



Massachusetts Disability Quarterly

A Publication from the

Massachusetts Office On Disability

One Ashburton Place, Room 1305 Boston, MA 02108



Vol. 3 Issue 3

Full & Equal Participation in All Aspects of Life by All Persons With Disabilities

Winter 2018

IN THIS ISSUE

- Commonwealth Disability Mentoring Week 2017
- [Summit 2017 Recap](#)
- [“Breaking Barriers” Art Exhibit](#)
- [Municipal ADA Improvement Grant Update](#)
- [Emergency Preparedness Program Update](#)
- [Jeffrey’s Access Corner: Saunas & Steam Rooms](#)
- [Supplier Diversity office Pilots Utilization Goal](#)
- [International Day of Persons with Disabilities](#)
- [FAQ on Service Animals](#)
- [MOD FY 16 & 17 Report](#)
- [Winter 2018 Calendar](#)

Commonwealth Disability Mentoring Week 2017

[National Disability Mentoring Day](#) (DMD) was established by the White House in 1999 with fewer than three-dozen participants as part of an effort to increase awareness of National Disability Employment Awareness Month (NDEAM). In celebration of NDEAM this past October, the Massachusetts Office on Disability (MOD) and the Commonwealth [Human Resources Division](#) (HRD) partnered to host our first “[Disability Mentoring Week](#) (DMW).” DMW was an opportunity for people with disabilities to explore career opportunities within Massachusetts state government. Several Massachusetts state agencies welcomed approximately 30 mentees. Each mentee was paired with a state employee working in the mentee’s field of interest. Mentees also attended workshops on [MassCareers](#), the state’s hiring system, interviewing, and resume building. Feedback from both mentors and mentees has been overwhelmingly positive. We are looking forward to hosting this program again in the future.



A few DMW 2017 Mentees in a MassCareers workshop

2017 Art Exhibit “Breaking Barriers”

The Massachusetts Office on Disability (MOD) asked the public to submit original artwork that depicts the theme of persons with disabilities “Breaking Barriers.” Out of about one hundred entries from all across the Commonwealth, our jury selected 23 pieces for display in the Massachusetts State House. We would like to sincerely thank all participants for submitting their work and making this exhibit possible. The exhibit ran from November 14–24, 2017. View the collection online at www.mass.gov/mod/art. Photos: Deb Luchini



Artist Brogan Joe Murphy
with his piece
“Stephie & Izzie”



Dr. Jennifer Marler with her piece
“Legs Optional”



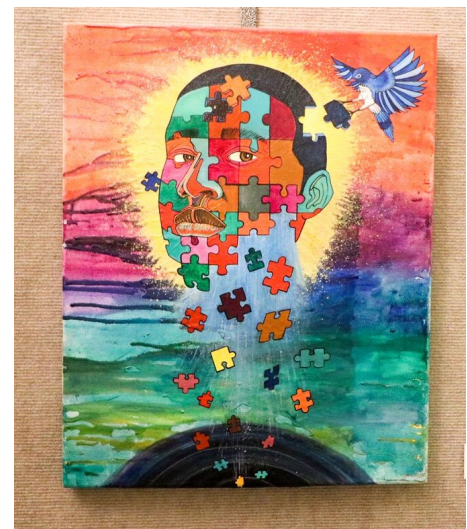
“Good Morning America” by Dorothy Chaffee



Pops Peterson with his piece “Freedom From Shame”



Artists and speakers at exhibit opening



“Peace of mind” by Sherwin Long

State Supplier Diversity Office Pilots 7% Utilization Goal

Rita DiNunzio

Under [M.G.L. Ch. 7, sec. 61 \(s\)](#), the Massachusetts Office on Disability (MOD) provides consultation to the [Massachusetts Supplier Diversity Office](#) (SDO) regarding the participation goals for state procurement contracting. The law, part of the Acts of 2016, directs MOD to consult with SDO to develop policies aimed at leveraging the \$4 billion spent annually by state government on goods and services to include suppliers with significant goals for employing persons with disabilities.

