and society as well.

Since our success will depend on employers such as your self, we are naturally very concerned when a placement does not work.

I hope some of the enclosed materials will be helpful in eliminating the misunderstandings of mental illness and how a work program such as the one arranged with your company alleviates so much unnecessary pain and enhances self worth.

Since we realize that you have to take a large number of factors into consideration when setting employment practices, we are not arguing your decision.

Rather, I would like the opportunity to visit with you so that we can avoid misunderstandings as we approach other Wichita employers.

Very truly yours,

Robert V. Parker
Executive Director



AMERICAN YOUTH SOCCER ORGANIZATION
a nonprofit corporation dedicated to youth soccer
everyone plays[®]

January 25, 1988

Mr. Darrel Dugan, President
Burnham Products, Inc.
2700 S. Custer
P. O. Box 12950
Wichita, Kansas 67277

Dear Mr. Dugan:

I was asked to write this letter to you on behalf of The Breakthrough Club. My choice of stationary is intended to portray part of a story. Part of my volunteer work is to be Regional Commissioner for Region 207 (Northwest Wichita) of AYSO.

Often I am asked whether a boy or girl with some disability or handicap may participate. This includes cancer/chemotherapy patients, artificial limb recipients, children with below average mental processing, and disruptive individuals. They all play!

While my choice of allowing them to play is without reservation, the next issue requires considerable thought and planning. I consider myself a resourceful manager (MBA, 1988 from The Wichita State University). I also know that there are laws that regulate a handicapped individuals rights (JD, 1973 from Washburn University). The division managers, coaches, parents and I develop safeguards to protect the individual child and any teammates or spectators. I would readily share these safeguards with you, but for now that is another story.

Some of the other commissioners in Wichita deny handicapped children the opportunity to play. That does not seem either appropriate or reasonable to me.

In 1985 I was diagnosed as having a form of long-term mental illness. I believe any worker's handicap can be accomodated. My volunteer work at The Breakthrough Club has convinced me of that precept. It has also helped me to enhance my selfworth and work through some of the very crippling pain that is part of long-term mental illness. I do intend to become part of society again. With reasonable accomodation, I will make it.

Sincerely,

Timothy E. Paul
3130 N. St. Clair
Wichita, Kansas 67204



TRANSITIONAL EMPLOYMENT

DIRECTORY

OF

PARTICIPATING EMPLOYERS

TRANSITIONAL EMPLOYMENT

*The role of Projects With Industry in the rehabilitation
of the vocationally disabled psychiatric patient.*

Survey Memorandum #292

December 31, 1988

RESULTS OF SEPTEMBER 1988 SURVEY

The following is a list of 508 companies, representing 585 employers, who made it possible for 1,585 members from across the country to go to work each day from May 1988 through August 1988. These employment opportunities were not only part of the members' vocational rehabilitation, but allowed members to earn a total annual wage of \$6,213,172 in taxable revenue.

1 Grand Place	Chicago, IL
175 North Franklin	Chicago, IL
4-B's Restaurant	Missoula, MT
A-Way Express	Toronto, Ontario, Canada
A & A Salvage	Wilkesboro, NC
A. H. Rice	Pittsfield, MA
ARA Boeing	Auburn, WA
	Tukwila, WA
Action Executive Service	Winchester, VA
Adirondack	Glen Falls, NY
Andrea's Truck Stop	Lewis, NY
Aiken Barnwell Mental Health Center	Aiken, SC
Air National Art	Pittsburg, PA
Airport Inn Motel	Westport, NY
Alexander's Department Store	Hackensack, NJ
	New York, NY
	Paramus, NJ
	Rego Park, NY
	Woodbridge, NJ
Allan's Diner	Watertown, NY
American Express	New York, NY
American Red Cross	Springfield, MA
American Sociological Association	Washington, DC
American Tobacco Company	Chester, VA
Ames Department Store	Dover, NH

Amsco	Weymouth, MA
Arby's Restaurant	Vancouver, B.C., Canada
Arthur's Drug Store	Hartford, CT
Association for Retarded Citizens	Glen Falls, NY
Atlanta Rehabilitation Center	Atlanta, GA
B. Dalton	Chicago, IL
Bainbridges Restaurant	Chelmsfort, MA
Bakery Duropa	Honolulu, HI
Bard Limited	Norwich, CT
Baron Huber German Restaurant	Spartanburg, SC
Bathurst Mews	Toronto, Ontario, Canada
Bay Area Community Services	Oakland, CA
Bayside Federal Savings Bank	Ridgewood, NY
Bayview Building Materials	Honolulu, HI
Beaver Foods	Toronto, Ontario, Canada
Bedford House	Toronto, Ontario, Canada
Bennigan's Restaurant	Hauppauge, NY
Bergen Community College	Hackensack, NJ
Bergman Realty	Durham, NC
Berkshire Eagle	Pittsfield, MA
Berkshire Medical Center	Pittsfield, MA
Berkshire Mental Health Center	Pittsfield, MA
Bernard Insurance Agency	Watertown, NY
Bickford's Restaurant	Framingham, MA
Bill Dube Toyota/Ford	Dover, NH
Bird's Florist	Washington, DC
Blimpies	Hempstead, NY
Blue Cross/Blue Shield	East Orange, NJ
	Memphis, TN
	Portland, ME
	St. Louis, MO
Bobby Valentine's	Stamford, CT
Bond Book	Augusta, ME
Boscov's Department Store	Binghamton, NY
Boston Home Medical	Boston, MA
Boston Subway Company	Hopkins, MN
Boy's Club	Lynn, MA
Bradlee's Department Store	Hackensack, NJ
	Hyannis, MA
	Watertown, NY
Breaker's Hotel	West Palm Beach, FL
Brio Product Limited	Oklahoma City, OK
Brookfield Zoo	Chicago, IL
Bureau of Fiscal Services	Madison, WI
Bureau of Land Management	Portland, OR
Bureau of Social Security	
Disability Insurance	Madison, WI
Burger King	Augusta, GA
	Boston, MA
	Detroit, MI
	Dorchester, MA

Burger King - cont.

Bursch's
 Butler County Mental
 Health Center
 CSAC Incorporated
 Caldor's
 Callahan Senior Center
 Cambridge Sound Work
 Camp Dudley
 Canadian Tire
 Capital Warehouse
 Car Fran
 Catholic Charities

 Catholic Family Services
 Catholic Social Ministries
 Center
 Center for Advanced Biotechnology
 and Medicine at UMDJ
 Center for Independent Living

 Center for Science in the Public
 Interests
 Center Microfilm
 Cheesy Eddie's
 Chesapeake Service System
 Chester Community Center
 Chester Presbyterian Church
 Chicago Regional Project
 Chick Fillet
 Christ Church Shelter
 Chuck's Supermarket
 Cincinnati Highland Unlimited
 Business Enterprise
 Cirris Village Gardens
 City Lights
 City of Alexandria - Division
 of Mental Health
 City of Rome
 City Zoo
 Clark Associates
 Colby College
 Colonial Life & Accident
 Insurance Company
 Colony Sleep
 Commerce Clearing House
 Communication Packaging Company

Everett, WA
 Hackensack, NJ
 Minneapolis, MN
 Virginia Beach, VA
 West Palm Beach, FL
 Hopkins, MN

 Hamilton, OH
 Middlebury, VT
 West Paterson, NJ
 Framingham, MA
 Newton, MA
 Westport, NY
 Toronto, Ontario, Canada
 Lowell, MA
 Honolulu, HI
 Binghamton, NY
 Far Rockaway, NY
 Portsmouth, VA
 Oklahoma City, OK
 Savannah, GA

 Piscataway, NJ
 Berkely, CA
 Washington, PA

 Washington, DC
 Chicago, IL
 Rochester, NY
 Chesapeake, VA
 Chester, VA
 Chester, VA
 Chicago, IL
 Ocean Township, NJ
 St. Louis, MO
 Richmond, VA

 Cincinnati, OH
 Fall River, MA
 Washington, DC

 Alexandria, VA
 Rome, NY
 Oklahoma City, OK
 Portland, ME
 Waterville, ME

 Columbia, SC
 Hackensack, NJ
 Chicago, IL
 Denver, CO

Community Employment Project	Portland, ME
Community Mental Health Center of Spokane	Spokane, WA
Community Mental Health Clinic	Piscataway, NJ
Construction Division	Honolulu, HI
Consumer's Service	Totowa, NJ
Continental Insurance	New York, NY
Convalescent Center of Honolulu	Honolulu, HI
Copy Cat	Greenville, SC
Coresy Cafeteria	Pittsburg, PA
Cosmic Sound Delight	New York, NY
County of Henrico Department of Mental Health	Richmond, VA
Coyote's Den Restaurant	Farmington, NM
Creative Catering	Summerville, NJ
Crossroad Farmville Clinic	Farmville, VA
Cycare	Spokane, WA
D'Arcy, Masius, Benton, and Bowles	New York, NY
Dairy Mart	Springfield, MA
Data Marketing Network	Nashville, TN
Davis-Dan Insurance Company	Chicago, IL
Day Care Council of Nassau County	Hempstead, NY
Daybreak Deli	Vancouver, B.C., Canada
Del Taco	Greenville, SC
Deli Man	Vancouver, B.C., Canada
Demoulas Supermarket	Lowell, MA
Denton Publications	Elizabethtown, NY
Department of Corrections	Baton Rouge, LA
	Oklahoma, OK
Department of Employment and Training	Baltimore, MD
Department of the Environment	Copenhagen, Denmark
Department of Mental Health	Lynn, MA
	Oklahoma City, OK
Department of Natural Resources	Madison, WI
Department of Public Safety	Baton Rouge, LA
Department of Rehabilitation Services	Richmond, VA
Department of Social Services	Baltimore, MD
Department of Transportation	Bethesda, MD
Division of Community Services	Madison, WI
Dolnick's Furniture Store	St. Louis, MO
Dominick's Grocery	Chicago, IL
Don Carter's Lanes	Miami, FL
Donaldson Center	Greenville, SC
Donut Maker	Wakefield, MA
Dow Jones & Company	New York, NY
Downtown Athletic Club	Baltimore, MD
Dream Modular Homes	Springfield, MA
Duquesne University	Pittsburg, PA

