

**2ND ANNUAL REPORT ON THE COMPLIANCE WITH THE  
AMERICANS WITH DISABILITIES ACT (ADA) BY THE STATE OF  
RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**JANUARY 26, 1993 – JANUARY 26, 1994**

**Prepared by the  
RI Coordinating Committee on Disability Rights  
of the  
Governor's Commission on the Handicapped**

**Adopted on January 13, 1994**

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January 26, 1994

His Excellency, Bruce Sundlun  
Governor of the  
State of Rhode Island and Providence Plantations  
State House  
Providence, RI 02903

Dear Governor Sundlun:

It is my pleasure to transmit to you, the other General Officers, members of the House of Representatives and Senate, the Chief Justice of the Supreme Court, the chairpersons of the boards of education, transit authority and telecommunication's authority, and to the general public the 2nd Annual Report on the Compliance with the Americans with Disabilities Act (ADA) by the State of Rhode Island and Providence Plantations: January 26, 1993 – January 26, 1994. Rhode Island can be proud of the continuing progress we have achieved during the 2nd year of compliance. During the past year: a complementary paratransit service to the RI Public Transit Authority's fixed route bus service was established; two centers to reproduce printed documents in formats usable to individuals with vision and reading impairments were created; adaptive technology was provided to state employees with disabilities to enhance their ability to perform their jobs; personnel rules were developed to ensure applicants and state employees with disabilities can request and receive reasonable accommodations that enable them to compete for and effectively perform in state jobs; thirty-eight (38) construction projects to remove environmental and communication barriers in state owned facilities were begun or have been completed; and four hundred eighty-six (486) state agency supervisory personnel have completed ADA training.

The Coordinating Committee on Disability Rights is most proud of the mediation system established to promptly resolve disability discrimination complaints. During the last year thirty-four (34) complaints were filed with the Governor's Commission on the Handicapped, alleging disability discrimination by a state agency or a recipient of financial assistance provided by a state agency. The Commission's mediation efforts were not successful in only two (2) cases. The US Department of Justice and a number of other states have requested information about Rhode Island's Disability Discrimination Mediation Service.

There are four (4) areas of concern that the state must address to ensure equality of opportunity for all Rhode Islanders with disabilities.

1. The lack of "real-time" captioning for individuals with hearing impairments of court proceedings, emergency broadcasts, other state government TV programming, and classroom instruction is the top priority. A phase-in of "real-time" captioning services starting with the emergency broadcast system and the courts must begin in 1994.
2. The shortage of qualified interpreters for individuals with hearing impairments must be remedied through a coordinated recruitment and training program based in Rhode Island. The shortage of qualified interpreters affects every aspect of life, from health care to employment, government services to recreation.
3. The lack of assistive listening systems in courtrooms, classrooms, and meeting facilities has caused trials to be rescheduled for parties who are hard of hearing and affected the education of students with hearing impairments. The process for procuring specialized equipment for individuals with disabilities must be revamped. Justice delayed is justice denied.
4. The state's ability to conduct accessibility inspections of state-owned facilities and the facilities of recipients of financial assistance from the state, along with the monitoring of compliance with the employment and services provisions of the ADA by state agencies and recipients of financial assistance from the state must be maintained.

The Coordinating Committee on Disability Rights will be addressing these four areas during 1994, to ensure people with disabilities are able to participate fully in their state government.

Sincerely,

Nancy Husted-Jensen  
Chairperson & State ADA Coordinator

cc:Robert A. Weygand, Lieutenant Governor  
Barbara M. Leonard, Secretary of State  
Jeffrey B. Pine, Attorney General  
Nancy J. Mayer, General Treasurer  
John B. Harwood, Speaker of the House of Representatives  
Paul S. Kelly, Senate Majority Leader  
Joseph R. Weisberger, Acting Chief Justice  
Frederick Lippitt, Chair, Board of Regents for Elementary & Secondary Education  
Richard A. Licht, Chairman, Board of Governors for Higher Education  
Penelope W. Register, Chairperson, Public Transit Authority  
Charles Schwartz, Chairperson, Public Telecommunications Authority  
Members of the House of Representatives  
Members of the Senate  
Directors of State Departments and Agencies  
Citizens of Rhode Island