Pursuant to Section 4 of the Acts, “the SDO, in consultation with the Massachusetts Office on Disability (MOD), is conducting research needed to accomplish the Act’s objectives and will commence a pilot program applying a utilization goal of 7% beginning in FY19.” The Act is unique to past and current supplier diversity programs in that it is not limited to a focus on the inclusion of businesses owned by people with disabilities, but allows the potential for the SDO to mandate that contractors and subcontractors identify, recruit and hire qualified individuals with disabilities.

SDO has outlined a plan to expand participation of persons with disabilities in state procurement and contracting for FY 18-19 which includes the goals of contracting anti-discrimination terms, expanding inclusion of Disability-Owned Business Enterprises (DOBE), developing a central repository of resources for individuals with disabilities, a diligent review of current and best practices, and the one year pilot program of setting a contract-based goal of 7% for the inclusion of qualified individuals with disabilities in any state contract. At the conclusion of the one year period, SDO will assess and report on the outcome of the pilot by October 31, 2019.

International Day of Persons with Disabilities in December

James Aprea

Every December third, the United Nations (UN) celebrates International Day of Persons with Disabilities (IDPD). The UN chooses a different theme each year to promote the inclusion of people with disabilities in society around the world. This year the theme is “Transformation towards sustainable and resilient society for all.”

The UN holds annual events at their headquarters in New York and gives communities the opportunity to share local events with the world. The UN also provides ideas for how you can celebrate IDPD in your community.

With this year’s focus on sustainability and inclusion in disaster response, the UN suggests holding inclusive and collaborative events, organizing forums and public discussions for all stakeholders, celebrating with events focusing on members of the disability community as change makers, and taking action by highlighting best practices and making recommendations to leaders. Find out more and download the IDPD poster at

www.un.org/disabilities.



IDPD 2017 Poster

Municipal ADA Improvement Grant Update

Rita DiNunzio

The Massachusetts Office on Disability (MOD) recently closed the application period for the Municipal ADA Improvement Grant Program FY 18 cycle. Grants support capital improvements specifically dedicated to improving programmatic access for persons with disabilities. Eligible applicants include any Massachusetts city, town, special purpose district and/or regional governmental organization.

For FY 18, MOD received 94 total applications for a total of \$9,304,154 in requested funds. 35 were Planning Applications representing \$1,408,235 in requested funds. 59 were Project Applications totaling \$7,895,919 in requested funds.

The application review committee is working diligently to process all applications and make determinations on grantees. Last year MOD awarded grants to cities and towns for nearly \$1 million to improve accessibility of public buildings.

FAQ on Service Animals

Rita DiNunzio

The Massachusetts Office on Disability (MOD) delivered a high number of trainings on the subject of service animals and assistance animals since our last issue. Our [blog post about service animals and emotional support animals](#) continues to be our most-viewed post by far. Our staff have provided technical assistance to businesses, agencies, local governments, and other organizations that are making efforts to ensure the rights of persons with disabilities to be accompanied by service animals. We hear a few “frequently asked questions” (FAQ) time and again. Here is a sample.

Do public places have to allow emotional support animals? Maybe. Emotional support animals do not meet the Americans with Disabilities Act (ADA) definition of service animals, “dogs that are individually trained to do work or perform tasks for people with disabilities,” nor are they covered by the even more limiting Massachusetts law governing service animals, which mentions only dogs that “guide” persons who are blind, deaf or hard of hearing, or who have physical disabilities. However, there is a caveat. Places that are open to the public and covered under these laws still have an obligation to consider *modifying their policies* when necessary to ensure equal access to a person with a disability. In some cases, this could mean an obligation to modify a “Service Animals Only” policy to allow for an emotional support animal. MOD encourages covered entities to use such opportunities to educate patrons about which animals meet the definition of service animal and to modify their policies on a case-by-case basis. Emotional support animals are not automatically entitled to access public places the way service animals are.

