Business Leadership Network
USBLN
DISABILITY AT WORK

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Testimony of

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On

The Americans with Disabilities Act and Accessible Transportation: Challenges and Opportunities

To

United States Senate
Health, Education, Labor and Pensions Committee

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Chairman Harkin, Ranking Member Enzi, and Members of the Health, Education, Labor and Pensions Committee, thank you for the opportunity to provide testimony regarding The Americans with Disabilities Act and Accessible Transportation: Challenges and Opportunities. My name is Jill Houghton and I am the Executive Director of the US Business Leadership Network (USBLN®), a national non-profit, non-partisan business to business network promoting workplaces, marketplaces, and supply chains where people with disabilities are included. The USBLN® serves as the collective voice of over 60 Business Leadership Network affiliates across the United States, representing over 5,000 businesses. Additionally, the USBLN® runs the nation's leading third party certification program for disability-owned businesses, including service-disabled veterans.

As the USBLN® Executive Director, I'm here today because access and accessible transportation as it relates to employment is an important issue for our corporate members including small, medium and large businesses across the nation.

As the former Executive Director for the Ticket to Work and Work Incentives Advisory Panel, between 2005 and 2008 I had the pleasure of working with bipartisan members and staff on this Committee. I very much appreciate your commitment to equality of opportunity, full participation, independent living, and economic self-sufficiency for youth and adults with all types of disabilities in all aspects of society. My testimony is grounded in my professional experience with the USBLN®, as a policy advisor, Commissioner on the Florida Commission for Transportation Disadvantaged and my personal experience as a person who is married to someone with a spinal cord injury.

In preparation for my testimony today we asked our members about their challenges and opportunities related to the Americans with Disabilities Act and Accessible Transportation and here is what they had to say:

Challenges

Many of our employers are located in places that are not easy to get to for people with transit-dependent disabilities. This is a significant disadvantage for business when recruiting, retaining, or advancing employees with disabilities who do not drive. Although access varies considerably by city, transportation barriers often complicate a company's ability to implement employment initiatives in a broad, multi-site manner.

Many of our members have U.S. facilities that are rural and draw from an employee base within a large geographic radius who don't have access to public transportation. In many instances this had led prospective candidates with disabilities that don't drive to withdraw from consideration for employment. Similarly, some businesses have sought out assistance in sourcing talent with disabilities from local disability service organizations only to be turned away due to the lack of availability of public transportation. For example, when a job calls for people to work extended or unusual hours, as can be true in the entertainment industry, employees who rely on public transportation are unable to do so because there is no access after "normal" business hours. It is next to impossible for their employees to find a public bus at 1:00 in the morning.

In areas of the country where public transportation is an issue because of the amount of territory that the system must cover many employees with disabilities are faced with work/life balance challenges. These challenges are due to the amount of time that one can spend trying to navigate bus schedules, connections, etc. Sometimes employees with disabilities try so hard to prove that they can do the job that they are forced to use taxicab services, which in the end can prove to be cost prohibitive or not an option due to lack of accessibility. In many of these instances when the individual with the disability performs a cost benefit analysis of transportation costs or time spent traveling to and from their jobs, it usually surfaces that they are better off seeking financial support in ways other than work. This creates a huge missed opportunity to business because skilled and valuable employees are unable to accept or keep their positions. It also

results in higher expenditures for public programs like Social Security Disability Insurance and Medicare.

Poorly maintained and unreliable public transportation systems disproportionately impact employees with disabilities particularly those who are unable to drive, cannot afford vehicles that are accessible or who have difficulty locating accessible parking in congested areas. Buses that do not have working lifts, broken elevators in subways, unreliable paratransit and taxis that bypass individuals with service dogs and wheelchair users create significant barriers to employment. Speaking of taxis that bypass individuals in wheelchairs, my husband uses a lightweight, sporty chair that can easily fit in the trunk of a taxi. However, he has become accustomed to taxis that as he describes them, "put the pedal to the medal" when they see him. One of his tactics to overcome this is to have me, a colleague, or even a Starbucks clerk go out and hail the cab while he sits off to the side.

While many employees with disabilities face these challenges on a daily basis, allowing for additional time and alternate plans can become so obtrusive that work becomes an unrealistic option. Lack of access to transportation means that individuals may choose to leave the workforce unnecessarily – when able to perform the essential functions of the job but unable to get to and from work reliably. This robs companies of valuable employees. As the workforce ages, and with it the incidence of disability grows, if transportation systems are not improved the problem will become catastrophic to business.

Even when accessible transportation is available, there may be issues with actually using the transportation option. For example, one of the USBLN®'s members, a senior executive leader, shared that traveling alone on business is not safe or feasible due to accessibility issues as a wheelchair user. Literally on every trip she takes she runs into challenges loading and unloading her wheelchair and she has a light weight pediatric sized chair.

Some issues she highlighted were:

Airplanes: Refusing to put her chair in the flight attendant closet and throwing her wheelchair underneath from the jet way with luggage placed on top resulting in damage to her chair.