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General Officers

Coordinating Committee on Disability Rights Members

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ADA Equipment Committee Members

ADA Reasonable Accommodation Working Group Members

Volunteer ADA Mediators

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## **I. Status of Compliance with the ADA: January 1994**

The State of Rhode Island has continued to move forward in the implementation of its ADA Compliance Plan during 1993. Progress was made in the areas of physical and communications access to programs and employment opportunities, alternative dispute resolutions, and the training of state agency supervisors. Rhode Island was the first state in the nation to complete its ADA self-evaluation, an entire year before the regulations required. The state continues to lead in its efforts to fully implement its compliance plan. During the past year the major accomplishments were in:

1. establishment of a complementary paratransit system to RI Public Transit Authority's (RIPTA) fixed bus service;
2. creation of two centers for the reproduction of government documents in braille, large print, audio cassette or computer disk for individuals who can not use printed documents;
3. establishment of a procedure for employees to acquire adaptive technology that enables them to be effective and efficient workers;
4. establishment of uniform procedures for employees with disabilities to request a reasonable accommodation so they can remain employed or return from injury, accident or workers' compensation;
5. renovation of state owned facilities to remove environmental and/or communication barriers;
6. establishment of a mediation system to resolve complaints; and
7. training of all state agency supervisors in their obligations under the ADA and other state and federal disability rights law.

### **1. Complementary Paratransit**

With the passage of the FY 1994 budget, Rhode Island ensured that individuals with disabilities, who can not utilize private or public transportation, will be able to go to work, shopping, their doctor's office, a play or movie, the park or beach, or any other place. The establishment of the Elderly / Disabled Transportation program, funded by \$.01/gallon of gasoline tax, continues to maintain Rhode Island's lead in accessible transportation services. The Department of Elderly Affairs working with the RI Public Transit Authority (RIPTA), the Department of Transportation, the Governor's Commission on the Handicapped and the State Budget Office developed a coordinated system designed to ensure accessible and usable transportation is available for all citizens. The system will be phased in over the next several years, starting in January 1994 in Washington and Kent Counties.

### **2. Accessibility to Printed Documents**

The Coordinating Committee created a working group to assist it in identifying technology that would ensure access and use of state services by people with disabilities. Operating with assistance from the Department of State Library Services, the ADA Equipment Committee (consisting of volunteers from the disabled community, technology specialists, and representatives from state agencies) reviewed requests from state agencies and colleges for the purchase of adaptive technology that would ensure individuals with disabilities equal access to government services. The committee approved and arranged for the purchase and installation of technology to reproduce printed documents in braille, large print, audio cassette or computer disk. A center for the reproduction of government documents was established in the Secretary of State's Office to service citizens with disabilities visiting the State House (bills, laws, etc.). A second center was established at the Department of State Library Services to reproduce documents for all other state agencies. Those agencies will send the Department of State Library Service either a computer disk with the text of the document or the original document through the Interdepartmental Mail or Inter-library Mail. The Department will contact the citizen requesting the non-print version, determine the most appropriate format, make the copy, send it to the citizen and return the document to the original agency.

### **3. Technology for State Employees with Disabilities**

The ADA Equipment Committee also reviews requests by state employees for technology to adapt their work station (reasonable accommodations) to ensure that they could perform the essential functions of their jobs safely and effectively. During 1993 the Committee established its procedures and began to accept requests from employees. State employees have not been notified of the Committee's existence or function, yet. Publicizing the ADA Equipment Committee's role and the rights of state employees with disabilities to request adaptive technology to enhance their ability to perform their jobs is a priority for 1994.