EASE
 Earle's Market
 Eastern Medical Plastic Supply
 Company
 Edison Food Concepts Merck
 Egenol's Nursery School
 Ember's
 Emmanuel Church
 Empire Building Services
 Encyclopedia Britannica
 Equitable
 Essex Chemical
 Evans
 Evergreen Restaurant
 Extras
 FW Dodge (McGraw Hill)
 Fairmont Supply
 Farm Fresh
 Farrell, Bell & Lennard
 Filene's Basement
 Findlay Refractories
 First American Bank
 First National Bank
 Fitchburg Public Library
 Flagstop Corporation
 Flour Daniel
 Food Concepts
 Fred Martin Law Firm
 Friendly's Restaurant

Friendship Inn
 Front Door Boutique
 Fulgrave Limited
 G&G Lingerie
 Galaxy Systems
 Garage Associated
 Garden Hardware
 Garfield Psychiatric Hospital
 Gaywood Drive
 General Cinema Corporation
 General Foods
 General Reinsurance
 Georgia Regional Hospital
 Glen Falls Hospital
 Golden Coral Restaurant
 Golden Security Life Insurance
 Company

Everett, WA
 Portsmouth, VA
 Hingham, MA
 Edison, NJ
 Elizabeth, NJ
 St. Louis Park, MN
 Newport, RI
 Raleigh, NC
 Chicago, IL
 New York, NY
 Union, NJ
 Chicago, IL
 Upper Montclair, NJ
 Hackensack, NJ
 New York, NY
 Washington, PA
 Norfolk, VA
 New York, NY
 Framingham, MA
 Washington, PA
 New York, NY
 Glen Falls, NY
 Fitchburg, MA
 Chester, VA
 Greenville, SC
 Hackensack, NJ
 Oklahoma City, OK
 Bloomfield, NJ
 Fitchburg, MA
 Hackensack, NJ
 Pittsfield, MA
 Springfield, MA
 Valley Stream, NY
 Dover, NH
 Hyde Park, MA
 Boston, MA
 Glen Falls, NY
 Washington, DC
 Portland, ME
 New York, NY
 Oakland, CA
 Minnetonka, MN
 Chestnut Hill, MA
 Clifton, NJ
 Stamford, CT
 Atlanta, GA
 Glen Falls, NY
 Norfolk, NE
 Memphis, TN

Goodwill Institute	Raleigh, NC
Graduate Theological Union	Berkeley, CA
Child Care Center	Pittsfield, MA
Graylock Manor	Lynn, MA
Greater Lynn Mental Health	New York, NY
Grey Advertising	Virginia Beach, VA
Griacola Cafe	St. Louis, MO
Guth Lighting	Springfield, MA
H.B.A. Cast Product	Springfield, MA
H.R.U. Enterprises	Honolulu, HI
HMSA	Hamilton, OH
Hamilton County Justice Center	Shelby, NC
Hanna's Cafeteria	Piscataway, NJ
Hanover Insurance Company	Madison, WI
Hardee's Restaurant	Richmond, VA
	Scottsbluff, NE
	Virginia Beach, FL
	Houston, TX
Harris County Courthouse Annex	Creve Coeur, MO
Hartke Farm	Augusta, ME
Hazel Greens	Gering, NE
Heritage Health Care Center	Pittsfield, MA
Herman Alexander Restaurant	Miami, FL
Herman's Sporting Goods	Richmond, VA
Hermitage Enterprises	Piscataway, NJ
Hewlett Packard	Dallas, TX
Hillside Center	New York, NY
Hoffritz Cutlery	Springfield, MA
Holiday Inn	Minneapolis, MN
Honeywell	Watertown, NY
Hope Church	Glen Falls, NY
Human Resource Center	Chicago, IL
I & R	Vancouver, B.C., Canada
I.C.L. Food Service Company	Toronto, Ontario, Canada
Imperial Life Insurance Company	Washington, PA
Industrial Interpec Enterprises	Nashville, TN
Industrial Lighting	Englewood, CO
Information Handling Services	Hackensack, NJ
Innovations	New York, NY
Internal Revenue Service	Detroit, MI
Irish American Club	Madison, WI
Isthmus	Portland, ME
J. Weston Walch Publishers	Hopkins, MN
Jace Building	Chicago, IL
Jan Tech	Portland, ME
Jazz Dry Wall Company	Virginia Beach, VA
Jean Walter's Market	Fall River, MA
Jerry's Sandwich Shop	Miami, FL
Jewish Vocational	Boston, MA
John Hancock Insurance	Waterville, ME
John Martin Manor	

Joseph's Restaurant	Glen Falls, NY
Joyce Letter Shop	Boston, MA
K.M.S. Cleaning Service	Memphis, TN
KR Industries	Chicago, IL
Kartech	Dallas, TX
Keasler Catering	Stamford, CT
Key Services Corporation	Albany, NY
King Supers	Denver, CO
King's Sons and Daughters Nursing Home	Memphis, TN
Klein Ribban	Paterson, NJ
Kokkenes Torvehal	Copenhagen, Denmark
Komaz Paint Company	Farmington, NM
Krause's Antique	Washington, PA
L.U.K. Mental Health Clinic	Fitchburg, MA
Lamination Services Inc.	Memphis, TN
Landmark Realtors	Newburgh, NY
Lawn Care	Washington, PA
Lawrence Hardware	Richmond, VA
Leatherwood Exxon	Farmville, VA
Lehman Management	New York, NY
Leo Passes Rehabilitation Center	Memphis, TN
Linwood	Spokane, WA
Litter Crew	Pittsburg, PA
Little Ceaser's Pizza	Oklahoma City, OK
Long John Silvers	Glen Falls, NY
Long's Stationery	Miami, FL
Lowell Hilton	Lowell, MA
MHMR Northeast Clinic	Houston, TX
MacDonnell-Douglas	Bridgetown, MO
Macy's	Hackensack, NJ
Mailrite	Woodbridge, NJ
Maine Media Incorporated	Vancouver, B.C., Canada
Makagla	Portland, ME
Mammies	Honolulu, HI
Mangolia Rest Home	Norfolk, NE
Manufacturer's Hanover Trust	Fitchburg, MA
Market Team Association	New York, NY
Marriott Corporation	St. Louis, MO
	Chicago, IL
	Detroit, MI
	Greenville, SC
	Hackensack, NJ
	Honolulu, HI
	Miami, FL
	Nashville, TN
	New York, NY
	Parsippany, NJ
	St. Louis, MO
Marsden Reproductions, Inc.	New York, NY
Marshall Union Manor	Portland, OR

Marshall's Department Store
Mary Kay, Inc.
Maryland Hospital Laundry
Masels
Massachusetts Rehabilitation
Commission
McDonald's

McGladrey
McGraw-Hill, Inc.
Meadowlands
Medical College of Virginia
Memorial Union
Mental Health Association
Mental Health Association of
Nebraska
Mental Health Services
Metpath
Metro Market
Metropolitan Life
Micro Images
Microfax
Middlebury College
Millers
Modern Design
Montclair Public Library
Montgomery County Department of
Facilities
Montgomery County Government
Montgomery Motors
Morgan Stanley
Morningside Bakery
Motivation Services Inc.
Mr. Donut
Mrs. B.'s Pizza Sub Shop
MultiBank Bond
Murdock & Coll
Murray Bolger Associates
Museum Of Contemporary Art
My Place Restaurant
N.E. Family Center
N.S.C.
NW Ayer

Newton, MA
South Boundbrook, NJ
Baltimore, MD
Hackensack, NJ

Boston, MA
Federal Way, WA
Hackensack, NJ
New Orleans, LA
Newburgh, NY
Oakland, CA
Quincy, MA
Washington, DC
West Palm Beach, FL
Wilkesboro, NC
New York, NY
New York, NY
Hackensack, NJ
Richmond, VA
Madison, WI
Oakland, CA

Omaha, NE
Orlando, FL
Hackensack, NJ
Memphis, TN
Greenville, SC
Richmond, VA
Hackensack, NJ
Middlebury, VT
Hackensack, NJ
Madison, WI
Montclair, NJ

Silver Spring, MD
Silver Spring, MD
Honolulu, HI
New York, NY
Pittsfield, MA
Augusta, ME
Norfolk, NE
Augusta, ME
Pittsfield, MA
Chicago, IL
Toronto, Ontario, Canada
Chicago, IL
Pittsburgh, PA
Melrose, MA
Chicago, IL
New York, NY

National Demographic and Life Style	Denver, CO
Natures Sprouts	St. Louis, MO
Naval Exchange	South Weymouth, MA
Network Employment Division	Honolulu, HI
New England Health & Racket Club	West Springfield, MA
New England Rehabilitation Hospital	Portland, ME
New Marriot Corporation	Washington, DC
New York Life	New York, NY
New York Public Library	Staten Island, NY
Newark Star Ledger	Newark, NJ
Newman Center	Toronto, Ontario, Canada
Newport County Mental Health Center	Newport, RI
Newport Creamery	Fall River, MA
Newsweek	New York, NY
North Penn Medical Surgical Supply	Lansdale, PA
Northstar Bank	Albany, NY
Oklahoma County Juvenile Center	Oklahoma City, OK
OPPC Newspapers	Pittsburg, PA
O'Conner and Marsh	Albany, NY
Oak Leaves	Chicago, IL
Oakwood Nursing Home	Newport, RI
Olin Corporation	Stamford, CT
Olympic Day Care	Auburn, WA
Onshore Resort Inn	Newport, RI
Ovens of Brittany	Madison, WI
P&C	Rome, NY
Panhandle Mental Health Center	Scottsbluff, NE
Papa Gino's	Melrose, MA
Party Box	Hackensack, NJ
Pathmark	West Orange, NJ
Pay N' Save	Auburn, WA
Peter Pub Restaurant	Pittsburg, PA
Pineapple Network	Honolulu, HI
Pizza Hut	Honolulu, HI
	Lowell, MA
Ponderosa Restaurant	Chicago, IL
	Fitchburg, MA
	Swansea, MA
Porter Street Station	Detroit, MI
Portland Community College	Portland, OR
Precision Mold	Pittsfield, MA
Presbyterian Medical Services	Farmington, NM
Price Chopper Supermarket	Glen Falls, NY
Pride Gas Station	Wilbraham, MA
Printing Technology	Dallas, TX
Progressive Life	Washington, DC

