

Re: "People First" Ordinance, as presented to CPD on 6 Sept 05

General

Although the drafter claims this is a technical revision, limited to modernizing language, in some cases there seem to be policy implications. There is no disclaimer that these changes are not meant to change the substantive law or rights of people with disabilities. Explanation of the meaning of "people first" is needed.

Madison has a proud history of anti-discrimination protections that predate the ADA, Fair Housing Act, and Wisconsin statutes. It's important to remember that the ADA has already been harshly interpreted by the courts. Madison must maintain its own standards for civil rights of people with disabilities, and any ordinance changes must not count on the ADA as backup.

Why undertake wholesale changes instead of updating as changes are made?

At least item 24 seems to require changes that will necessitate new parking signs, so "no fiscal impact" seems incorrect.

Creates an opportunity to examine some city policies, items for CPD's future agenda, see particular items 6, 7, 8, 31, 32, 34 below.

Specific

3. "wheelchairs" leaves out other mobility devices and is more limited than the original language: use "...passage by people with disabilities"
5. Why no change to the "handicap" reference in b1 and b2?
6. two issues: ÿa. Change creates "accommodations for employees with disabilities due to age": why create a separation between impairment due to age and impairment due to illness, accident, or heredity? ÿb. Couldn't employees with disabilities also be injured, but the injury would not affect their disability? E.G., a blind person breaks their leg and needs time off to heal and rehab.
Policy Issue: Is this excerpt the controlling law on how City responds to an employee who is injured in such a way they are no longer able to do their job (Bus driver gets epilepsy)?
7. Where does "feasible" fit in regarding "reasonable accommodations" in terms of case law?

Policy Issue: In the last line, does "option of demotion" specifically prohibit red-circling an impaired employee's salary when they transfer to another job?

8. Is this the **only** definition of disability in Madison ordinances? We need assurances on that.

4b What does "when interacting with the environment" mean? This is not just a "people first" change, but limits the definition in a substantive manner. For example, this could refer to the "built environment" only, when many times the disability or barrier is created at the intersection of the impairment and human beings.

9. Recommend more context to know whether this is good, bad or indifferent.

12. Why is a person with a disability, who retires, not simply "a retired person"? Does whether someone retires due to age or impairment change the sick leave policy?

13. Refers to fare instruments that no longer exist:

Current Ords Printed on Passes

Commuter pass

no longer exists

Convenience Tickets for Paratransit

Paratransit Convenience Tickets

Adult Quik-Tix

Adult 10-ride Pass

Convenience Ticket Books (Disabled)

Senior/Disabled 10-ride Pass

The terms "senior" and "disabled" are the specific terms used in federal legislation requiring public transportation providers to offer a reduced fare program for these two populations.

15. The Federal and State laws governing accessible parking are very specific in the nomenclature; can Madison use different language without muddying the waters? Couldn't the issue be written around by initially referring to the relevant laws and then establishing short names that omit the problematic language, EG "Parking Council", "EAC"?

An "accessible parking" tag/plate could be issued to someone who has dementia; why limit this to "Physical Disabilities"?

17. If a person retires on disability they are still a retiree, right?

22. I believe that what's intended is "No vending equipment or vending activities shall be permitted adjacent to any loading zone (truck, freight, passenger or people with disabilities) or adjacent to any parking space or access aisle for people with disabilities."

23. If this is supposed to cover specialized medical vehicles, (EG, meets State of Wis inspection, MA reimbursable, must establish rider account) then why not reference State's definition of that?
- 24, 25, 26, 28. It doesn't matter who's using the vehicle; it's about displaying the permit. That permit could be issued to a person with a non-physical disability.
29. Didn't the TPC recently change this law so that lift-vans (mostly SMVs) are no longer required to be licensed as taxis? In which case there'd need to be another reference to SMVs (see 23 above).
30. So if a person needs an extra-wide ramp, then they must seek a zoning variance?
- 31, 32, 34. Need more context on these zoning issues.
For 31, are schools for "typical" children permitted? If yes, then why not a "schools for all children" or "any or all children, including those with physical and mental impairments"
For 32 & 34: "Emotionally handicapped" and "serious mental illness" are not equivalent terms.
Also, this excludes a day program for people with Alzheimers, stroke, TBI, deaf-blind--what public interest does the details of diagnosis serve?
- 35 & 36: I don't know the precise terminology, but the aisle and curb ramp next to a van-accessible parking space should also be included in what NOT to block with street graphics & inflatables.