

May 3rd, 2023

Mr. Chair and members of the conference committee considering SF 2934:

My name is Hunter Cantrell, I am a retired state representative and former PCA/direct support staff where I served people with disabilities for several years. I have also had the pleasure of working with many of you on groundbreaking and historic pieces of legislation to support and uplift Minnesotans with disabilities—your ongoing commitment to which I am eternally grateful.

I write this letter in strong support of the provision in SF 2934 (currently only included in the House version) that will phase out the inherently discriminatory sub-minimum wage in the state of Minnesota. When section 14C of the Fair Labor Standards Act was enacted in the late 1930s, permitting the compensation of people with disabilities less than minimum wage, it was meant only as a transitional bridge from the dark days of mass institutionalization of people with disabilities to foster greater workplace integration. Even at the time it was passed, it was meant to only be a temporary measure. Nearly a century later, people with disabilities in Minnesota are still being deprived of equity and fair pay in the workplace as there are still thousands of people in our state who are being paid a subminimum wage.

People living with disabilities in Minnesota face exorbitant rates of poverty because our system is still set up in many ways to exclude them from equitable and just treatment in our society, to which they are, and in fact, we all are, entitled by virtue of our shared humanity. When I carried a bill to phase out the subminimum wage in 2020, we had a number of people with disabilities, advocates, disability service providers, and unions testify and write letters in support of this prohibition so that no Minnesotan is treated like a second-class citizen in their workplace. As mentioned by Kaposia and a number of other supporters in the very moving letters of support they have submitted in previous committee hearings on the topic of phasing

out the inherently discriminatory subminimum wage—including the Minnesota AFL-CIO and the Arc—phasing out the sub-minimum wage is one essential step in the right direction towards fully integrating people with disabilities into our workforce, and doing so will not shutter businesses or sheltered workshops with 14C waivers, rather such a just transition is good for worker prosperity and business growth alike.

This is fundamentally a civil rights issue, people’s jaws drop when I tell them that their loved ones living with a disability can be paid less than minimum wage—which isn’t exactly a living wage in and of itself—solely because they have a disability, and that their pay can be linked to timed productivity measurements to which their co-workers doing the same job who do not have disabilities are not subjected. The subminimum wage is fundamentally demeaning to the dignity in the workplace and in our economy to which people with disabilities are entitled. There is a sense of urgency around this policy action. Over a dozen states have either phased out their subminimum wage laws or have experienced court rulings striking down their subminimum wage laws because of the aspects of wage and workplace discrimination inherent in them; including the rampant wage theft that often accompanies subminimum wages. If a court were to strike down our subminimum wage law with immediate effect, as happened in Oregon and which is very possible in Minnesota as well, such a decision would be profoundly destabilizing for people with disabilities. Given this reality, the legislature should take this opportunity to implement a thoughtful phase-out away from the subminimum wage to ensure a just transition and the ultimate prohibition of a practice that has no place in a modern Minnesota in which we uphold the rights of all workers.

In closing, I thank the committee for your consideration, and I urge including the subminimum wage phase-out in the final version of the conference committee report for SF 2934. As Dr. Martin Luther King, Jr., said, “No work is insignificant. All labor that uplifts humanity has dignity and importance...” Let Minnesota ensure all workers are compensated fairly for their labor and that none are deprived of such dignity. Thank you.