Project Independence	Middlebury, VT
Property Management - Franklin Building	Pittsburg, PA
Prudential Insurance Company	Newark, NJ
Quincy's Restaurant	Spartanburg, SC
Radison Hotel	Burlington, VT
Ramada Inn	Newburgh, NY
Random Row Restaurant	Charlottesville, VA
Rappahannock Inn	Fredericksburg, VA
Realty World	Weymouth, MA
Red Cross	Toronto, Ontario, Canada
Red Rock Mental Health Center	Oklahoma City, OK
Region IV Office of Developmental Disabilities	Columbus, NE
Regional Alcohol Services	Scottsbluff, NE
Rehabilitation Consultants	Portland, ME
Richland County Historic Preservation Committee	Columbia, SC
Rickles	Parsippany, NJ
Riverside Park	Agawan, MA
Riverwood Rehabilitation Services	Bristol, RI
Robert Wood Johnson Medical Education Building	New Brunswick, NJ
Robert Wood Johnson Medical School	Piscataway, NJ
Rock Creek Golf Course	Piscataway, NJ
Roman Psychiatric Institute	Rock Creek Park, MD
Rome Clinic	Cincinnati, OH
Rome Sentinel	Rome, NY
Rose's	Rome, NY
Roy Roger's	Raleigh, NC
Royal Laundry	Hackensack, NJ
Royal Sonesta Hotel	New Orleans, LA
Rutgers University Library of Science and Medicine	New Orleans, LA
SAS Institute	Piscataway, NJ
SW Housing Corporation	Cary, NC
Saga Foods	Detroit, MI
Saint Clair's	Spokane, WA
Saint Joseph's Manor	Denville, NJ
Saint Mary's Hospital	Portland, ME
Salad Garden Restaurant	Troy, NY
Salvation Army	St. Louis, MO
Samales	Norwich, CT
Sandman Inn	Pittsfield, MA
Schlotskey's	Vancouver, B.C., Canada
Scotties Bakery	Greenville, SC
Sears	Fredericksburg, VA
	Albany, NY
	Burlington, VT
	Glen Falls, NY

Sear's - cont.

Security Mailing	Hackensack, NJ
Seibel's Insurance Company	Natick, MA
Self Help Clearinghouse	New Brunswick, NJ
Senior Citizens Center of Binghamton	Rockaway, NJ
Serv Group Home	Walltham, MA
Server Technology	Wayne, NJ
Shawnee	Vancouver, B.C., Canada
Shearson Library	Columbia, SC
Shellville Services	Denville, NJ
Sheraton Hotel	
	Binghamton, NY
	Union, NJ
	Sunnyside, CA
	Topeka, KS
	New York, NY
	Lansdale, PA
	Binghamton, NY
	Glen Falls, NY
	Madison, WI
	Glen Falls, NY
	Chicago, IL
	Topeka, KS
	Auburn, WA
	Annadale, VA
	Farmington, NM
	Snohomish City, WA
	Hackensack, NJ
	Columbia, SC
	Oklahoma, OK
	Colden, NY
	Greenville, SC
	Spartanburg, SC
	Wakefield, MA
	Spokane, WA
	Spokane, WA
	Springfield, MA
	Springfield, MA
	St. Louis, MO
	Madison, WI
	Madison, WI
	Oklahoma, OK
	Oklahoma, OK
	Denver, CO
	Westport, NY
	Wheaton, MD
	New York, NY
	Suffolk, VA
	Washington, DC
Shop Rite Supermarket	
Sidley and Austin	
Simplex	
Skacel VW Motors	
Sleepy Hollow Nursing Home	
Smith's Grocery	
Snohomish County	
Somes Uniforms	
South Carolina Department of Mental Health	
Southeast Area Health Center	
Southeast Corporation 5	
Southeastern Products	
Spartanburg County Library	
Spirit Inc.	
Spokane Molding	
Spokane Week	
Springfield Boy's Club	
Springfield Union News	
Sprinkles Ice Cream	
State Assembly - Sargent at Arms Office	
State Farms Center	
State Insurance Fund	
State Motor Pool Division	
State of Colorado Food Stamps Program	
State Police Bar	
State of Maryland	
Studio in a School Association	
Suffolk News Herald	
Sun Food	

Sunshine Cleaning Service
Sunshine Village
Super Fresh Market
Sweet Creations
Swiss American Factory
Swiss Colony
Syms

Table Vision
Taco Bell
Tandom's Restaurant
Terry Hall MHMR
The Court Club
The Danish Red Cross
The Home
Thirsty Beverage
Three Rivers Optical Glasses
Thrift Store
Thrift Valley
Tidewater Motel
Touche Ross
Town House Hotel
Toys 'R' Us

Traveler's Rest First Baptist
Church
Treppco Food Service
Tri Cities Maintenance &
Janitorial Company
Trivecca College
Two-Ten Charity Trust
U-Rent-All
Union Public School
Unit Cold Storage
United Baptist Church
United Handicap Workers
United Machinery
United States Post Office
University Health Center
University of New Hampshire
Unum Corporation
Utah Basin Counseling Inc.

V. A. Togus
Vestron
Veterans Administration Hospital
Vidio Jungle
Village Voice

Baton Rouge, LA
Chicopee, MA
Suffolk, VA
Wakefield, MA
St. Louis, MO
Madison, WI
Paramus, NJ
Secaucus, NJ
Glen Falls, NY
Omaha, NE
Virginia Beach, VA
Houston, TX
Albany, NY
Copenhagen, Denmark
Union, NJ
West Hempstead, NY
Pittsburg, PA
Tacoma, WA
San Jose, CA
West Yarmouth, MA
New York, NY
Columbia, SC
Eatontown, NJ
Kent, WA
Paramus, NJ
Totowa, NJ

Greenville, SC
Detroit, MI

Pasco, WA
Nashville, TN
Watertown, MA
Glen Falls, NY
Union, NJ
Miami, FL
Newport, RI
Honolulu, HI
New Orleans, LA
Gering, NE
Pittsburgh, PA
Dover, NH
Portland, ME
Duchesne, UT
Roosevelt, UT
Vernal, UT
Augusta, ME
Stamford, CT
Boston, MA
Wilkesboro, NC
New York, NY

Vuggestuen	Copenhagen, Denmark
Wakefield's Restaurant	Wakefield, MA
Walgreens	Chicago, IL
Washington Council of Agencies	Washington, DC
Washington Federal Bank	Washington, PA
Washington Park Zoo	Portland, OR
Wendy's	Durham, NC
	Lowell, MA
	Somerset, MA
West Central Services	Lebanon, NH
Western Direct Mail	Vancouver, B.C., Canada
Weston Hotel	Stamford, CT
Westport Country Club	Westport, NY
Westport Mariner	Westport, NY
Westview House	Burlington, VT
Westwood Schools	Hackensack, NJ
Wholesale Flowers	Dayton, NJ
William Paterson College	Wayne, NJ
Winchester Medical Center	Winchester, VA
Winter Stamp Company	Elizabeth, NJ
Wometco Theaters	Miami, FL
Work Experience	Marliden, MA
Xel	Aurora, CO
YMCA	Augusta, ME
	Binghamton, NY
	Columbia, SC
	Everett, WA
	Glen Falls, NY
	Pittsfield, MA
York Directions	New York, NY
Youmega Industrial	Somerset, MA
Young & Rubican	New York, NY
Zayre Corporation	Framingham, MA
	Natick, MA
Zion Cemetery	Normandy, MO

Survey Conducted by: Research Unit
 Fountain House, Inc.
 425 West 47th Street
 New York, NY 10036

For Information Contact: Sara M. Asmussen, Ph.D.
 Director of Research
 (212) 582-0340 ext. 708



Venture House & Breakthrough Club

Programs of Episcopal Social Services

233 S. ST. FRANCIS / WICHITA, KS 67202

Thank you for wanting to know about the Breakthrough Club.

The Breakthrough Club is a vocational social model program which has evolved from a mutual support group of persons with long term mental illness. The club provides an opportunity for members to socialize, to be involved in meaningful work activity and to learn more about coping with long term mental illness.

The social environment at the Breakthrough Club is based on mutual support and caring for one another. Acceptance of each other's strength and weaknesses is a key ingredient in developing a safe place for individuals to share themselves with each other. This enables the members to develop their relationships and build their self esteem.

Breakthrough Club also provides the opportunity for its members to be involved in meaningful work. This is accomplished through our Work Experience Program and by providing work in the club. Less than 15% of the long term mentally ill population is involved in competitive employment, because few opportunities are given to these individuals to develop their job skills. The Work Experience Program is a joint effort between the business community and the Breakthrough Club. Job placements are essentially entry-level positions and are worked on a half-time basis. These placements are maintained only if the individual member meets the work requirements of the employer, no adjustment or lowering of work standards is made by the employer.

One way members get ready for competitive employment is by working in the work units of the club. The daily work of the club is accomplished in a combined effort by members, volunteers and staff members. The tasks are divided into four units; the clerical unit, the food preparation unit, the maintenance unit, and the retail store unit. The retail store provides work and a place for members to purchase essential items.

The Breakthrough Club is designed to engage its members in the decision making process of the club and daily management of the club activities. The members are involved in the planning of activities and along with the staff present ideas and proposals. After membership input, the policies are made.

The third aspect of the Breakthrough Club is education. The staff and volunteers play an important role in this area. The modeling of coping skills and good working habits are needed to give structure to the group. The staff feel it is important for the members to identify and monitor the symptoms of their mental illness. This is a basic step in learning to survive with a disabling condition. It is also important to educate individuals in the community about long term mental illness. A better understanding of this illness can lessen fears and misconceptions.

The Breakthrough Club Hours are:

Monday through Friday	9 A.M.-4 P.M.
Wednesday and Friday	4 P.M.-8 P.M.
Saturday	1 P.M.-4 P.M.