Trains: Not having a bridge plate or lift readily available and rushing to get her "over the gap" to stay on time. She described it as really scary when they grab her chair and try to pull her over the gap, and her personal assistant has had to intercede and either insist on the bridge plate, or get her across himself more carefully. Also: Not having a clearly marked place to park her wheelchair and having to ask passengers to find another seat so she can sit in a disability accessible location.

Car Services/Taxi: Drivers disassembling, bending or breaking her chair while loading/unloading into trunk so it does not operate when she arrives.

Finally, she emphasized that there really needs to be training for personnel in all of the above areas. Her assistant carries tools to repair her chair everywhere they go, and tries to instruct transportation personnel on proper handling, but often there are language barriers or people are in too much of a rush to listen.

An additional USBLN® member, a senior executive leader who is blind mentioned that getting assistance from gate to gate at airports in a timely manner can be challenging and has caused her to miss connecting flights.

Opportunities

Telework

While telework does not replace adequate accessible transportation systems, for some industries, it can be a good solution to recruit and retain employees with disabilities. For

our members attempting to recruit in rural or low population areas where there is not available or adequate public transportation, telework can provide access to employees without requiring relocation. In addition, distance learning can also provide an opportunity to teach employees new work skills. Telecommuting can also be a stop gap measure during and after natural disasters such as earthquakes, tornadoes or hurricanes and for shifts when public transportation is not available and/or when work hours are not consistent.

Given the increased accessibility of information and communications technology, an employee located at a distance can often perform the same work regardless of location. This said, like many agencies in the federal government, companies must first purchase accessible technologies and be knowledgeable about the functions and features that can make information and communications accessible to their employees with disabilities.

Online Booking

In this global world, many of our member companies expect their exempt employees to travel at moment's notice. This requires that the transportation system of the future will be accessible for things like route planning, ticket purchasing and accessory services inclusion 24/7.

In fact, one of our member companies has been working on prototyping accessible airline/bus kiosk and mobile phone based accessible city routing (e.g. www.accessmynyc.com). These solutions are available now but the usage rate is slow probably because both the government and the transportation industry still need to be educated about the needs of people with disabilities and the market potential.

Workplace Flexibility

Additional solutions include creating flexible work schedules by re-working start and end times. One member even cited that in areas within their geographical region, they have

evaluated the potential for setting up a satellite office within a school or support facility instead of the employee coming to them. Others have leveraged ride shares through van and car pools where feasible. Those enrolled in this program are often rewarded with prize drawings and reserved close parking privileges.

Employer-Provided Transportation

A member company in South Carolina worked with their main disability service partner to create a solution by accessing a grant to purchase a small bus and they charge the employees a subscription fee to cover the operational costs of running that bus. It operates with a "hub" system so that in most cases, the employees need a ride to the pick-up spot, but it eliminates family members needing to drive individuals for an hour each way every day. This system also has limitations because if one person on the bus has overtime, everyone has to stay at the building until the last person's shift ends. However, their Texas location partnered with the agency that provided the largest number of employees with disabilities and selected them as the charity for one year's campaign. The funds raised were matched by a grant and the money was used to purchase a bus to transport individuals for training as well as for work.

In Wyoming, one of our members has had members of management drive a company vehicle to transport their team members to and from work. However, this is limited by the size of the vehicle and territory they are able to cover.

Conclusion

Developing transportation solutions can create complex issues for both the individual and employer. While flexible work hours and telecommuting may provide a partial solution for some job categories, it is not a complete solution. Not every individual thrives in a telework or telecommuting position. Even for those with positions that can be performed primarily from a remote location, there are formal and informal meetings and events that must be held on site. The glass ceiling, or chrome ceiling as it has been called in the disability world, will be reached very quickly by employees who face

transportation barriers. In the words of one of our members who is with a company with very flexible worksite policies and related the following story "One individual who became legally blind and could no longer drive to her clients took public transportation some places, car services to others (the firm paid), and carpooled with colleagues when possible. Ultimately, the complex arrangements proved so daunting and inefficient that she changed roles and is still looking for the right opportunity where she won't need to travel regularly to different client sites. This has had a huge career impact for her and others, and it takes both an exceptional track record and luck to be able to carve out the right role at the right time that's not career-limiting."

In conclusion, twenty-one years after the passage of the Americans with Disabilities Act accessible, reliable, courteous and affordable public transportation continues to be one of the major, if not the major, barrier for business when recruiting, hiring, retaining and advancing people with disabilities in the workplace. For this reason, employers need to be part of transportation policy discussions at all levels of government. This country is experiencing major workplace challenges and our country needs the talents, dedication and creativity that people with disabilities bring to the workplace, marketplace and supply chain. We applaud this Committee's leadership in examining this issue and Congress' oversight of the agencies, regulations, policies and actions that have been developed to insure that the intent of the Americans with Disabilities Act to level the playing field is realized.