How can I tell if a dog is a service animal or just a pet? Service animals are not required to wear any identifying items like vests or badges, nor is a service animal handler required to present certification or proof that a dog is a service animal. Service animals may look just like ordinary dogs (or miniature horses). If a staff person can’t tell, he or she is allowed to ask the handler two questions only: 1. Is this a service animal required because of a disability? and 2. What service is the dog trained to perform?

What if someone lies and answers the questions affirmatively even though the dog is just a pet? Under current federal law, staff must take the handler at his or her word, regardless of suspicions. Various individual states have taken steps to make misrepresenting a pet as a service animal a crime, but the power to enforce such state laws may be limited absent a change to the ADA. MOD reminds covered entities that service animals must be under control, house broken, and may not pose a threat to health or safety when in public. This means that, in the worst case scenario, public places may end up admitting a well-behaved “fake” service animal once in a while.

Trained service animals are an important component of independence for many persons with disabilities who benefit from their assistance. Through training and education, MOD strives to foster an environment where individuals who use service animals are treated with respect, and covered entities are confident in their ability to apply the relevant laws correctly.

Emergency Preparedness Program Grant Renewal

Rita DiNunzio

To gear up for the fall and winter training in our Emergency Preparedness for Persons with Disabilities Program, the Massachusetts Office on Disability (MOD) has recently ordered 400 emergency “Go-Pack” backpacks for distribution among Massachusetts communities. MOD hosts Emergency Preparedness meetings to help local residents and professionals prepare for emergencies. The meetings bring people with disabilities together with local emergency planners and first responders. Members of the community learn about the personal steps they can take to prepare for various emergency situations. MOD provides individuals with planning guides to help make this possible. First responders and emergency planners learn about making more accessible community preparedness plans. We also work to educate first responders about how to interact with people with disabilities in an emergency. Persons with disabilities who attend receive a Go-Pack which includes emergency supplies.

This past September, the office received news from the [Homeland Security Division of the Executive Office for Public Safety](#) (EOPSS) that MOD has been awarded \$120,000 in grant funds for the Emergency Preparedness Program through June 30, 2019. EOPSS has awarded MOD with grant funding for Federal Fiscal Year 2017 as part of the State Homeland Security Program. The program continues to be in demand with multiple requests from communities all over the Commonwealth seeking training. This is great news for MOD and for the program.

You can request a Personal Emergency Preparedness Program for your community and find additional emergency preparedness resources and information on our website at www.mass.gov/mod/prepare.



Above: Emergency Preparedness Program Coordinator DaLonn Pearson delivers Personal Emergency Preparedness training. Left to right: DaLonn Pearson, Lt. Fricke of Newton Fire Dept., Eric M. Rosenbaum & Brett Ferolito of Newton Police Dept. Below: Emergency Go-Pack. Photos: The Carroll Center



MOD FY 16 & 17 Report Available Now

The Massachusetts Office on Disability (MOD) has published a two year report covering Fiscal Years 2016 and 2017. The report serves to provide a history and background of MOD, detailed descriptions of MOD services and activities, relevant and recent disability related data and statistics, and an overview of disability related policies and initiatives MOD has worked on during FY 16 and FY 17. You can find the report on our website mass.gov/mod. Alternative formats are available upon request.

2017 Summit Recap

Rita DiNunzio

On Friday, September 15, 2017 the Massachusetts Office on Disability (MOD) welcomed about 300 guests for the third annual Summit. Held in the Massachusetts State House, the theme of the program was “Employment Opportunity for Persons with Disabilities.”

David Manzo, President of the [Cotting School](#) in Lexington, MA, founded in 1893 to serve students with special needs, presented “Looking Back to Look Forward: Encouraging, Supporting and Creating Employment Opportunities.” Through historical photographs and success stories of Cotting graduates past, David reflected on how we might learn from the past in our current efforts to foster employment opportunity and independence.