I hope this brief description of our program and philosophy will be helpful. If you need more information or have any questions, please contact Barb Andres or Katie Reese at (316) 269-2402.

Testimony for House Bill 2083

Hi, my name is Derrick Cotton and I have been diagnosed with a mental illness. I have worked since the age of 16 and never had difficulty finding a job until I was labeled mentally ill.

I have had difficulty finding and keeping a job the last two years. I feel this is a direct result of discrimination because of my mental illness.

In November of 1988 I was hired at a glass company doing production work. On my third working day I was asked to fill out a routine questionnaire. Questions were asked about whether I was mentally ill and whether I was on any medication for this condition. I responded yes to these questions and wrote a short explanation on the bottom of the questionnaire. At the end of the day I was fired. My supervisor told me that I did not fit the job I was hired for.

In January 1989, I started another job at an airplane part factory, doing production. The Breakthrough Club (an agency that develops jobs for the long-term mentally ill) found this job and asked me if I would like to work. I said yes and started on a Wednesday. The Breakthrough Club sent a job coach with me to help me learn the job. After three days of work the company became nervous about having someone who is mentally ill working in their factory. They asked me and my job coach to leave in the middle of our working shift. Before we left the job coach asked the line foreman if there was any problem with my work or getting along with my co-workers and the foreman said there was no problems in these areas, but the problem was that co-workers and the manager were afraid of someone being mentally ill.

Both of these experiences seem unfair to me. I realize that when I was very sick that I needed some restrictions on my life. But now that I am stable I feel I should have the some basic rights as anyone else. It has been very frustrating to deal with these lost job opportunities. It makes it seem very risky to try and get another job. I'm afraid of having to deal with another rejection because of my mental illness. I really want to work, but I don't completely understand all the obstacles that have been put in the way these last two years.

Kansas AMI

Kansas Alliance For The Mentally Ill

4811 W. 77th Place
Prairie Village, Kansas 66208
913-642-4389
HB 2083

March 14, 1989

My name is Howard Snyder and I'm from Prairie Village. I am testifying as Past President of Kansas AMI in support of House Bill 2083. Kansas AMI is a statewide organization of 400 families who have family members suffering from long term mental illness. We have local chapters in Lawrence, Topeka, Johnson County, Kansas City, Wichita, Concordia, Manhattan, Hutchinson, Newton, Winfield, Emporia, Phillipsburg, Kingman, Leavenworth, Garden City, Great Bend, Marion, Humboldt, Greensburg, Bird City, Salina and Ottawa.

My wife and I have a 30 year old son who has had for 10 years a brain disease called schizophrenia. With proper treatment our son may be able to function at a level that he could provide his own needs and be a productive member of society. But, if he is shut out of housing, and shut out from the opportunity of productive work how will he be able to meet his own needs and be productive?

I am also a member of the Governor's Task Force on Mental Health Reform. Early on in our deliberations, we recognized that one very important element of any new mental illness treatment system is the encouragement and active support to help persons suffering from mental illness help themselves. If they are able to work, and if they qualify for a job, they should not be refused that job because of the barrier of discrimination.

All of our families face the problem of a family member who may not be functional. If our family members cannot be productive through their own efforts and with our help who then is going to take care of them? Does the state intend to take on the full responsibility for providing a reasonable quality of life for those people whom the private sector refuses to deal with?

I first testified on this issue in 1984. Today the need for protection of persons suffering mental illness is still there. On behalf of Kansas AMI, and all people who are suffering from mental illness throughout Kansas we strongly urge that the bill be passed so that these people will have an opportunity for the best life possible.


Howard Snyder

HOUSE LABOR AND INDUSTRY
Attachment #3
03-14-89

Thank you Chairman Douville, members of the committee for the pleasure of speaking with you today. At one time in the late 1960's I would have had a great deal of persuading to do if I had come before you then. In those days as some of you might remember, one didn't see many people in wheelchairs or people with guide dogs on our city streets. The conventional wisdom at the time was that if you were "sick" or in any way disabled, up to and including mentally disabled, your proper place was at home. Here in Kansas four years ago, I was told on many an occasion, parenthetically I would add by tourists, how very BRAVE I WAS EVEN BEING AT THE CAPITOL--AND DID I NEED AN ASPIRIN! As many of you know I came back to Lawrence, my Alma Mater, after having lived in New York for a number of years and I must share with you my utter amazement at being called brave just because I was in the Capitol Building. I'm sure I don't have to tell anyone assembled here that I've been lobbying for twenty-two years, and consider my chair a convenience as much as anything.

I do have a case pending with the Civil Rights Commission now on which I will not elaborate. However, I can relate to you that I have a desk drawer full of rejection letters from organizations who used every excuse in the book not to hire me. To be quite honest with you my ex-husband used to support me and did not want me to work. I have spent all my adult life doing one of three things: volunteering, more volunteering and being as involved in community activities as my health would allow. I am 45 years old with no work history. I maintain that it is most vital to revise the Civil Rights Commission statutes to include

us, the handicapped. I have had nothing but respect from the Commission--I just hope they can change the minds of prospective employers to "give us a break." Kansas employers as well as Vocational Rehabilitation Services in Kansas seem to be of the opinion that we're crazy if we want to work; to paraphrase what one Voc Rehab Counselor told me, who has since left their employ.

I would conclude by urging you to look at what few handicapped employment records there are in Kansas, which will convince you that we make extraordinary employees, we're loyal, creative, and have developed--perhaps due to our physical challenges--excellent coping skills which allow us to deal with stress in a positive way. I hope you will support H.B. 2083 because I think it provides us, the physically and mentally handicapped with legal redress as well as providing education for some recalcitrant employers. Finally, it will put Kansas in line with Federal Anti-Discrimination standards.

Respectfully submitted,



Carol Renzulli

533 Alabama

Lawrence, Ks 66044

Lobbyist, Lawrence Coalition for Citizens with
Disabilities

3/14/89

MY NAME IS RICH HALVERSON, I LIVE IN SHAWNE, KANSAS
AND I'M SPEAKING IN CONJUNCTION WITH "KANSAS ADVISORY
COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED", "KANSAS HEAD-
INJURED SURVIVOR COUNCIL", "KANSAS HEAD-INJURED ASSOCIATION", "WHOLE
PERSON, INC", AND SEVERAL OTHER GROUPS REPRESENTED HERE AT THIS
MEETING FOR PASSAGE OF HOUSE BILLS 2083 AND 2084, ACTS AMENDING
THE KANSAS ACT AGAINST DISCRIMINATION, RELATING TO DISCRIMINATION
BECAUSE OF HANDICAP.

SEPTEMBER 23, 1978 I LAY DEAD ON A FREEWAY WITH
SEVERE HEAD INJURIES AFTER A MOTOR VEHICLE ACCIDENT. SOME HOW
I SURVIVED, AND AFTER THREE HOSPITALS, HELP FROM D.V.R. (DEPARTMENT
OF VOCATIONAL REHABILITATION), AND A T.J.T.C. (TARGETED JOBS TAX CREDIT)
VOUCHER IN HAND, I'VE BEEN ABLE TO BE FULLY EMPLOYED IN
LOW UNEMPLOYMENT TIMES.

HOWEVER, SINCE I'VE MOVED TO THE KANSAS CITY AREA ALMOST
3 YEARS AGO, I HAVE NOT BEEN AS LUCKY BEING SUCCESSFULLY
FULLY EMPLOYED BECAUSE OF ALL THE DISCRIMINATION I'VE FACED. AS
A RESULT, I DECIDED TO FILE A CLAIM WITH THE KANSAS CIVIL
RIGHTS COMMISSION LAST SUMMER. AFTER 7 MONTHS, TO SAY THE LEAST
I WAS TOTALLY SHOCKED WHEN I READ THE DENIAL LETTER FROM THE
COMMISSION WHERE IT STATED IN THE INVESTIGATIVE FINDINGS AND I'LL QUOTE
"SINCE THE COMPLAINT MAINTAINS THAT HIS HANDICAP IS ONE OF
MEMORY AND COGNITION, THESE ARE MENTAL IN NATURE AND NOT COVERED BY
THE ACT" END OF QUOTE. THE FACT IS, THE PROBLEM IS NEUROLOGICAL, NOT
MENTAL, AS STATED IN THE ACT, A COMPLETELY DIFFERENT ISSUE.

HOUSE LABOR AND INDUSTRY
Attachment #5
03-14-89

ELEMENTS OF THE FEDERAL GOVERNMENT HAVE LONG RECOGNIZED THE NEEDS OF ALL HANDICAPS AND HAVE ENSTITUTED LEGISLATION AND REGULATIONS TO HELP SUCH INDIVIDUALS. I FEEL IT IS TIME FOR THE STATE OF KANSAS TO DO THE SAME.

LAST YEAR, A YOUNG GUY WAS FIRED BY HIS EMPLOYER WHEN THE COMPANY HE WORKED FOR FOUND OUT HE HAS A.I.D.S. HE FILED A CLAIM WITH THE KANSAS CIVIL RIGHTS COMMISSION, AND HE WON. I FEEL THAT IS NOT FAIR. HANDICAPPED/DISABLED INDIVIDUALS AS DESCRIBED IN HOUSE BILL 2033 ARE WELL KNOWN AND DOCUMENTED TO BE LONG LASTING HIGHLY PRODUCTIVE WORKERS.

UNFORTUNATELY WITH THIS LIMITED TIME, I'M UNABLE TO SHARE WITH YOU A PORTION OF THE VIDEO TAPE OF A YOUNG-MAN NAME DOUG WALKER AND HIS DOG TANGO THAT RAN CROSSCOUNTRY AND THROUGH KANSAS LAST SPRING IN SUPPORT AND RECOGNITION OF THE HEAD INJURED. HE SPOKE ON THESE CAPITOL STEPS OUT FRONT LAST MAY 15TH AND WOULD CERTAINLY SUPPORT THIS LEGISLATION.

IN CONCLUSION, WITH PASSAGE OF BOTH HOUSE BILLS, THE LIVES OF 100'S OF THOUSANDS OF KANSAS' WILL GREATLY IMPROVE AND BE ABLE TO CONTRIBUTE GREATLY TO THE ECONOMY OF KANSAS.

