

DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 204-2466 (VP)

NOTICE OF MEETING

Disability and Communication Access Board

General Board Meeting

January 16, 2025

11:00 a.m. – 1:00 p.m.

AGENDA

The Disability and Communication Access Board (DCAB) will be meeting remotely using interactive conference technology. The public is welcome to participate as follows.

Public In-Person Meeting Location

Kamamalu Building
1010 Richards Street, Room 118
Honolulu, HI 96813

Participate Virtually via Zoom

Click on the link below or copy and paste it into your browser window:

<https://us02web.zoom.us/j/89259893851?pwd=HXiLldWmWIHSiYKL9dfxILLrDt4k6x.1>

and enter Meeting ID: 892 5989 3851

To join by phone

Dial 1 669 900 6833 and enter Meeting ID: 892 5989 3851

Public Testimony

Testimony or comments presented by members of the public during Board meetings shall be limited to three minutes per agenda item. In compliance with the Americans with Disabilities Act (ADA), a reasonable amount of additional time shall be afforded to persons with a communication disability to present testimony or comments, if needed. Any person who needs additional time to present testimony or comments is encouraged to contact the DCAB office in advance of the meeting. This rule shall be placed at the beginning of all Board meeting agendas.

Members of the public may present comment or testimony during Board meetings on each agenda item. Public comment or testimony, if any, shall be presented on each agenda item before the Board deliberates on the item. After all public comment or testimony is presented, the Board shall deliberate on the agenda item without further comment or testimony from the public unless further public comment or testimony is requested by the Board.

Written Testimony - To ensure the public as well as Board members are able to review testimony prior to the meeting, written testimony should be submitted 48 hours prior to the

scheduled meeting date and time. Written testimony may be submitted by one of the methods listed below:

- By email to: dcab@doh.hawaii.gov
- By U.S. Postal Mail:
Kirby Shaw, Disability and Communication Access Board, 1010 Richards Street, Room 118, Honolulu, HI 96813
- By facsimile to: (808) 586-8129

AGENDA

- I. Call to Order
Review Remote Meeting Procedures
 - This meeting is being recorded.
 - A quorum of Board members is required to be visible on screen.
 - If quorum is not achieved at the beginning of the meeting or quorum is lost, the meeting will be stopped and cancelled.
 - If a Board member leaves the meeting, the Board member will need to notify the Chairperson.
 - Raise hand to speak unless called upon.
 - Identify yourself before speaking.
- II. Roll Call/Introductions
- III. Statement from Public and Written Testimonies Submitted
- IV. Approval of General Board Meeting Minutes of September 26, 2024.
- V. Executive Director's Report
 - A. Update on Act 172, SLH 2022 - Hawaii Electronic Information Technology Accessibility Act - Working Group progress on developing the "Hawaii Electronic Information Technology Disability Access Standards".
 - B. Personnel
 1. DCAB Staffing Status.
 - a. Program Support Technician I position filled.
 - b. Special Parent Information Network Program Specialist I position move to office in Hilo.
 2. Submittal of request for new Program Specialist to provide technical assistance to State and County entities on making web content and mobile apps accessible to persons with disabilities pursuant to the recently amended U.S. Department of Justice ADA Title II regulations – Update.
- VI. Committee Reports
 - A. Executive Committee
 1. United States Architectural and Transportation Barriers Compliance Board - Notice of Proposed Rulemaking, Electric Vehicle Charging Stations. Vote to ratify the Committee's decision to submit comments in support of the proposed regulation.

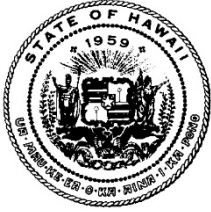
- B. Legislative Committee
1. Reviewed DCAB legislative position statements and determined subject matter categories.
 2. Determined the types of positions to take on legislation.
 3. Authorized submission of testimony on companion legislation when the Legislative Committee has previously taken a position on a sibling bill or resolution.
 4. Authorized submission of testimony on bills and resolutions that are functionally similar to bills or resolutions on which the Legislative Committee took a position.
 5. DCAB Bills to be Introduced.
 - a) Parking Bill.
 - b) Travel Placard Bill.
 6. Communication with legislators.
- C. Standing Committee on Communication Access
1. Report on SB 3290 SD2 HD1 CD1 – Relating to American Sign Language. Requires the Disability and Communication Access Board to convene a working group to study the state of American Sign Language interpretation services in Hawaii (Act 204, SLH 2024).
 2. 2025 Communication Access State Conference.
 3. Report on the Hawaii Quality Assurance System (HQAS) Test.
- D. Standing Committee on Facility Access
1. 2024 Basic ADA Training Sessions on the ADA Accessibility Guidelines (ADAAG) and Hawaii Outdoor Developed Areas Accessibility Guidelines (HODAAG) – Update.
- E. Standing Committee on Parking
1. The Committee held a meeting on January 13, 2025.
 2. Disability Parking Placard Issuance Statistics for Quarter 1 and Quarter 2 Fiscal Year 2024-2025 – Update.
 3. Report on the number of submissions via the webpage to report the misuse of disability parking permits and the webpage to report reserved parking spaces for persons with disabilities that do not comply with the ADA or State design requirements.
 4. Statistics on the number of emails sent to permittees regarding a pending disability parking permit expiration.
 5. Update on procurement of placards and decals.
 6. Summary of staff meetings with the Departments of Law Enforcement, Department of Land and Natural Resources, and Honolulu Police Department (HPD) Volunteer Special Enforcement Officer (VSEO) Program.
 7. Update on letters sent to Retail Merchants Association and the Chamber of Commerce.
 8. Update on Draft Legislation: (1) Bill to authorize the counties to adopt and enforce design requirements for accessible parking spaces, and (2) Bill to create a travel placard for use by a Hawaii permittee at their destination location.
- F. Standing Committee on Transportation
1. The Committee held a meeting on January 13, 2025.
 2. Maui County Bill 141 (2024) relating to taxi fare surcharges for wheelchairs.
 3. Proposed changes to metered on and off street parking in the City and County of Honolulu.