Independent researcher Matthew Brault, formerly of the U.S. Census Bureau, presented “Trends in Disability Data for Massachusetts.” Matthew is currently working with [New England ADA Center](#) on a project to estimate the size and characteristics of the population of people living in the New England Region who might assert rights or accommodations under the ADA.

David D’Arcangelo, Director of MOD, Jabes Rojas, Deputy Chief for [Access & Opportunity](#) and Community Affairs of the Office of the Governor of Massachusetts, and Toni Wolf, Commissioner of the [Massachusetts Rehabilitation Commission](#) (MRC), each addressed efforts being made by the Commonwealth to improve employment opportunities for persons with disabilities.

Rick Fiery, Co-founder of [InventiveLabs](#) in Amesbury, MA, shared the amazing story behind this research lab and business incubator that helps people with learning differences find their passions and create new businesses in an all-accepting environment. Rick shared how InventiveLabs programs like Entrepreneurship, Gap-year, Pitch Competition and Business Accelerator, provide an alternative path to success.

The 2017 Thomas P. Hopkins Access Award was presented to William Kiernan, PhD., Dean of the University of Massachusetts School for Global Inclusion and Social Development.

The 2017 Summit program was designed to inspire leaders, advocates, and persons with disabilities to continue the conversation around employment opportunities. Successful employment outcomes foster dignity, self-determination, and independence, which are goals at the core of MOD’s mission.



Great Hall of Flags, Massachusetts State House



MRC Commissioner Toni Wolf



Bill Kiernan (left) accepts award

Jeffrey's Access Corner: Saunas & Steam Rooms

Jeffrey Dougan

As winter approaches, I wanted to discuss something warm and relaxing—saunas, steam rooms, and accessibility. Saunas and steam rooms are found at spas, health clubs, other areas and are used for a variety of reasons, including health, stress relief, and relaxation. To understand the accessibility requirements, we need to look at the 1991 and 2010 [ADA Design Standards](#) (ADADS) and the [Massachusetts Architectural Access Board's](#) rules and regulations (MAAB) to determine the applicability and the most stringent requirement.

As an example, let's consider a single sauna that was installed in 2014. Which codes apply and what do those codes require? Since the installation in this example was done in 2014, The 1991 ADADS would not apply (the 1991 ADADS did not include requirements for saunas or steam rooms). On the other hand, since the 2010 ADADS (Section 241) were in effect at the time of installation and do include specific requirements for this element, these standards would apply. The 2006 revision of the MAAB (Section 19) were also in effect at the time of installation and cover saunas as an element that would need to comply with the codes.

From this analysis, we can determine the following. Under the 2010 ADADA, since this is a single sauna, it would need to comply with Section 612 of the 2010 ADADS. As an aside, Section 241 states that where there is more than one sauna at a single location, 5% of the saunas at each location would need to comply with Section 612. Section 612 requires that, where seating is provided, at least one bench comply with Section 903. Additionally, there must be enough turning space provided within the sauna. This section does allow for a "readily removable" bench to block the turning space required. This would allow for the easy removal of the bench to meet the appropriate turning space requirements.

Section 903 requires specific design elements for benches such as the required clear floor spaces at the end of the bench seat, the size of the benches (minimum 42 inches long, 20 to 24 inches deep), back support requirements (minimum 42 inches long, maximum of 2 inches above the seat surface, maximum 2 ½ inches high from the rear of the seat, and a minimum of 18 inches in height), bench seat height (17 to 19 inches above the finished floor), structural strength (allow stresses of up to 250 pounds), and even benches in "wet" locations (seat surface to be slip resistant and not accumulate water). Additional items, under the less "sauna-specific" sections of the standards that need to comply would be doors (Section 404) such as clear width, maneuvering clearances, hardware, and closing speeds; and sauna controls (Section 309) such as operable parts, reach ranges and clear floor space at the controls.