THANK YOU, AND I APPRECIATE THE
HOLDING OF THIS HEARING

Rich Halverson

RICH HALVERSON

P.O. BOX 2274

MISSION, KS 66201-2274

(913) 268-4670

CASE SUMMARY

Case Number: 9687-89

Complainant: Richard Halverson
P. O. Box 2274
Mission, Kansas 66201

Respondent: Nelson Recreation
Products and Its
Representatives
14760 Santa Fe
Lenexa, Kansas 66213

Investigative Commissioner: Lou Ann Thoms

Field Representative: Jerry J. Ryan

Alleged Date of Incident: June 9, 1988

Date of Docketing: July 6, 1988

Date of Assignment: November 10, 1988

Date Investigation Started: November 18, 1988

Date Investigation Completed: November 25, 1988

Date of Case Summary: November 26, 1988

I. The Complainant Alleges:

That he was discriminated against in that he was denied employment due to his physical handicap, a head injury.

II. The Respondent Replies:

That it did not discriminate against the Complainant; ~~that it was unaware that the Complainant had a physical handicap, by virtue of his application for employment.~~

III. Investigative Findings:

A. The Complainant alleges a physical handicap as a result of a head injury. The Complainant applied for employment with the Respondent on or about June 9, 1988.

B. The Respondent is headquartered in Secaucus, New Jersey and has facilities located in Lenexa, Kansas employing fifty-four (54) people. The Respondent is engaged in the business of distributing various sporting goods, camping and outdoor recreation products.

C. Interview with the Complainant; various written materials supplied by the Complainant and Respondent; and Respondent records revealed the following regarding the allegations the Complainant makes in his complaint:

1. The Complainant alleges in Paragraph I. of his complaint that he has a physical handicap as the result of being a victim of a head injury causing six (6) fractures, a loss of memory, and a cognition problem.

2. ~~The Kansas Act Against Discrimination, Section 44-1002(j) states, "The term 'physical handicap' means the physical condition of a person, whether congenital or acquired by accident, injury, or disease which constitutes a substantial disability, but is unrelated to such person's ability to engage in a particular job or occupation."~~

3. ~~Since the Complainant maintains that his handicap in Paragraph I. of his complaint is one of memory and cognition, these are mental in nature and not covered by the Act.~~

COME MEET DOUG AND TANGO RUN TO DAYLIGHT IN KANSAS



In a period of just three years, Doug Walker saw the lives of two friends irrevocably altered by severe head injury. Danny Malm, Doug and another friend were hit by a car while vacationing in South Carolina. Danny was comatose for five and a half months as a result of severe brain trauma that changed his life forever.

Doug again faced the tragedy of head injury when another very close friend, Phil Warner, was struck in the head by a baseball which left him in a coma for over 6 weeks. Phil will struggle with the effects of brain trauma for the rest of his life.

While working with his friends to help them overcome the tragic effects of head injury, Doug began to realize that head injury is a major area of need that is not being met by available resources. Most people in the United States are unaware of the enormity of that need. Too few resources are being com-

the entire width of the United States, spreading the message about head injury. He began in San Francisco April 1, 1988, and is running an average of 40 miles a day to complete the 3,600 mile trip to Boston by June 30.

"Anyone interested in helping and planning activities should call: KHIA Clearinghouse, 913-648-4772 and volunteer", says Mary Pat Beals, KHIA Executive Director.

"The KHIA is working with the Kansas Safety Belt Education Office, the Kansas Extension Service and other organizations to make Run to Daylight a success in Kansas", says Terry Cheyney, President of KHIA. "I challenge families, professionals, and persons with head injury to COME RUN WITH DOUG."

Doug will enter Kansas on May 5th. He will run east on Highway 36 to Fairview, Kansas then turn south on Highway 75 through Toneka



KHIA President Terry Cheyney and Governor Mike Hayden during May 16 news conference at Lenexa Police Department.

2.1 Million Approved by Kansas Legislature

The Kansas legislature approved \$2.1 million in its 1989 budget to provide long term care for persons with head injury.

"This funding is from Medicaid funds which are state and federal matching dollars," said Jack Gumb. "Medicaid approved providers may contact me for additional information at (913) 296-3728."

Gumb continued, "If the head injured individual qualifies for an intermediate care facility (ICF) or skilled nursing facility (SNF) through the SRS Adult

Care Home screening process but chooses to remain in the community, it's possible for them to access the Home and Community Based Services (HCBS) Program.

"We hope Governor Hayden, Secretary of Social and Rehabilitation Services, Winston Barton, and other policy makers of our state government will find funds to provide community based services for persons with head injury," said Karen Brown, Chairperson of KHIA Public Affairs Committee. "Many persons with head injury do not want to live in an institutional setting, and in most cases they do not qualify to receive services in an ICF because they no longer need 'medical care'. They need education, counseling, supported work, vocational assessment and independent living support. I sincerely hope the KHIA volunteers are able to document these needs and work with SRS staff to determine the means to provide these services," said Brown.



RUN TO DAYLIGHT A RESOUNDING SUCCESS

Doug Walker, Tango and friends made over 28 personal

Housing act aimed at protecting disabled

By Gregory S. Reeves

staff writer

Tough new anti-discrimination laws in housing expand protection to persons with disabilities and families with children, a federal housing official said here Saturday.

The Fair Housing Amendments Act of 1988 was signed into law Sept. 13 by former President Reagan and takes effect March 12, said Elvis E. Gibson, chief of fair housing enforcement for the Department of Housing and Urban Development in Kansas City.

Gibson outlined the act's wide-ranging provisions in a presentation to the Jackson County Human Relations and Citizen Complaints Commission.

Fair housing law already bars discrimination based on race, color, sex, religion or national origin, Gibson said. The amendments create two new protected classes—persons with disabilities and families with children, he said.

"For the first time in this country, it has become a matter of right for every person to have access to the home of their choice," Gibson said.

Landlords cannot refuse to rent housing to a person with disabilities based on lack of ac-

cess, Gibson said. They must cut a wider door or make other modifications at their expense under penalty of law, he said.

Once the person has rented, he can make further modifications—lowering light switches and countertops, for example—at his own expense. The landlord cannot prevent those changes, Gibson said.

Complaints filed under the new laws must be heard within 100 days, Gibson said, and the amendments provide for both criminal penalties and fines ranging from \$10,000 to \$100,000.

Federal taxpayers, through the Department of Housing and Urban Development, must pay for lawyers for both sides in the disputes, he said.

The law also requires that by 1991 all new multifamily housing have access for persons with disabilities.

Gibson said persons faced with housing discrimination often didn't realize why they'd been victimized.

The new laws will help, he said.

"Housing discrimination is on a very high curve in this country, not a low curve," Gibson said. "It happens every day in this city as well as in this country."

5/20/88 AC STAR

March 14, 1989

Glen W. White
2608 Bond Place,
Lawrence, KS 66049

Mr. Chairman and Members of the Committee:

My name is Glen White. I live in Lawrence and am currently Director of Training at the Research and Training Center on Independent Living located at KU. Today I would like to speak in favor of House Bill 2083, known as the Kansas Act Against Discrimination, which, when passed into law, will help to reduce discrimination against people with disabilities.

Our nation has progressed from the days of Selma, Alabama -- where blacks had to ride at the rear of the bus. The law now allows people of all races to ride anywhere on the bus. I do find it disconcerting, however, that over 25 years have passed since those days in Selma, but people with physical disabilities are still fighting just to get on the bus.

As a person who is disabled, I would like to share some personal experiences that I have had in being unfairly discriminated against over the past year.

A group of friends from my church and I bought Royals tickets for a special "group night." I went with my friends to the assigned seating up in the upper decks, but when I tried to sit with my friends, I was told that I would have to sit in the "wheelchair section." In the wheelchair section at Royals Stadium, I can only

HOUSE LABOR AND INDUSTRY
Attachment #6
03-14-89

bring one person with me to watch the game, since there is only one standard stadium seat directly in front of where wheelchair users sit for the wheelchair user's friend or family member. I have a wife and two children who also like to go to baseball games. I imagine that many of you have gone to an occasional Royals ballgame with your family. How would you like to be told that only one member of your family can sit with you in the designated seating area that the management chooses for you? This seating is segregated -- all wheelchairs must be seated in this special area. If that were not bad enough, because of the upper deck overhang, a wheelchair user can only see the bottom half of the Royals outfield scoreboard!

I have also had negative experiences with building codes that have allowed buildings that have been significantly remodeled to discriminate against me by not providing adequate access through minor curb cuts or ramps. I recently went to two Lawrence eating establishments that have had extensive remodeling in recent months. I was surprised that there was no access to the front entrance from the parking lot. At the other establishment, several graduate students and I were to meet with graduate students from several other University of Kansas departments for a happy hour. When I arrived, I was disappointed that there were two main levels for patrons, with access available only on the main level. Since about half of the graduate students were also on the second level, I was denied the opportunity to meet with them, because there was no

access to the second level. To me that is discrimination. I was not able to enjoy the full privileges of unhampered access that my colleagues enjoyed.

In the last year, I have been looking for life insurance to protect my family in the untimely event of my death. I carefully shopped for the best life insurance offers. To my surprise and frustration, the best offer I could get was double what the "standard rate" was due to my spinal cord injury. Never mind if I have excellent health, swim 4 days a week, and don't smoke. My personal record has no impact upon unfair actuarial ratings that take worst-case scenarios of persons with disabilities and apply them across the board. Thus, for my life insurance protection, I pay what amounts to smoker's rate premiums. I sincerely believe that this is discriminatory. Many of my peers with disabilities are in similar situations when they try to find life or health insurance they can afford. Unfortunately, often times they cannot afford to buy the insurance they need.

I would urge each of the committee members to give Bill 2083 their full support to protect citizens with disabilities from discrimination that citizens of other races, religions, colors, sex, national origins or ancestry enjoy. House Bill 2083 offers people with disabilities such protection from discrimination.



House Labor and Industry Committee
HB 2083

Robert Mikesic, Residential Services Specialist
Independence Inc., Lawrence KS
March 14, 1989

Thank you Mr. Chairman, for this opportunity to speak on House Bill 2083.