#### **Table # 1 1993 Adaptive Equipment for State Employees**

3 requests  
3 request approved  
2 equipment purchased, installed & being used  
1 equipment, purchase pending

### **4. Reasonable Accommodations**

The Coordinating Committee established a working group on Reasonable Accommodations, consisting of the State Personnel Administrator; Administrator of the State Employees Workers' Compensation; Deputy Director, Department of Labor - Division of Workers Compensation; Administrator, Office of Rehabilitation Services; Chief of Special Services, Department of State Library Services; and other state employees and persons with disabilities. The working group has completed draft regulations concerning the process for an applicant or employee to request a reasonable accommodation. Those regulations will be issued for public comment by the Personnel Administrator early in 1994.

### **5. Removal of Environmental and Communication Barriers**

The Standing Committee on Accessibility (volunteers recruited by the Governor's Commission on the Handicapped) revised the ADA/504 Transition Plan for the removal of environmental and communication barriers to address unanticipated needs at the Community College and changes regarding the Department of Environmental Management's long term use of their Park Street facility. The State's Capital Development Plan includes over \$6 million for the removal of barriers at state owned facilities by 1995. The State Building Commission inspected, developed specifications, solicited bids, selected architects and monitored construction projects regarding thirty-six (36) projects during 1993. The state is taking steps to expedite the process between the identification of the specific barriers and the completion of the renovations (see appendix for list of projects).

#### **Table # 2. 1993 Barrier Removal Projects**

3 are at the specification review stage  
7 are out to bid  
5 are in the review of bid stage  
9 are being designed  
7 designs are being reviewed  
1 is under construction  
6 facilities were renovated  
1 project is being reconsidered

### **6. Mediation**

The Coordinating Committee established a two step dispute resolution (grievance) system, regarding complaints of discrimination on the basis of disability or handicap in employment or service. Once a complaint has been filed with the Governor's Commission on the Handicapped, the state agency involved is given 15 business days to meet with the complainant and resolve the complaint or get the complainant's permission to extend the time for resolution at the agency level. The second step involves the Commission appointing a two member mediation team. One member of the team is an individual with a disability who is not employed by the state, the other member is the ADA Coordinator from a state agency not involved in the complaint. Twenty-four (24) volunteers, half of whom are people with disabilities not employed by the state government and the remainder state agency ADA coordinators, successfully completed a 20 hour course on mediation techniques for resolving ADA complaints. These volunteers had mediation techniques for resolving ADA complaints. These volunteers had already undergone 10 - 15 hours of training on the ADA and its regulations.

### **Table # 3. 1993 ADA Mediation**

3 complaints filed in 1992

2 related to disability employment discrimination  
1 related to disability discrimination in government services  
mediators appointed by the Commission in 1 993 for all cases  
2 cases resolved, parties sign written agreements  
1 case complainant filed with federal government

31 complaints filed in 1993

13 related to disability discrimination in employment  
14 related to discrimination in government service  
2 related to state agency assisting (provides financial assistance) to an agency practicing  
employment discrimination  
1 relating to state agency assisting a business to discriminate  
on the basis of disability in the operations of a public accommodation  
1 complaint against a public accommodation, not a state agency  
(complainant referred to appropriate enforcement agency)

12 questionnaires not returned,  
complainants chose not to use mediation  
7 related to discrimination in government services  
5 related to employment discrimination

questionnaire mailed to 1 complainant, not returned yet  
17 complaints were referred to the state agency for resolution

3 complaints were resolved by the agencies  
1 complaint is being addressed at the agency level  
1 complaint was withdrawn by the complainant  
following a meeting with the agency, this is proceeding to litigation  
1 complaint was withdrawn by the complainant  
following a meeting with the agency  
11 complaints were not resolved at the agency level and  
returned to the commission for the appointment of mediators

mediators appointed in 5 cases  
1 case resolved, parties sign written agreement  
2 cases resolved, parties agreed to continued meeting  
without the mediators  
2 cases currently in mediation

mediators being appointed in 4 cases  
1 case dismissed without prejudice by State ADA Coordinator  
1 case being revised to include other state agencies.

