

TRC TODAY

When a deal's a deal

After working more than 24 years on 25,000 pairs of shoes, repairman James Pate decided to hang 'em up. As the only shoe repairman in Silsbee, Texas, he planned to pass his business and equipment on to someone else.

Then he remembered his agreement with his vocational rehabilitation counselor.

His agreement, now torn, tattered and yellowing, remained on his bulletin board since he began his business nearly a quarter of century ago. Simply stated, he agreed not to sell, loan, pawn or give away the equipment provided to him in 1967 by the vocational rehabilitation division of the Texas Education Agency.

Because the VR program helped him become self-sufficient after losing his leg in a forklift accident at a lumber company, he intended to keep his part of the agreement. He contacted the TRC office in Port Arthur, where his now deceased counselor, Clayton Brackin, last spoke with him. Hardly anyone remembered him.

Although he preferred to give the equipment to another TRC client, Autrey Beaty, who was starting his career in shoe repair in Orange, Pate insisted on honoring his part of the agreement.

"A deal is a deal," Pate says. "Rehabilitation helped me get started years ago and it is now time for me to hold up my end of the deal."

Nathalie Hallmark, MSS for the Beaumont unit, was Brackin's secretary when TRC originally gave Pate's equipment to him. She arranged for a letter of release so the equipment, still with the



original inventory numbers, could benefit another client.

"Pate has paid for that equipment many times over by working and paying taxes for 24 years," says Hallmark. "I'll have to admit, I got a little emotional about this. It is nice to see a plan for service work in a person's life so well for so long ... and now it carries over to another client."

Pate, who kept his machines in peak condition, plans to turn his attention to his aluminum fishing boat and garden at home, but will probably make time to check on his shoe repair equipment.

—Reported by Nathalie Hallmark and Jerald Stewart

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Employers claim ADA regs still unclear

Reacting to the Equal Employment Opportunity Commission's final regulations under the Americans with Disabilities Act, representatives of employer organizations expressed concerns that the regulations leave too many key definitions for the courts to decide.

Although they acknowledged the EEOC resolved some of the major issues, employers said their failure to address ADA's effect on health insurance and other important aspects leave them needing more information on how to comply with the act.

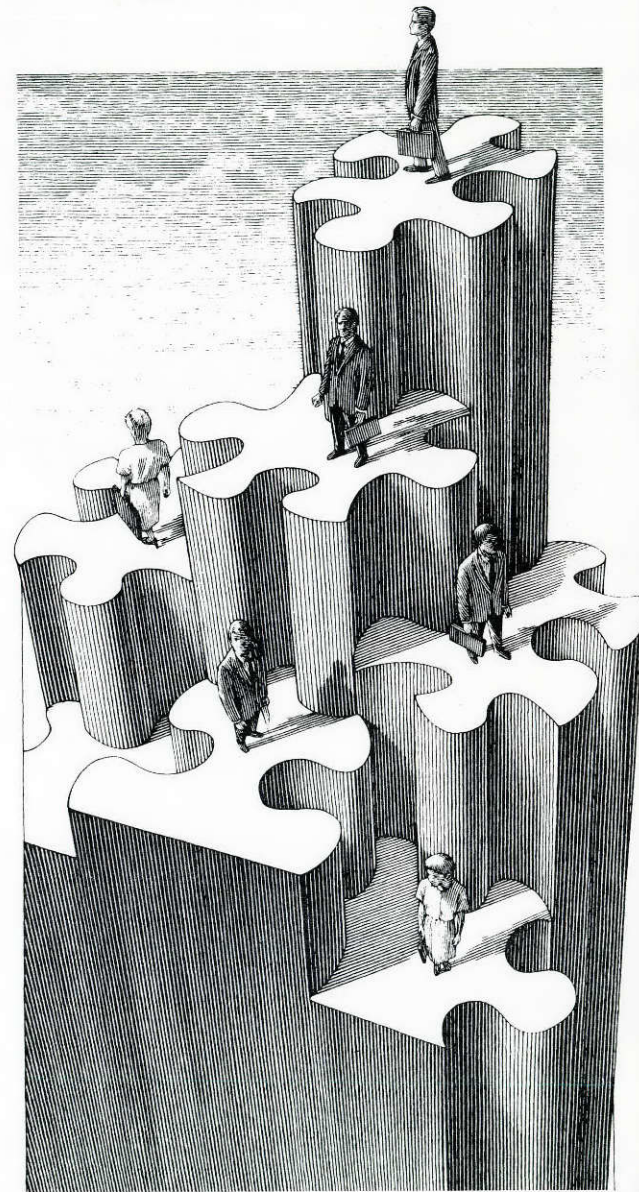
David Copus, counsel to the Coalition for Effective Disability Act Regulations, criticized the EEOC's failure to address how ADA affects health insurance coverage, especially whether an employer can change or cap benefits for specific medical conditions without facing a discrimination charge.