I'm the Residential Services Specialist at Independence Inc. in Lawrence. It's one of eight Independent Living Centers in Kansas run primarily by people with disabilities. Center's work to remove barriers to full participation and assist people with a disability with personal goals related to becoming more independent.

Independent living and the Kansas Act Against Discrimination both have to do with self determination: having the right and opportunity to pursue a course of action, to make choices about where to live, to be employed in a job that fits one's interests and abilities, to be able to recreate and participate as part of the community.

The prejudice and stereotypes about people with disabilities has a long history and continues to exist today. A large part of the world views us as incomplete, incompetent human beings. Negative attitudes toward the disabling condition often spreads to perceiving the entire person as disabled. In this way the presence of a disability leads to devaluation, and we are treated as less than equals.

Employment, a primary avenue for becoming part of the community and achieving economic self-sufficiency, is one area of our lives that is affected by this second class status. A 1986 Harris Poll showed that

Two thirds of all people with disabilities between the ages of 16 and 64 are not working. Only one in four work full time, and another 10% work part time. . . Unemployment among persons with disabilities as a group is a bigger problem than among any other demographic group of working-age Americans. (On The Threshold of Independence, National Council on the Handicapped, 1988, pp.21,45)

The vast majority of people with a disability who do not have a job want to work (66% in the Harris Poll). One fourth of the total number of persons interviewed in the Harris Poll had personally encountered job discrimination based on perceptions of their disability. (On The Threshold Of Independence, National Council on the Handicapped, 1988, pp.45,46) This ratio closely coincides with my experiences working with persons with a disability since 1976.

In a 1987 Harris Poll on "Employing Disabled Americans", three-fourths of managers of businesses openly acknowledged that people with disabilities "often encounter job discrimination from employers." Employers placed an even lower priority on hiring people with a disability than hiring people from other minority groups and senior citizens. (On The Threshold of Independence, p.21, 46)

The full reality of this problem has largely been denied or remained hidden. One of the most fundamental errors our society has ever made is the belief that persons with a disability cannot work; the tendency to look at what we can't do rather than see the many things we can do. We are the most underutilized segment of the potential American laborforce today.

The Kansas Act Against Discrimination exists to guarantee the civil rights of all Kansans. We need HB 2083 to become law in order for all people with disabilities to have the same legal means to prevent and eliminate discrimination in employment and public accommodation, that has been given to other minority groups. The State of Kansas needs to take a clear stance against discrimination and segregation of any and all persons with a disability. We are not asking for special privileges, only our equal rights and an equal opportunity.

Almost every business forecast says there will be labor shortages in the 1990's due to demographics. There will be a great demand for productive people and the large group of people with a disability or handicap can help meet that need.

These same studies talk about the ways the work place is being reshaped to accommodate the increasing number of two-career families, single parents and workers responsible for elderly parents. Employers are arranging flexible hours, higher level part time work, shared jobs, and more opportunities to work at home with a computer and a fax machine. These are all good examples of the concept of reasonable accommodation.

Technology and flex-time have for years been making the work place more productive. The dictaphone, the telephone headset, and the voice-activated computer are a few well known examples. With regard to a qualified employee, reasonable accommodation makes good business sense.

The qualifications for a job are no different for a person with a disability. When they are qualified for the job and hired, this practice of reasonable accommodation may appropriately come into play. It could occur when:

1. An interpreter is used for a person who is deaf so there may be more effective communication during public meetings.
2. The work-week is allowed to flex, to conform to the seasons daylight hours and thereby allow someone with night blindness to drive to and from work in adequate daylight.
3. A copy machine is color coded so a person who is mentally retarded can more effectively perform the large volume of copying that goes with their job.
4. A ramp is built to allow a person who uses a wheelchair to enter the building where they were just hired.

Reasonable accommodation, such as an interpreter or an accessible meeting site, may also be needed for equal participation to occur at an activity open to the public, be it a public meeting, social service, or recreation program.

Reasonable accommodation is needed in the Kansas Act Against Discrimination because without it, an employer could use the need for it as a reason to reject a qualified applicant, or dismiss an employee whose's otherwise still qualified for their job. Without reasonable accommodation in the Act, the activity open to the public would not have to provide accommodations necessary for participation by persons with a disability.

The reasonable accommodation sections of HB 2083 (lines 139-143, 388-390) are essential to ensuring that the Kansas Act really serves to reduce segregation and discrimination against persons with a disability in this state.

I strongly urge you to support HB 2083. Thank you.

Frederick M. Markham

To the Housing and Labor Committee

Statement of Testimony on Bills 2083 and 2084

By now the members of this committee have heard many stories concerning disabled people who have faced discrimination in the areas of employment and housing. I'm going to give you a different approach. I hope it will point out that through hard work and understanding employers and prospective employees can work together with productive results.

Let me begin with a story of a man named Ron. After being in an institution for 30 years, he entered a job training program and was preparing to live in the community. I met Ron in the early '70's when he was 37 and looking for work. At the time, I was working for United Cerebral Palsy of Kansas and was asked to help him find a job. This was not an easy task because Ron was deaf and mute. He knew a little sign language and had a hard time communicating with people he didn't know well. After about 6 months, we finally found an employer at a major aircraft assembly plant in Wichita. Ron did well in his work and was noted for being on time. After a month on the job, Ron's friends noticed changes in his behavior. He was not happy when he came home and he didn't want to go to work in the mornings, but we were unable to pinpoint his problem. One of the social workers who could communicate with him learned that two of his coworkers were making fun of him. This woman went to his employer and told

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him what was going on. The employer took care of the problem by asking the coworkers to leave Ron alone. Ron has been working in the plant since then with no problems. Clearly, what let this situation work was the employer's understanding of Ron's abilities and special needs.

The next story is about me. I enrolled at the University of Kansas in the journalism department in 1979 and wanted to work for the school newspaper. I applied for a position as a columnist and was hired. My weekly column became popular and I was very content. At the end of the semester, the editor told me that I would become a beat reporter for the following semester. I told him that I didn't think the position was appropriate for me because of my communication problem. He thought I was trying to put something over on him because he had read some of my stories and felt they were professional. He didn't believe I couldn't communicate. I tried to explain that some of those stories had taken up to 6 months to complete and, in most cases, other reporters had assisted me with the interview part of the work. This information did not change his mind. He said that he could not allow me to continue as an editorial columnist because of the requirement that all journalism majors work in different areas each semester. Rather than argue with him further, I decided to accept the assignment but to try to educate him while I was doing it. My first story for him was about disabled people and physical abuse. Since I only had a week to do it, he assigned me an assistant. My assistant was unable to do his part because no one would talk to him, but I was able to accomplish what he could not because of my understanding and experience of

disability. In this case, my limits were actually strengths. However, in subsequent assignments, my communication difficulties did create problems for me. But, once the editor began to see what I was faced with when I tried to do interviews, he assigned me stories that didn't require me to interview people. In this case, the editor and I both learned something. I learned to work with him and he learned to make allowances for my situation.

Bill #2083, if passed, will create a situation that requires employers and disabled employees to work together to resolve employment issues faced by disabled people. It will also create a commission which will help resolve disputes from a practical perspective if the employer and employee can't come to an agreement. The creation of this commission is a key part of this legislation because we will now have an arbitrator with the authority to settle disputes and enforce the decisions.

Bill #2084 is intended to require private businesses and landowners to conform to federal standards for access by the disabled. If you think about it, it will not only help the disabled, but it will also help entrepreneurs improve the environment and make it more accessible for everyone. I know there will be objections about the expense of modifying existing facilities for access to the disabled. Education can help alleviate these fears. The disabled are not concerned about having the most modern and elaborate access. We simply want to go where other people go. Another point to consider is the amount of money disabled people could spend if they could get in these businesses. We are 10% of the consuming public and inaccessible businesses are not getting our business. Improving

their accessibility will increase their customer base.

In conclusion, bills 2083 and 2084 will not eliminate discrimination against the disabled. No bill can do that. But any avenues we can open that promote recognition of the problem and mandate minimum standards for treatment will be a step forward.

March 14, 1989

Barbara Bradford
1521 Vermont
Lawrence KS 66044

Mr. Chairman and Members of the Committee:

The greatest need for people with disabilities is to gain consistent, enforceable civil rights. Our rights to live where we choose, ride public transportation, attend school, work, and recreational events are dependent on a patchwork of local legislation, and the temporary whims of landlords, businessmen, employers, and local officials. Even where statutes do protect us, loose definitions and unclear enforcement procedures render the statute useless to us, or subject our personal decisions involving the exercise of our civil rights to review by medical professionals and social workers before it is decided - by them, not us - that we "qualify" for access to the law.

We are the only group of Americans whose civil rights and personal freedom are cost negotiable. If the ramp, the lift, or the curb cut costs too much, we don't get in the door, ride the bus, or cross the street. There are the eternal partial solutions - we may roll around into the alley and use the freight ramp to get in the back door. We may use one or two but not all the classrooms or restrooms, etc. We can get into the courthouse by ringing a buzzer at the entrance to the sheriff's office and waiting ten minutes in the rain for somebody to answer it. Then there's "separate but equal," which we all thought went out with Brown vs. The Topeka School District in 1954. Not so - it is still considered adequate, and equal, while others ride buses, for us to submit our planned trips in advance to the judgment of paratransit services, where we can get rides if they judge our reason for travel to be acceptable. Those of us who reject partial and "separate but equal" solutions are seen as ungrateful and probably a little bit nuts. "Why are you protesting by blocking buses? We gave you those little lift vans." "Why don't you live in the handicapped housing project? It's accessible and this building isn't." "Why don't you vote absentee? This polling place is hard to get into." And ad infinitum. Our society, which has for some time at least given lip service to the idea that blacks and women should not have to accept segregated alternatives, sees no reason why we, as people with disabilities, should not only accept them but should be grateful for them. Our society, which no longer sees blacks and women as "boys" and "girls" still sees us as Jerry's kids.

Independent living means controlling your own life and being integrated into - not separate from but equal to - your community. I find the issue of our inadequate, partial, separate

but unequal, cost negotiated civil rights to be the primary issue in independent living today. There is no way you can be independent if your opportunities are legally limited and your access and personal freedom are cost negotiable.