## **7. Training of Supervisors**

The staff of the Governor's Commission on the Handicapped continued its training program for state agency program managers and supervisors. All supervisory personnel in state agencies undergo a 1 1/2 hour training program on the employment and service provisions of the ADA and other state/federal disability rights laws, the compliance plan and resources available to assist them implement the plan. The training is conducted in small groups, with 2/3rds of the time devoted to providing practical solutions to questions raised by the attendees.

In most departments the directors participate in the training, providing a clear signal of the importance of equal opportunity for Rhode Islanders with disabilities. Judges, legislative employees, the staffs of the General Officers, college and university presidents and their employees and employees and members of state boards and commissions have also been trained

(see appendix for a list of the agencies receiving training). Only a few agencies remain to be trained.

**Table # 4. 1993 ADA Training**

31 training sessions  
142 departmental supervisors trained  
49 judges and court employees trained  
55 college and university administrators trained  
175 board and commission administrators trained  
5 legislative staff members trained  
26 General Officers' employees trained  
11 agencies still needing initial training

**II. Areas of Concern**

The Coordinating Committee on Disability Rights is concerned about the state's ability to comply with the requirements of the ADA, and other state/federal disability rights laws, in the following six areas:

**1. Real-Time Captioning**

Simultaneous (or real-time) Captioning of verbal information for individuals with hearing impairments. This process requires a stenographer to type what is being said, as it is being said, into a computer enhanced stenographic machine for immediate viewing, either on an overhead projection screen for viewers in the room or on a TV with a caption decoder for viewing by the TV audience at home.

The Committee is concerned that funding has not been secured to ensure that:

- (a) defendants, plaintiffs, jurors, other parties or spectators with hearing impairments, for whom interpreting services does not provide equally effective communications, are provided with real-time captioning of the entire court proceedings; and
- (b) TV viewers with hearing impairments, for whom interpreting services does not provide equally effective communications and for those viewers who can utilize either interpreting or captions:
  - (i) emergency broadcast TV messages are provided with real-time captioning of emergency evacuation and other information broadcast during preparation period and during a disaster;
  - (ii) Capitol TV's live coverage of sessions of the General Assembly, public hearings, committee meetings, and other programming are provided with real-time captioning of those proceedings;
  - (iii) WSBE TV's local programming is provided with real-time captioning of its programs; and
  - (iv) instructional TV programming of the Board of Regents and the state colleges and university is provided with real-time captioning of their programs;

**2. Interpreters**

Recruitment, training and scheduling of interpreters for the deaf. The courts and other agencies are finding it increasingly difficult to arrange for interpreters. With the expansion of mainstreaming in the schools and the ADA/504 requirements for interpreters for colleges, the existing interpreter pool is not large enough to handle the demand. Long term solutions for expanding the interpreter pool and the use of real-time captioning need to be developed and implemented.

**3. Assistive Listening Systems**

Assistive listening system for individuals who are hard of hearing. A request to purchase technical advice with regards to the purchase of assistive listening systems for the courts, classrooms and public meeting facilities has been submitted to the procurement system for almost 1 year. This has stopped installation of assistive listening systems. The lack of assistive listening systems has caused trials to be rescheduled and other activities to be delayed.

**4. Access Inspections and Compliance Monitoring**

Access inspections and monitoring of compliance by state agencies and recipients of state grants and contracts. The State Building Commission's handicapped accessibility unit has been reduced by 5 inspectors. These inspectors were hired to inspect state owned facilities and facilities used by private agencies receiving state (and federal) funds to deliver services to citizens of

Rhode Island on behalf of the state. The state has an obligation to ensure that its services are provided in a manner that conforms to the ADA/etc. and allows access by citizens with disabilities.