4. Request that the full Board amend DCAB Guiding Principles on the Mobility and Safety of Pedestrians: “7) Support regulations that new vehicles are designed to prevent pedestrian collisions or to minimize their impact, including through the use of technology such as pedestrian automatic emergency breaking.”
 5. Request the Board to Establish a Permitted Interaction Group to Investigate the Animal Inspection Station and Procedures for Individuals Arriving with Animals at the Daniel K. Inouye International Airport.
- G. Special Parent Information Network (SPIN)
1. Report on the December 3, 2024 State Performance Plan/Annual Performance Report (SPPP/APR) Engagement Meeting
 2. Planning for the March 22, 2025 SPIN Conference. Update.
 3. New Infographic Series – Coordination with the Department of Education.
- VII. Old Business
- A. ADA Coordination
1. Review statistics of ADA technical assistance program. Update.
 2. State and County ADA Coordinators meetings.
 3. Making State and Counties web content and mobile apps accessible for persons with disabilities training sessions for ADA Coordinators. Update.
- B. Emergency Preparedness Efforts
1. Meetings with the Federal Emergency Management Agency (FEMA).
 2. Update on the 2009 Interagency Plan.
- VIII. New Business
- A. Wage and Hour Division, Department of Labor, Notice of Proposed Rulemaking, Employment of Workers with Disabilities Under Section 149c) of the Fair Labor Standards Act – Staff Summary.
- IX. Open Forum: Public comment on issues not on the agenda for consideration for the Board's agenda at the next meeting.
- X. Next Meetings: March 20, 2025, 11:00 a.m. – 1:00 p.m.
- XI. Adjournment

If you need an auxiliary aid/service or other accommodation due to disability, contact Scott Castor at (808) 586-8121 or email dcab@doh.hawaii.gov as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled.

Upon request, this notice is available in alternate/accessible formats.

The agenda and meeting materials for this meeting are available for inspection at DCAB's office located at 1010 Richards Street, Room 118, Honolulu, Hawaii 96813 and on DCAB's website at: <https://health.hawaii.gov/dcab/dcab-agendas-and-minutes/>.



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STAFF SUMMARY FOR THE DISABILITY AND COMMUNICATION ACCESS BOARD GENERAL MEETING January 16, 2025

TOPIC: U.S. Department of Labor, Notice of Proposed Rulemaking – Employment of Workers with Disabilities Under Section 14(c) of the Fair Labor Standards Act

SUMMARY:

The U.S. Department of Labor (DOL) is seeking public comments on a proposed amendment to the Fair Labor Standards Act (FLSA). Currently, FLSA Section 14(c) allows the Secretary of Labor to issue certificates allowing employers to pay productivity-based subminimum wages to workers with disabilities. The DOL is proposing to delete this exemption, which would ensure that employees with disabilities are paid no less than the prevailing federal minimum wage, currently \$7.25 per hour.

ANALYSIS:

The FLSA was adopted in 1938 and allowed for subminimum wages for employees with disabilities, largely as a Depression era policy to try and facilitate the eventual full gainful employment of persons with disabilities. In practice, it served to permanently cap the hourly wage some individuals with disabilities would attain. Hiring practices have greatly changed in the subsequent 80+ years, most notably with the passing of the Americans with Disabilities Act of 1990. Disabled workers under 14(c) certificates are paid \$3.34/hour on average, with many workers being paid even less—despite many of those underpaid disabled workers performing the same duties as their non-disabled colleagues. Many states, including Hawaii in 2021, have banned subminimum wages for employees with disabilities. Subminimum wages as an employment tool are archaic and a clear violation of individuals with disabilities civil rights.

If the amendment is adopted, the FLSA will continue to allow subminimum wages for learners, apprentices, and messengers employed primarily in delivering letters and messages. Notably, these categories all have a direct nexus to the job duties and presumably to the employees' qualifications and are not based strictly on a demographic characteristic of an employee.

STAFF RECOMMENDATION:

Staff recommends that the Board submit a letter to the U.S. Department of Labor in support of the proposed amendment to the FLSA eliminating the 14(c) certificate program.