



35TH LEGISLATURE OF THE VIRGIN ISLANDS
COMMITTEE ON CULTURE, YOUTH, AGING, SPORTS, AND PARKS
THE HONORABLE ANGEL BOLQUES JR.

UPDATE ON TERRITORIAL STATE OF DISABILITY COMPLIANCE

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PRESENTATION
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Introduction

1 Greetings, Honorable Chairman Angel Bolques Jr., members of the Committee on Culture, Youth,
2 Aging, Sports, and Parks, other Senators present, my fellow testifiers, and to the listening and
3 viewing audience. I am Julien E. Henley Sr., Territorial ADA Coordinator for the Government of
4 the Virgin Islands, and I am here today at your request to contribute to the comprehensive overview
5 of the current state of disability compliance in the territory in alignment with the operations within
6 my capacity, which includes ensuring accessibility in public spaces and partnering with agencies
7 to bring to life initiatives that improve inclusivity for our disability community.

8 Per the 2020 Census, about 12.4% of every household in the Virgin Islands includes one or more
9 persons with a disability. The state of our disability community here in the Virgin Islands, which
10 averages just above 8,000 citizens, has shown significant waves of improvement but remains far
11 from perfect. The Bryan-Roach administration continues to fight existing stigmas that discourage
12 people from seeking services that they qualify for. On the other hand, some seeking services
13 continue to face challenges as we work to remove pre-existing cultural barriers. Changing course
14 has proven to go beyond correcting challenges through legislation; it also requires changing course
15 in how we culturally think about and address barriers and for seniors and citizens with disabilities.

16 *Physical Accessibility*

17 I am proud to report that all our government departments are physically accessible, allowing
18 individuals with mobility disabilities in need of services to appropriately receive them. After a
19 push from the governor to reestablish the designation of departmental ADA coordinators, my
20 office created a Facility Accessibility Checklist, which departmental ADA coordinators can utilize
21 to identify needs for reasonable modifications in the event of temporary barriers in their agencies.
22 I have been working closely with VITEMA, the Department of Health, the Department of Human

23 Services, and other agencies to ensure that our shelters are not just accessible but ADA-compliant,
24 as this is one of the reasons that we have fewer eligible shelters than in previous years. The
25 Governor’s ADA Office has also addressed the signage necessities to assist in guiding persons to
26 common areas and any services offered at these shelters.

27 Throughout my tenure, the issue of service animals has been a hot topic. I have received countless
28 complaints and inquiries about service animals, where either businesses or individuals do not
29 understand the ADA law in reference to them and how to differentiate between service animals,
30 comfort animals, and emotional support animals. While individuals with a disability may use and
31 interact with working animals for a variety of reasons, only dogs who have received specialized
32 training to perform a specific task or tasks for an individual with a disability are considered service
33 animals. This the key difference between a service animal and all other types of working animals,
34 including therapy, comfort animals, and emotional support animals. As such, it is important for us
35 to educate others on the need for service animals in order to understand the important role they
36 play in helping individuals with disabilities—whether at home or in public or social environments.

37 The chart below highlights more points of distinction between the different types of working
38 animals.

3 Types Of Assistance Animals			
COMPARISON	Service	Therapy	Emotional Support
ADA covered: Rights to bring animal into public establishments	✓	✗	✗
Needs to tolerate a wide variety of experience	✓	✓	✗
May live with their disabled owners, even if "No Pets" policy in place	✓	✗	✓
Primary function is to provide emotional support, through companionship	✗	✗	✓
Specially trained to assist just one person	✓	✗	✗
Provide emotional support and comfort to many people	✗	✓	✗

39 *Communications*

40 The Bryan-Roach Administration continues to improve efforts to make communication—both
41 linguistically and electronically—accessible for our diverse community. Our deaf community has
42 directly been impacted due to a shortage of American Sign Language (ASL) interpreters locally,
43 leading to a consistent struggle to secure scheduled (much less on-demand) in-person
44 interpretation services for the deaf community members whenever formally addressing the public
45 or providing services. We have worked to fill such gaps creatively and virtually whenever possible.