The Governor's Commission on the Handicapped has established a mediation system to attempt to resolve complaints against the state or any of its contractors or vendors regarding disability discrimination in employment or services. The complaint procedure can only address issues after a citizen has experienced discrimination and could result in costly litigation if they do not chose to participate in the mediation system. Without effective monitoring, the state could be "blind sided". Most citizens are unaware that disability discrimination complaints can be filed with the Governor's Commission on the Handicapped. As a result they file complaints directly with the civil rights enforcement agencies or the federal courts.

### **III. Areas to be Monitored**

The Coordinating Committee will be monitoring compliance in six areas and will make recommendations for adjustments to the compliance plan if necessary. The six areas are:

#### **1. Document Reproduction in Alternative Format**

The state has created two document reproduction facilities, the State House - Secretary of State's Office and the Department of State Library Services. These two centers are just coming "on-line" and the staffing needs and operational costs have yet to be determined and long term funding secured. These centers provide assistance to all other agencies of state government to reproduce documents in Braille, large print, audio cassette or floppy disk for individuals who can not use printed documents.

#### **2. Curb Cuts/Ramps**

The ADA requires curb cuts/ramps at all pedestrian cross walks on state roads and access along sidewalks. The Committee is concerned about the status of the Department of Transportation ADA Curb Cut Transition Plan that was due on July 26, 1992 and must be fully implemented no later than January 26, 1995. The Department of Transportation will be evaluating all state roadways to assure that they are readily accessible by individuals with disabilities. Reports on the status of state roadways will be completed by June 1994. The Department will be installing curb cuts and making sidewalks accessible on all state roadways following the completion of the status reports.

The Governor's Commission on the Handicapped, the State Building Commission and the Office of Rehabilitation Services have each received complaints about the construction of curb cuts by the Department of Transportation. On a recent job on Douglas Avenue, Providence, 12 of 18 curb cuts were improperly installed.

#### **3. Training of Supervisors**

The Governor's Commission on the Handicapped is completing its initial training of supervisors on their responsibilities under the ADA for state employees and the delivery of services. Specialized trainings for recipients of state grants and state personnel responsible for monitoring those grants, etc. may be needed. Specialized training may also need to be tailored for direct service personnel in some critical segments (public safety, child protection, etc.).

#### **4. Training for Department Directors & ADA Coordinators**

Continuing training on the ADA is needed for department directors and their ADA Coordinators. Department heads set the tone within agencies regarding the employment and service "culture". No process has yet been established to ensure "feedback" to department heads with regards to ADA compliance. In many of the departments the directors attending the ADA training for supervisors set a very positive tone. In other departments neither the director nor the assistant directors attended the ADA training, even though their presence was requested.

#### **5. Reasonable Accommodations for State Employees**

The uniform procedure for state employees with disabilities to request a reasonable accommodation will be going into effect early in 1994. The process for purchasing adaptive equipment for employees currently takes several months, during which the employee is unable to safely and effectively perform her/his job. These new regulations should speed up this procedure greatly, but needs to be monitored during the next few years.

## **6. Transportation**

The state has initiated the complementary paratransit service as required by the ADA and is improving the existing paratransit service. The system will be expanding over the next three years. The interfacing of the paratransit system with other transportation services will need to be coordinated to ensure effective use of those services.

## **IV. Conclusion**

The state has continued to make substantial progress during the two years since the ADA's Title II Regulations for Local and State Government Services took effect. Rhode Island continues to be in the forefront in addressing issues concerning the complete integration of individuals with disabilities into every aspect of life in the community. Despite difficult financial times, the state has made progress in almost every area identified by the original self-evaluation and compliance plan.

The one major area that must be addressed is the real-time captioning of state operated television and court trials. The state has a duty to ensure that individuals with hearing impairments are provided with essential emergency information via the Emergency Broadcast System and accurate information during criminal and civil trials. It is imperative that Rhode Island establish a real-time captioning service during 1994. This service may be phased in over time, but emergency information and court proceedings must be addressed this year.