He said the EEOC merely listed the factors it will consider without describing how those factors should be weighed in any particular scenario. Employers are left in the dark concerning if or when changes in an employee benefit plan, such as removal of coverage for certain impairments or a cap on lifetime benefits, might not be in compliance with ADA.

Charles Goldman, a Washington, D.C., lawyer who works on disability issues, echoed Copus' concern about insurance. "EEOC's quandry over insurance is very troubling," he said. "It's a major issue for employers and employees ... EEOC's hesitancy there is less than reassuring."

Goldman said he also has questions about the language in the regulations permitting employers to ask job applicants to describe or demonstrate how they would perform the duties of a job, including non-essential functions. Goldman maintains that this questioning could allow back-door inquiries into areas that are out of bounds under the ADA or state law.

Under both the proposed and final regulations, the ADA rules out employer inquiries about a prior history of



filing workers' compensation claims to determine if they are "accident prone." Sue Mesinger, vice president of government and public affairs for the Society for Human Resource Management, said employers are looking for clear guidance in interviewing job applicants.

If you want more information about interacting with persons with disabilities, the TRC Library has a video about meeting people with disabilities. Contact Terry Foster at (512) 483-4240. Contact ADA Texas for more information regarding the Americans with Disabilities Act by calling (512) 483-4761.

"EEOC's quandry over insurance is very troubling. It's a major issue for employers and employees ... EEOC's hesitancy there is less than reassuring."

Cause for applause

The following are portions of letters received by TRC employees:

Arnold Barrera (Houston Regional Office):

This letter of appreciation is to acknowledge all the assistance and guidance that was provided me by the Houston North Field Office and Mr. Charles Stevens, Program Monitoring, Central Office. Ms. Stephanie Slattery was very direct and inspirational in her leadership role as she coordinated the certification process for our facilities.

Ms. Slattery appointed us an excellent liaison counselor in Ms. Elberta Wilson. Ms. Wilson has gone more than the extra mile to service the clients at this facility.

I would also like to thank the whole TRC organization ... This is a very tough job that you have, and on behalf of the thousands of clients that you serve every year, and on behalf of that sector of society that does not know what you do, we truly commend you with a standing ovation.

Charles D. Nubin, President Gulf Coast Recovery Foundation, Inc.

Tim Spong (Beaumont Field Office)

Here is thanking you and expressing my gratitude to you for assisting me with obtaining a productive environment for my brother, Micheal.

Please never close the doors to your programs. He may need your services later.

At this point, it appears that both our goals for Micheal are being met. I appreciate your continued counseling expertise, patience and understanding with regards to assisting Micheal in achieving his highest level of autonomy.

Mrs. Dianna Copeland

Marilyn MacDougall (Temple Field Office):

I wanted to share with you the letter I received today from the vice president of MCC (McLennan Community College). I'm so excited about my grades this past semester. It's hard for me to believe I was only planning to get a job and an apartment a year ago. I feel very luck today.

Thank you and TRC again!