46 For example, in coordination with the Bureau of Motor Vehicles, we launched the Deaf/Hard of
47 Hearing Communication Accommodation Visor Card, a tool designed to be easily recognizable
48 by law enforcement officers to bridge any difficult communication gaps between the officer and
49 the deaf driver. This card reduces potential anxiety and prevents such drivers from getting injured
50 by an officer for seemingly not obeying a lawful order during a traffic stop.

51 The Office of the ADA Coordinator also organized the 508 Training Series on ADA Compliance
52 for Public Electronic Communications for the government’s public information officers, internet
53 technology (IT) employees, website developers, and departmental ADA coordinators, where they
54 received resources and learned how to make different forms of electronic communications
55 accessible for all web users.

56 Furthermore, through a system called Virtual Remote Interpreting (VRI), departments now have
57 the ability to communicate in American Sign Language with clients who are deaf or hard of hearing
58 through an on-screen interpreter. While most of the interpreting companies have a registration
59 charge and additionally charge by the minute, we are currently evaluating the different gaps in
60 communications throughout the government to essentially streamline the system for departments
61 in need to maximize procurement efficiency. Assistive technologies are crucial to both the
62 disability community and the territory in general, as they reduce the need for formal health and
63 support services while increasing a disabled person’s independence and improving their quality of
64 life.

65 *Other ADA Efforts through Coordination*

66 One of the most time-consuming, yet fulfilling and ongoing projects considered a success for the
67 Governor's ADA Office is serving as a reliable liaison for constituents who reach out to me to
68 address perceived ADA violations or concerns. Because the ADA is complaint-driven, the Office
69 of the Governor has been able to collaborate with numerous agencies to convert issues into
70 opportunities to enhance the lives of Virgin Islanders with disabilities.

71 For instance, when individuals are faced with paralysis for the first time, most of them cannot find
72 a wheelchair-accessible home to accommodate their disability. Thus, a shortage of existing
73 residences with the necessary ADA-compliant features has fed the demand for accessible housing
74 units. We have that same issue for Section 8 accessible apartments in the territory. Even more, if
75 a disabled person's accessible home gets damaged, one can imagine the terror from relocation
76 considerations.

77 Therefore, the ADA Office worked to relaunch Act No. 7320, the Visitability Law, which was
78 originally introduced to the public by Governor John P. DeJongh, Jr. along with several nonprofits.
79 The hope was to encourage homeowners to build the first floor of their new home accessibly or to
80 renovate their existing home to such standards. By making these adjustments the homeowner
81 would receive a 20% reduction on their property taxes for a period of ten years.

82 Besides creating more accessible homes in the territory, this legislation would cause people to
83 proactively retrofit their homes with accessibility features not just for disabled visitors or family
84 members, but also in the event a disabled person moves in or they themselves became disabled in
85 the future. This accessible housing option also proves to be rewarding for homeowners within the
86 territory's Airbnb industry, all directly in line with Governor Bryan's vision of housing
87 accessibility.

88 Another successful initiative of this office is enhancing recreational accessibility on both Magens
89 Bay Beach on St. Thomas and Cramer's Park Beach on St. Croix. Coupled with ADA-compliant
90 parking and accessible routes, individuals with mobility challenges have been able to exit their
91 vehicles with the guarantee of a smooth transition into the water via our accessible beach mats and
92 beach chairs.

93 Administratively, one of the ADA Office’s most profound accomplishments includes the GVI
94 Employee Disability Status Survey, fueled by the Governor’s Executive Order No. 509-2021,
95 which calls for at least 2% of all government employees to be individuals with a disability. This
96 online survey portal is used to quantify employees with a disability in order to meet the demands
97 of the said executive order. Requesting this information is not mandatory, and we have been
98 extremely careful with this process. We ask for the following information from active employees:
99 the island they reside on, the department they are employed within, whether they have a disability,
100 and if they do, they have the option of disclosing their type of disability. What we receive is the
101 number of individuals with disabilities per department and their disability types if they chose to
102 disclose; however, the survey is completely anonymous and confidential.