# APPENDICES

## 1. Barrier Removal Projects

### Projects in Specification Review

Welcome Arnold Hall  
Powers Building, Department of Administration

Court Houses

### Projects out to Bid

Stedman Government Center Chariho Vocational Technical School  
Davies Vocational Technical School  
Handley Vocational Technical School  
Newport Vocational Technical School  
Woonsocket Vocational Technical School

School for the Deaf

### Project Bids being Reviewed

Market Street Armory  
East Providence Vocational Technical School  
West Bay Vocational Technical School

Talbot House, Zambarano Hospital

### Projects In Design

Zambarano Hospital, Main Building  
Washburn Hall, URI  
Old State House, Providence  
Warwick Vocational Technical School  
Cranston Vocational Technical School

Rhode Island College  
URI Dorm - Student Laundries  
Cottage 405, Medical Center  
URI Dorm Rooms  
Westerly Airport

### Designs being Reviewed

Alton Jones Ecology Center  
Roosevelt Hall, URI  
Tanktown Apartment A, Zambarano Hospital

Carotti Hall, URI  
Rodman Hall, URI  
President's House, URI

State Armories

### Projects Under Construction

State House

### Projects Completed

Phase I, State House  
Regan Conference Center, Medical Center  
Auditorium, Health Department  
Conference Room, Blackstone Valley Sewer Authority  
Ramp, DCYF Building #8  
President's House, Rhode Island College

### Project being Reconsidered

Co-Op Building, URI

## **2. ADA Supervisor Training**

### **2a. 1993 Department & Agency Training**

<b>AGENCY</b>	<b>DATE</b>	<b># TRAINED</b>
National Guard	February 3	25
Executive Department	March 17	14
Rhode Island College	March 30	45
General Treasurer	April 12	20
Senate	April 26	4
University of Rhode Island	May 24	10
MHRH – Managers	Sept. 22	20
Public Utilities Commission	Oct. 7	17
Court Administrators	Oct. 13	22
Attorney General	Oct. 14	18
Lottery Commission	Oct. 19	17
Secretary of State	Oct. 20	8
Public Transit Authority	Oct. 27	20
Health & Education Building Authority and Public Building Authority	Oct. 28	3
Child Advocate	Oct. 28	6
Commission on Women	Oct. 28	1
State Library Services	Oct. 29	17
Public Utilities Commission	Nov. 3	22
Mental Health Advocate	Nov. 3	1
MHRH – General Hospital	Nov. 9	20
Board of Elections	Nov. 17	17
Convention Center Authority	Nov. 18	10
MHRH – Developmental Disability	Nov. 18	16
Family Court	Nov. 23	21
Emergency Management Agency	Nov. 30	14
Superior Court	Dec. 3	8
MHRH – Zambarano	Dec. 3	24
Coastal Resource Management Council	Dec. 9	6
Public Telecommunication Authority WSBE TV Channel 36	Dec. 15	4
Water Resource Board	Dec. 15	6
Narragansett Bay Water Quality Commission	Dec. 16	23
MHRH – Developmental Disability	Dec. 17	20
Business Regulation	Dec. 22	7

### **2b. Agencies Needing Training in 1994**

Ethics Commission's supervisors  
Commission on Deaf and Hard of Hearing's staff  
Parole Board's supervisors  
State Council on the Arts' supervisors  
Superior Court's judges and clerks  
District Court's judges and clerks  
Administrative Adjudication Court's judges  
Public Defenders' Office supervisors  
University of RI's supervisors and department heads  
House of Representatives' supervisors  
Lieutenant Governor's Office's supervisors

**ADA Equipment Committee Members**

Regina Connor of North Providence  
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Judi Hammerlind Carlson, TechACCESS OF RI  
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Betsy Dalton, Rhode Island College  
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**ADA Reasonable Accommodation Working Group Members**

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**Volunteer ADA Mediators**

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Marie McGlynn, DoT  
Nicholas Palazzo, Commission for Human Rights  
James Pitassi, DoA  
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Citizen with Disabilities Mediators

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Alice Kinglsey  
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