Paula Heller

Naomi Marksbury (Tyler Field Office):

I want to thank you so much for everything you have done to better prepare me for studying. The glasses have helped so much, but especially best are the changes since getting my hearing aids. Last Friday as I put the instruments in my ears I was amazed at the clarity in things I could hear. The biggest shock was when I went outside. I just stopped and listened. I heard rain falling to the ground for the first time in my life. I did not know rain made a sound. Thanks so much for this blessing.

Gerrie Attardi

Letters



TRC TODAY

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The bottom line



It's nearly over ... for now

As of this writing, the 72nd Texas Legislature still meets in a called second session. By the end of the first called special session, after 170 days of deliberation on a "New Texas" response to a continuing fiscal crisis, the legislature finally made history.

As we reported in August 1987 TRC News & Views, what could have happened did. A super agency is now a reality in the form of the new Health and Human Services Commission.

Filled with surprises, this session combined a restructuring of state government with a new tax bill to start the new 1992-93 biennium. In the special session alone more than 350 bills were introduced, with five of them having possible impact on TRC. Here is a look at the combined session highlights:

New structure

TRC is one of 12 agencies included in the new Health and Human Services Commission. The governor will appoint a new commissioner to oversee planning, budget practices and agency coordination by March 1, 1992.

While TRC and the other agencies will remain autonomous, with their own policy-making boards, the new commissioner of HHS will have broad authority to transfer funds among agencies, review and veto agency rules and policies, and establish uniform regional boundaries and co-locate offices, among other powers.

There are no current plans to combine TRC staff with other agency personnel.

New budget

TRC is fortunate. As an agency, we suffered no major program cuts. But there were no major increases either. We will operate in the next biennium at about the same funding level we've operated at this fiscal year.

We were spared the 5 percent across-the-board cut contained in the House's original appropriation bill. Some agencies are still required to reduce by as much as 5 percent. The vocational rehabilitation program was granted a modest increase to allow state funds to draw down all of the federal VR funds expected to be available over the next two years.

New funding program

The real surprise of the regular legislative session was the passage of the comprehensive medical rehabilitation trust fund law.

Designed to replace the comprehensive medical rehabilitation program in TRC's budget, it is expected to increase funding by 13 times the \$1 million appropriated last year. The new fund will be established from fees assessed motorists charged with DWI, speeding and riding a motorcycle without a helmet.

New opportunities

The regular session also moved the Governor's Committee for Disabled Persons, administratively housed at TRC since 1978, to the governor's office.

GCDP will play a major role in implementing the Americans with Disabilities Act in Texas state government. The Council on Disabilities, an advisory and planning body, was added to the GCDP scope of function.

Some new benefits

What started as an ominous session with often reported reductions in number of state employees, ended on a positive note. Time will be needed to sort through all of the bills

affecting TRC employees. Some of the more easily identified benefits are:

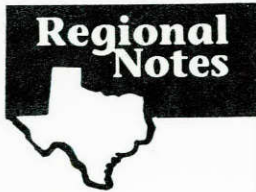
- A 3 percent pay raise for all state employees, in each year of the biennium, if the state comptroller can certify that there is enough money to do that;
- Merit salary increases are unfrozen as of September 1;
- Lump sum bonus awards have been replaced by a new achievement bonus program—more information to come from the governor's office;
- The state will pay \$152.09 in FY 92 and \$178.23 in FY 93 for "employee only" health and basic life insurance, with the state paying 40 percent of the increase over the "employee only" amount for employees claiming dependents and/or spouses.

Taking care of business



"You can be proud of the way this agency is viewed by the Texas Legislature. At the end of every committee hearing, I was told that they were aware of the fine job we are doing. That is because TRC employees are taking care of the business of rehabilitation."

—*Commissioner Vernon M. Arrell*



Region III

Billy Feltman, counselor in Lufkin, worked with the Angelina County Chamber of Commerce to bring a free seminar on recruitment and hiring of persons with disabilities as part of a job fair in his community. The seminar, attended by more than 70 employers, covered the topics such as: the effect of ADA on business, workers compensation and contacting qualified applicants with disabilities.