103 We then continued to work with the Division of Personnel to implement the GVI Employee
104 Reasonable Accommodation Form that existing employees or new hires are to use if they wanted
105 to request an accommodation to counter their disability and essentially improve the quality of their
106 work production. Employees are allowed to make this request when they start their employment
107 or later as the need increases. We have also collaborated with the Bureau of Motor Vehicles on
108 various projects, including their free disabled identification card, which indicates what disability
109 the applicant might have and has an ID number that corresponds to the number on the disability
110 parking placard number for eligible recipients.

111 While I have a good working relationship with department heads, my office continues to work on
112 a proactive approach in addressing and improving areas that may fall short of meeting ADA
113 standards. For example, transportation continues to be a challenge for the Department of Public
114 Works’ VITRAN division. Because of their fixed-route bus and paratransit bus intake quantity, in
115 addition to inadequate staffing between drivers and mechanics, there sometimes is a shortage of
116 operating buses on any given day. Although morning inspections of their buses, sometimes they
117 cannot get all the needed buses on the road as planned due to missing parts to complete needed
118 bus repairs or drivers abruptly calling out that same morning. Likewise, despite adding twelve new
119 buses to their fleet, the high demand for paratransit bus services still leaves a need for more buses

120 and drivers. VITRAN buses should also be accessible and accommodating for persons with
121 disabilities.

122 Again, I cannot overemphasize the importance of educating and training public servants to the
123 sensitivities of the ADA. Because Governor Bryan has pushed for the most progressive ADA
124 office Virgin Islands history, fortitude, along with patience, is required to instill change within a
125 government who has historically overlooked the desires and necessities of the disability
126 community. Reminders of policies are necessary and are communicated periodically, especially
127 for agencies who already have their hands full with their own prioritized agendas to improve their
128 public service.

129 Besides providing routine and on-demand trainings agencies and organizations throughout the
130 Virgin Islands, we have been collaborating with many departments, nonprofits, and other agencies
131 to effectively inform this vulnerable group about how to adequately prepare for disasters. The
132 Governor's ADA Office hosts these annual expos not just to provide information to help
133 independent living seniors and adults with disabilities for creating a personal plan for themselves
134 and their families they may look after, but also to get health updates and screenings from experts.

135 These outreaches have been well received and continue to grow each year as we coordinate the
136 participation of numerous relative vendors, including our office, who advertise their services and
137 provide useful tools and resources to this population. We intend to pass the baton to the newly
138 created Disability Integration Unit within VITEMA, whose legislation my office also advised on.

139 The Bryan-Roach Administration has a great deal of upcoming construction projects that will be
140 accessible to all members of the Virgin Islands community. We continue to partner with the
141 Department of Sports, Parks & Recreation as they have many parks and sporting facilities that aim
142 to provide people with different types of disabilities with comfortable access. The ADA office is
143 also very active in the Department of Education's new schools planning committees as face repairs
144 and/or remodeling.

145 *Conclusion*

146 As you can see, this office can do nothing on its own. It is only one piece of the puzzle as
147 collaboration with stakeholders is essential. It has been a blessing working together with our
148 disability nonprofit partners as we all bring our unique strengths to the table. The Governor's hope
149 is to start changing the toxic culture and ignorant mindsets of individuals because the truth is we
150 all want the same results as we all have loved ones that fall within this category or can fall within
151 this category ourselves at any given moment, if we haven't already. However, it will take us
152 working together with a new perspective and the same goals in mind, and we will then see the
153 difference and benefits of including individuals with disabilities in all aspects of our daily lives.

154 Thank you for the opportunity to testify. I stand ready to answer any questions that may follow.