We are also not free if only some of us are free. I did not work for the civil rights movement 25 years ago because I supported partial civil rights for some blacks - mainly those who fit my definition of nice, properly behaved, well educated people - but not those folks over there - they are just too dark, and besides, they talk funny and don't dress right. Does that statement, that attitude, sound a little ridiculous to you? It should. But equally ridiculous definitions and limitations are placed on the civil rights of people with disabilities. I worked for the civil rights movement - without counting the cost - because I found it totally unacceptable, as an American citizen, that the civil rights of any other American were limited on the basis of the color of his or her skin. I drove supply trucks south because I believed strongly enough to risk my life that all Americans had an undeniable right to personal freedom, protection of the law, and the opportunities and benefits our society has to offer its citizens.

I am here today because I still feel that strongly about civil rights, including the civil rights of all disabled Americans - not just those of us who fit limited definitions - who are "acceptable" and who "deserve" to have civil rights - but all of us. Those of us with physical disabilities which are not visible, those of us who are mentally or emotionally disabled, and those of us whose physical disabilities are very severe or terminal - all deserve equal treatment by the law and equal access to our society.

In the twenty five years between my civil rights work and now I have not regretted what I did or why I did it. The only thing I regret is that after twenty five years it is still necessary to fight for civil rights, and that this time it is my own. Armed Klansmen failed to defeat us back then - you can be sure that bureaucrats and vested financial interests are not going to stop us now. We are not here to hear excuses. We are here to watch a vote for freedom and against discrimination. Those who built this country and kept it free did not consider cost. They didn't feel freedom should have a price tag. Why should we feel any differently? More importantly, why should you? This is a moral issue, and I ask all of you to make a moral decision.

We are here today as Kansans with disabilities to see you support our rights as citizens of this state and unanimously pass HB2083 out of committee.

Kansas Advocacy & Protective Services, Inc.



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513 Leavenworth
Manhattan, KS 66502
(913) 776-1541

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Topeka*

Liaison to the Governor

Jose A. de la Torre

Executive Director

Joan Strickler

TO: The House Committee on Labor and Industry
Representative Arthur Douville, Chairman

FROM: Kansas Advocacy and Protective Services
R.C. Loux, Chairperson

DATE: March 14, 1989

RE: H.B. 2083 - H.B. 2084

As the agency designated in Kansas to administer two federal programs, protection and advocacy as provided by the Developmental Disabilities Act {P.L. 94-103 as amended} and the Protection and Advocacy for Mentally Ill Individuals Act {P.L. 99-319 as amended}, KAPS assists developmentally and mentally disabled children and adults in gaining access to the rights and services to which they are entitled. KAPS also administers the Kansas Guardianship Program. We are a private, non-profit corporation created specifically for the purpose of providing these services for Kansas.

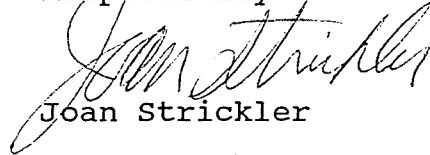
Through our work, we have found that unrealistic fears and prejudices continue to build barriers for persons with handicapping conditions -- barriers that exclude persons from jobs, from housing, from public accommodations -- from full participation in the life of our society. I recall many situations which my friends have experienced over the years such as:

- being told to leave a restaurant because it made people uncomfortable to look at him.
- struggling to find ways to access buildings for meetings.
- never having a chance to prove themselves at jobs because employers could only see the disabling condition and not the person.

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One of the barriers, if not the greatest barrier, that faces Kansans with handicapping conditions is discrimination. It is important, therefore, that the laws of Kansas give strength to efforts to eliminate and prevent discrimination to all persons with handicaps.

Respectfully Submitted,


Joan Strickler

March 14, 1989

HOUSE BILLS 2083 AND 2084

TESTIMONY BEFORE THE HOUSE LABOR AND
INDUSTRY COMMITTEE

My name is Shelly Wakeman. I am a law student at Washburn University. I represent the ACLU of Kansas and I am here to express our support for House Bills 2083 and 2084, which concern the addition of families with children and physical and mental handicap as protected class to Kansas discrimination law. The ACLU is the only nationally recognized organization whose sole purpose is the defense of our constitutional liberties of freedom of inquiry and expression, due process of law, equal protection of the laws, and free exercise of religion.

The primary basis of our support for this legislation is based on the following portion of the Fourteenth Amendment to the Constitution, which states:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deny to any person of life, liberty or property, without due process of law; nor shall deny to any person within its jurisdiction the equal protection of the laws.

These two bills would ensure equal protection to two classes of persons not now covered in Kansas.

House Bill 2083 is needed in Kansas because a mental or physical handicapped person should not be treated any differently in the employment, public accommodations or housing than anyone else, ensuring equal treatment. Someone with a mental handicap as defined in the bill should receive equal treatment when

he or she looks for employment or eats in a restaurant. A physical handicapped person should have ease of access to public accommodations and expect that landlords will allow changes made to their living areas to make their lives easier.

House Bill 2084, which adds families with children and physical and mental handicap protections in housing is necessary to ensure that these groups do not receive unfair treatment in locating and financing both rental and purchase of housing.

For families with children the number of landlords who will not allow children in rental housing is high, making an unfair burden on such families. Sixteen states already have some form of protections for families with children legislation. The inclusion of this group as a protected class is a forward step in ensuring equal protection under the law in Kansas.

For those who have physical or mental handicapping conditions as defined in the bill, the bill would ensure that housing is easily accessible for them by requiring the basic standards set out by the American Standard Institute. The portions of this bill which provides specific requirements for landlords in the design and modification of rental housing is a strong one, with the resulting effect of reducing barriers to normal living so those with handicapping conditions can enjoy their living spaces, as those of us without handicaps do, surely a basic equal protection issue.

The National office of ACLU has supported the Federal version of this legislation when it was passed in 1988. We encourage the support of both bills.

Thank you for allowing us to present our views.



Association of Community

Mental Health Centers of Kansas

835 S.W. Topeka Ave., Suite B/Topeka, Kansas 66612/913 234-4773

Paul M. Klotz, Executive Director

POSITION STATEMENT

on

House Bills 2083 and 2084

March, 1989

The mentally disabled in Kansas, as throughout the nation, face some of the most rampant discrimination ever experienced by any one group of individuals in the history of this country. This discrimination is relentless in areas of housing, employment and the social, political experience. For years "stigma" has been the word used to describe this condition. This is too kind a word; the proper word should be discrimination. Every study, plan, program and the routine literature documents this discrimination.

The more common myths of the mentally ill:

- 1) The mentally ill are dangerous;
- 2) Mental illness is a condition brought on by the individual;
- 3) The mentally ill are a part of the criminal element and should be treated accordingly;
- 4) The mentally ill cannot work or hold successful employment;
- 5) The condition of mental illness is hopeless and untreatable;
- 6) The mentally ill cannot live independently;
- 7) Mental illness is vague and undefined as are the methods of treatment;
- 8) I or my family could never suffer mental illness.

There are, of course, many other myths that keep the mentally ill as perpetually second-class citizens.

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-over-

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Pam Bachman
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Currently, this group of important citizens are not even included in Kansas statutes passed long ago to protect all citizen's constitutional rights.

House Bills 2083 and 2084 will correct this oversight! These bills are not only the right thing to do, but the legally correct thing to do.

Thank you!

Contact: Paul M. Klotz
913-234-4773



TOPEKA RESOURCE CENTER FOR THE HANDICAPPED

West Tenth Professional Building
1119 West Tenth, Suite 2
Topeka, Kansas 66604-1105

Telephone
913-233-6323

Testimony to the House Labor and Industry Committee in support of House Bill No. 2083

Ray Petty, Executive Director
Topeka Independent Living Resource Center
March 14, 1989

Mr. Chairman and Members of the Committee:

Last year, one hundred seventy-two persons with disabilities in Shawnee County participated in a state-wide administration of the Disabled Citizens Concerns Survey. Of the thirty-one items contained in the questionnaire, the top two problems identified were the following:

A person with a disability can earn enough money at a job to make up for the loss of disability benefits.

Employment agencies and prospective employers focus on the strengths and abilities, rather than the deficits and disabilities of a disabled applicant.

House Bill No. 2083 will not guarantee a living wage for people with disabilities, nor will it guarantee that public perceptions of disability = inability will go away. It will at least provide that when persons who are otherwise qualified to perform competitive work are denied employment, they will have an opportunity to challenge the system which rejects them as incapable human beings.

House Bill No. 2083 will not affect employers who operate businesses with \$2,500 or more in federal contracts, since those employers already are required to not only not discriminate against qualified applicants with disabilities, but to maintain affirmative actions policies which will enhance employment opportunities for such people. Nor will House Bill No. 2083 affect employers who receive federal financial assistance, such as universities, state agencies, and private not for profit corporations such as the one I direct. We already are required to maintain non-discriminatory employment practices and to provide reasonable accommodation to people with disabilities. We're not up here complaining about being burdened.

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A Project of the Topeka Independent Living Resource Center, Inc.

What of the cost of reasonable accommodation? Berkeley Planning Associates conducted a 20-month study of 2,000 federal contractors documenting the extent, nature and costs of accommodations to disabled workers and found that accommodations rarely involved much expense. No cost was involved for over half (51%) of the accommodations reported and an additional 30% of all workers received packages of accommodations for which the total cost was between \$1 and \$500. Only 8% of the accommodated workers received accommodations with a total cost exceeding \$2,000. Fears that reasonable accommodation is expensive is not supported by these data.

Couple those results with the amount of support available to Kansas employers under the Kansas tax credit for making workplace accessibility modifications - 50% of the cost or \$10,000, whichever is less - and such fears clearly seem to be unfounded. Remember that even in the case of a \$20,000 example, where \$10,000 of the cost would be reimbursed by the state, the question of reasonableness arises. Would a business which employs five people, with an annual payroll of \$100,000 and profits of \$30,000 be required to make such an accommodation? Probably not. What about a business which employs 50 people, with an annual payroll of \$1,000,000 and profits of \$300,000? Surely, yes.