Region IV

Wanda Williams, training officer in the Houston Regional Office, was selected as area manager for the Rosenberg Supervisory Unit.

Area Manager Bobby Grant announced the selection of Edward G. Stevans as counselor in the Houston Central Field Office. Stevans assumes the responsibility for distributing referrals for the worker's comp program.

Inez Morrison, counselor in the Houston South Field Office, retires at the end of September with 22 years of TRC service.

Region VI

A farewell reception was held on August 2 for Mary Lou Burris, rehabilitation services technician, in the Dallas Northwest Field Office. Burris has worked with TRC for 13 years.

DDS

Annette Dominguez, DDS personnel director, announced that Norma Nanez, employment clerk in the Central Office, will join the DDS/HRM team.

Central Office

David Henderson is the new senior grant/contract specialist in Special Services. Henderson was previously with the Texas Planning Council for Developmental Disabilities.

Scott Lamson, program specialist in Special Services, passed away July 25. Lamson had been with TRC for more than six years.

George Park, facilities specialist, passed away Aug. 17. He first worked for TRC for as a counselor.



Tune in to captioning

When close-captioned television debuted nationally on March 16, 1980,

only 16 hours of programming per week were being captioned. Captioned programming has grown to nearly 400 hours per week.

This programming is available to any household with a TeleCaption decoding device. The NCI TeleCaption 400 decoder can be purchased nationally through major mail order catalogs and in more than 900 retail outlets for about \$200.

For more information about closed-captioning, NCI has toll-free numbers for consumers: (800) 533-9673 (voice), and (800) 321-8337 (TDD).

U.S. non-whites to shoot to 25 percent by 2000

Recently the Kiplinger Letter pointed out the tremendous speed with which our population mix is changing. For example, by 2000, more than 25 percent of all Americans will be non-white (up from 20 percent), and one out of every three children will be Hispanic, Asian, Black or American Indian. By 2015, Hispanics will replace Blacks as the largest minority nationwide; that is already true in Texas and 18 other states.

The greatest population changes are taking place in Texas, California, Florida and New York, but all across the United States, race and ethnic mix changes mean employers will be relying on minority workers more than ever.

Adapted from Texas Business Today, July 1991.

August 1991 Service Awards

Region II

15 years:
Sylvia A. Perry

25 years:
Ben W. King

Region III

15 years:
Jeffrey L. Matthews

Region IV

15 years:
Karen K. Gaede

Region V

25 years:
Daniel Flowers
Ida B. Diaz

DDS

10 years:
Selestin Villarreal
Margaret Chancey
Myra Annette Carter
Doris Ann Rossman

20 years:
Kathleen Mills
Anne W. James

Central Office

10 years:
Doris Wilson

15 years:
Jackie Lockwood

20 years:
A.D. Alexander



Nell Carney recognized at facility directors meeting

Nell Carney, commissioner of Rehabilitation Services Administration in Washington, D.C., receives a certificate of appreciation from James L. Jackson, TRC executive deputy commissioner. Carney, the keynote speaker at the TRC Facilities Directors Workshop, was introduced by Jackson as a "real commissioner" because of her grassroots appreciation of the mission and concerns of rehabilitation professionals.

She told the more than 200 facility directors that since the inception of the VR program in 1920 more than 15 million Americans have been successfully rehabilitated, and 30 percent of those received services through a rehabilitation facility.



Getting some sun ... from a pinhole

Taking a moment off from their work days, RSTs from the Dallas Southeast Field Office; (l-r) Barbara Burdette, Connie Ellison, Muriel Mattix, Ann Shepherd, Charlee Baker and Meredith Jones watch the July eclipse through a viewing box.



Reinforcements on the way

Eighty-nine new examiners completed their training at DDS in the largest class trained by any disability determination program in the country. In the Texas tradition of doing it bigger and better, this megaclass, pictured here with their instructors and administrative support staff, will be on line in September. This remarkable accomplishment represents a combined total of 17,088 employee hours over a 24-day period, allowing this class to impact the escalating caseloads at DDS.

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