Under the 2006 revision of the MAAB, Section 19 would require the sauna to comply fully with the codes. While this section specifically states "saunas" as a covered element, there is no further discussion of specific obligations under this section relating to saunas. This means that we must look to other sections of the code to see what the obligations would be. Unlike Section 241 of the 2010 ADADS, the MAAB codes would require, if there were more than one, *all* saunas to comply, not just 5% at each cluster location, although variances could be sought. Unlike section 612 and section 903 of the 2010 ADADS, the MAAB has no requirements covering the seating within the sauna. The MAAB regulations would cover the doors to the sauna (Section 26) and sauna controls (Section 39) controls.

We will now combine these two different codes to determine what is required in our example scenario. The sauna controls would need to comply with the 2010 ADADS or MAAB, whichever is more stringent. Benches must be compliant with the 2010 ADADS. Doors and clearances must be compliant with the 2010 ADADS or MAAB, whichever is more stringent. Inside maneuvering spaces must be compliant with the 2010 ADADS or MAAB, whichever is more stringent.

Additionally, under the MAAB (Section 3.4), if this sauna was installed in a previously non-public space that has now become a public space, there would be additional requirements for an accessible route from the public entrance to the newly created sauna. The proposed regulations changes to the MAAB would bring identical language from the 2010 ADADS to the new MAAB regulations.

Contact MOD

Phone: 617.727.7440

Toll Free: 800. 322.2020

Fax: 617.727.0965

Web: mass.gov/mod



Massachusetts Disability Quarterly

Massachusetts Office on Disability

One Ashburton Place

Room 1305

Boston, MA 02108

MOD Quick Links

- ["Breaking Barriers" Art Exhibit Gallery and Audio Description](#)
- [MOD Publications](#)
- [MOD Blog](#)
- [Disability Nondiscrimination Training](#)
- [Architectural Access](#)
- [Disability Rights & Resources](#)
- [Emergency Preparedness](#)
- [Municipal Commissions on Disability](#)

Winter 2018 Calendar

December

3, Sun

[Disabled American
Veteran's Hospital Day](#),

International Day of
Persons with Disabilities

8-15, Fri- Fri

[Civil Rights Week](#)

21, Thurs

Winter Solstice

25, Mon

Christmas Day

January

1, Mon

New Years Day

15, Mon

Martin Luther King,
Jr. Day

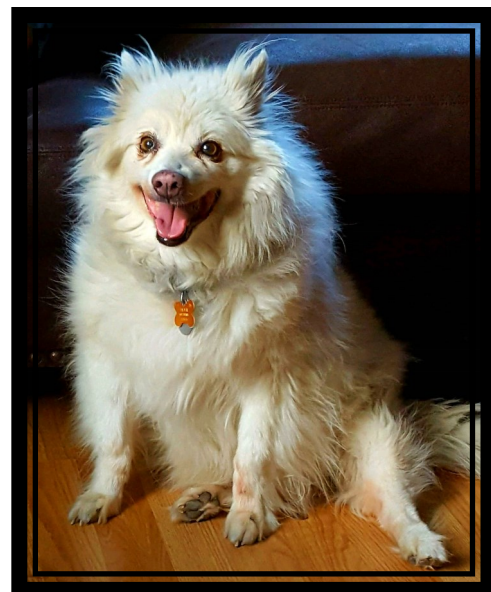
February

14, Weds

[Congenital Heart Defect
Awareness Day](#)

19, Mon

Presidents' Day



In Memory of
Captain "Cappy"

Would you like to see **your pet** in a
future issue? Email photo to:

MOD-Info@MassMail.State.MA.US



Published by the Massachusetts Office on Disability. Executive Editor, David D'Arcangelo. Copy Editor, Rita DiNunzio.