Mr. Chairman, this issue has been before the Kansas Legislature since 1983. Six years is not only long enough, it is far too long. Changes in our worker's compensation law over the past few years have provided incentives for employers to retain injured workers. Permanent partial disability awards have been reduced for workers who are rehabilitated and returned to employment. The Second Injury Fund is available should a pre-existing condition contribute to a subsequent injury. Yet we hear stories of workers reporting back to work with medical clearances only to find that their job is nowhere to be found. That is discrimination and it needs to be addressed as such under state law.

People with disabilities want to earn their place in the Kansas workplace. They deserve reasonable accommodation. They deserve civil rights protection. We have state policies which not only encourage return to work but provide state assistance to employers for doing so. What's wrong then with providing remedies to employees or prospective employees when they have been wrongfully denied employment on the basis of disability, when it is the case that their disability does not prevent them from meeting bona fide occupational qualifications and performing the essential functions of the job? In our opinion such a remedy is proper. To allow such employment practices to continue insures that people with disabilities will continue to be handicapped - not by their own attributes, but by employers' negative attitudes and prejudices. Such a policy further guarantees that transfer payments will rise rather than fall.

Mr. Chairman and Members of the Committee, I urge you to take this bill seriously. It is a measure whose time has come. It fits well within the employment policy framework that Kansas has already adopted. It will not pose undue burdens to Kansas employers, since accommodations must be reasonable and persons who are qualified for jobs are the only ones protected. Thank you for your time and consideration. I will be glad to try and answer questions or provide additional information which will help the committee in its deliberations.

TESTIMONY OF
BRANDON L. MYERS, SENIOR LEGAL COUNSEL
KANSAS COMMISSION ON CIVIL RIGHTS
ON HOUSE BILL NO. 2083
MARCH 14, 1989

The Kansas Commission on Civil Rights (KCCR) supports the adoption of H.B. 2083. The bill proposes to amend the Kansas Act Against Discrimination (KAAD), which is administered by the KCCR. This proposal was written by the Department of Human Resources' Advisory Committee on the Employment of the Handicapped with the support and cooperation of the KCCR.

This bill proposes to amend the coverage of the KAAD regarding "handicap" in the areas of employment and public accommodations. The KAAD currently prohibits employment discrimination and public accommodations discrimination on the basis of "physical handicap" only. "Physical handicap" is defined at K.S.A. 44-1002(j) as:

"The term 'physical handicap' means the physical condition of a person, whether congenital or acquired by accident, injury or disease which constitutes a substantial disability, but is unrelated to such person's ability to engage in a particular job or occupation."

K.S.A. 44-1006 additionally in pertinent part states:

"Nothing in the Kansas act against discrimination shall be construed to require the construction of any special facilities or fixtures for the physically handicapped."

These provisions taken together result in several difficulties.

First of all, the law does not prohibit discrimination on the basis of a person's mental handicap. Thus, numerous individuals who are entirely able to work and avail themselves of public accommodations are without a remedy under the Kansas statute when denied opportunities and treated adversely due to prejudice and stereotypes attaching to their situations. This is an area of coverage which needs to be included under the KAAD.

Secondly, lack of a complete mandate that employers and places of public accommodations make "reasonable accommodation" for the handicapped often completely invalidates the KAAD's basic prohibitions against handicap discrimination. K. S. A. 44-1006 specifically exempts any requirement that even the most minor modifications or adjustments be made to allow otherwise able handicapped persons access to places of employment and accommodations. Places of employment and public accommodations can therefore legally bar the handicapped from access, and thereby discriminate against them by literally placing barriers in their way or allowing barriers to remain. The fact that the workplace or accommodation is inaccessible ironically constitutes a valid business reason under the KAAD by which to defend a denial of opportunity to a handicapped person. The provisions of K.S.A. 44-1006 often completely derogate the intent of the other prohibitions of the KAAD against handicap

discrimination. Such a situation is out of sync with statutory enactments in recent years and with trends nationally intended to fully integrate the handicapped into society.

Additionally, the KCCR and those attempting to exercise their rights under these provisions of the KAAD, have had a distinct lack of litigative success with the current provisions of the law. As a result of the cases of U.S.D. No. 259 v KCCR and Palmer, 7 K.App. 319 (1982) and Padilla v City of Topeka Police Dept., 238 Kan. 218 (1985), complainants often find themselves in a "catch 22" situation under this law. Those cases make it clear that to be protected under the KAAD a person must have a "substantial disability" when denied an opportunity. Thus, a person who has a record of a physical problem, but has the symptoms under control (epilepsy controlled for years by medication or chronic/benign conditions, for example), or has had the symptoms or condition corrected (surgically corrected knee or back problem) may not be able to prove they have a "substantial disability" qualifying them for KAAD protection, even though they are actually entirely able to perform the job in question, and even though an employer fully admits denying them an opportunity solely because of stereotypes regarding the condition the person had or has a record of having. Thus, despite the KAAD's intent that these types of prejudices not be cognizable under the law, fully-qualified people end up without protection. On the other hand, when a person can prove their condition is so bad as to

meet the "substantial disability" test, the condition usually cannot meet the remaining requirement of the statute - that it is "unrelated to such person's ability to engage in a particular job or occupation." In short, current KAAD provisions are less than efficacious in insuring that qualified handicapped individuals are protected. Please note that H.B. 2083 retains K.S.A. 44-1006 provisions indicating: "Nothing in this act shall be construed to mean that an employer shall be forced to hire unqualified or incompetent personnel, or discharge qualified or competent personnel." Additionally, the "valid business motive" defense to employment decisions under K.S.A. 44-1009 is retained.

Also, it should be obvious that the current provisions of K.S.A. 44-1002(j) are written with employment discrimination situations in mind, yet they are applicable to the public accommodations discrimination sections of the KAAD also. H.B. 2083 would cure this problem.

H.B. 2083 is patterned upon the well-known definition of the Federal Rehabilitation Act which prohibits handicap discrimination in federally funded activities, and which is already applicable to many Kansas employers and businesses by virtue of their federal contracts, etc. The provisions are very similar to those contained in the proposed Americans With Disabilities Act co-sponsored by Senator Dole and currently pending before Congress. Passage of that Act is considered

likely in the near future and possibly this year. Adoption of this language into antidiscrimination law can be seen as a national trend. Given that fact and the continuing difficulties and dissatisfaction with current KAAD provisions, the KCCR believes that from a practical as well as public policy perspective, the time has come to amend the KAAD as proposed by H.B. 2083. A wealth of interpretational caselaw exists under the Rehabilitation Act regarding what is "reasonable accommodation", etc. which will facilitate easier administration of the law than presently exists.

An example of a national trend to this language is the recent adoption of the Federal Fair Housing Amendments Act of 1988, which added "handicap" definitions from the Rehabilitation Act and comparable to those in H.B. 2083 into the federal housing discrimination laws. As a result of those amendments, the KCCR has proposed H.B. 2084 which seeks to substantially conform the housing discrimination section of the KAAD to its federal law counterpart (Title VIII, Federal Fair Housing Act). If H.B. 2084 is adopted, the proposed "handicap" definition will exist in the housing sections of the KAAD. If H.B. 2083 were not then adopted, an inconsistency ("handicap" in housing versus only "physical handicap" without reasonable accommodation in employment and public accommodations) results within the KAAD.

The KCCR acknowledges (as per fiscal note) the potential of increased funding requirements for our agency if H.B. 2083 is passed. Increased numbers of complaints being filed is possible. However, if the law helps only a few qualified, but unemployed, handicapped individuals gain employment and get off public assistance, the economic benefits to the State will counterbalance any possible increased funding of KCCR activities.

In summary, the KCCR supports passage of H.B. 2083.

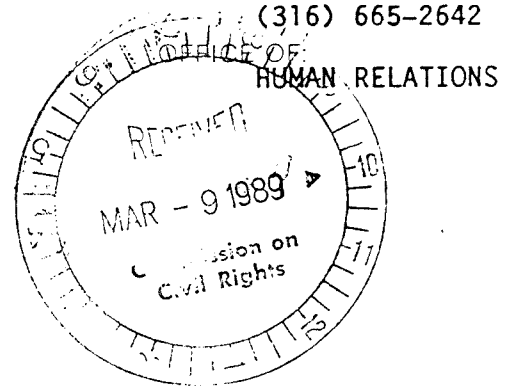
Two (2) final notes:

At line 29 of the bill the word "handicap" should not be stricken. Only "physical" should be stricken. This apparently is a typographical error needing amendment.

Should H.B. 2083 and H.B. 2084 both be passed, language coordination of the KAAD sections common to both bills (such as K.S.A. 44-1001 and 44-1006) will be needed.

HUTCHINSON

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March 8, 1989

The Honorable Arthur Douville
State House - Room 115S
Topeka, KS 66612

Dear Senator Douville:

I am writing to offer my support for HOUSE BILL 2083 to amend sections of the Kansas Act Against Discrimination (KAAD) to extend protection and coverage to physically and mentally handicapped individuals in employment and public accommodations.

Throughout my ten years of service in the Human Relations Department with the City of Hutchinson, I have encountered many complainants who felt aggrieved by employment decisions affecting them which were allegedly based on their handicapping conditions. Generally, I have found that the current State law on physical handicap discrimination in employment applies in very few incidences. This is true particularly because employers are not required to make reasonable accommodations to employees with handicaps, and because individuals with histories of, or who are regarded as having handicapping conditions are not covered by the KAAD. Also, no protection is accorded to persons with mentally handicapping conditions.

Handicapped workers have proven themselves as competent, productive members of the Kansas workforce. As a class, handicapped workers rate average or above in job safety, job stability, job performance and job attendance. Yet, while the public and private sectors of Kansas commit tremendous resources for the training of handicapped workers, the State law does not fully protect them from handicap discrimination in employment. This is one sad but true irony to Kansas' commitment to equal employment opportunity.

I strongly urge passage of HB 2083 by the House Labor and Industry Committee as a positive signal to our renewed commitment.

Sincerely yours,

Meryl Dye
Director

HOUSE LABOR AND INDUSTRY
Attachment #15
03-14-89

cc Joanne E. Hurst, Executive Director ✓
Kansas Commission on Civil Rights