



Department of Justice

Office of Public Affairs

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Department of Justice Reaches Landmark Settlement Agreement with Rhode Island and City of Providence Under the ADA

The Justice Department announced today that it has entered into an interim settlement agreement with the State of Rhode Island and the City of Providence that will resolve violations of the Americans with Disabilities Act (ADA) for approximately 200 Rhode Islanders with intellectual and developmental disabilities (I/DD).

This first-of-its-kind agreement addresses the rights of people with disabilities to receive state- and city-funded employment and daytime services in the broader community, rather than in segregated sheltered workshops and facility-based day programs exclusively with other people with disabilities. The department launched an ADA investigation in January 2013 into Rhode Island's day activity service system for people with I/DD. The department's initial investigation found that the majority of people receiving state- and city-funded employment and daytime services through segregated programs can and want to work and receive services in more integrated community settings. Under the ADA people with disabilities have the right to receive services in the most integrated settings appropriate for them.

This matter was initially brought to light by an investigation by the U.S. Department of Labor's Wage & Hour Division, regarding improper subminimum wages being paid to people with disabilities working at TTP. This week, the Department of Labor revoked TTP's certificate under the Fair Labor Standards Act Section 14(c).

The Department of Justice's investigation has initially focused on a private provider, Training Thru Placement (TTP), as one of the largest facility-based employment service providers in the state's system. The investigation also revealed that the school-based sheltered workshop at the Harold A. Birch Vocational Program at Mount Pleasant High School (Birch), was the point of origin for many people entering TTP. Since the department began its investigation earlier this year, the state and the city have worked cooperatively with the department to reach an agreement to resolve the violations.

The department found that the approximately 90 workers with disabilities at TTP were not in the most integrated setting appropriate for them and that the students in the sheltered workshop at Birch were at serious risk of unnecessary placement at TTP following their exit from school. TTP is located in a residential neighborhood, without easy access to stores, offices or public spaces. People with I/DD typically remain at TTP all day, packaging and labeling medical supplies, wrapping television remote controls in plastic or hand-sorting jewelry. The typical tenure at TTP is 15 to 30 years. TTP workers have little or no contact with persons without disabilities. According to TTP's reports, TTP workers with disabilities make an average hourly wage of \$1.57 per hour, with one individual making as little as 14¢ per hour.

The department found that people with disabilities at TTP are capable of working in real jobs with supports, and participating in activities in the community, such as volunteering, exercising, taking classes, going to museums, plays and sporting events. Many TTP clients had specifically and repeatedly asked for help to find and be supported in real jobs in the community. However, the state and city did not respond to their requests and did not make integrated employment services and community-based daytime activities available. For example, one person with I/DD, who has worked at TTP for approximately 30 years, said that he asked nearly every year to work in a hardware store, yet he was never assessed or received services or supports necessary for him to do so. When asked how he would feel about working in integrated employment, he said, "I'd feel I accomplished something . . . something to be happy about."

The sheltered workshop at Birch was also found to discriminate against its approximately 85 students with I/DD because it cultivated, trained and prepared students to work at TTP as adults. The work that Birch's students performed in the school's sheltered workshop was similar to tasks performed by TTP's service recipients. Students ages 14 to 21 with I/DD would participate in the Birch sheltered workshop for one or two 55-minute periods per day, sometimes to do work for TTP. At times when the Birch sheltered workshop faced deadlines, some students were removed from their regular classes and spent large portions of their school days in the workshop. Students were generally denied diplomas and received only "certificates of attendance." Students at the Birch sheltered workshop were paid between 50¢ and \$2 per hour, or were not paid at all, no matter what job function they performed or how productive they were.

The school provided virtually no opportunities for students to experience or prepare for real jobs and made direct referrals to adult sheltered workshops as the students neared the end of school. Because of the lack of integrated opportunities and direct referrals, invariably, the students would move on to an adult sheltered workshop, TTP, after they left school instead of to integrated work places.

"The Supreme Court made clear over a decade ago that unnecessary segregation of people with disabilities is discriminatory. Such segregation is impermissible in any state or local government program, whether it be residential services, employment services, or other programs," said Eve Hill, Senior Counselor to the Assistant Attorney General for Civil Rights. "Unfortunately, the type of segregation and exploitation we found at TTP and Birch is all too common when states allow low expectations to shape their disability programs. The reforms the state and city will undertake under this interim agreement will support people with disabilities to participate in their communities. Thanks to the vision and leadership of the State and the City, both the individuals and their communities will benefit."

The state has now stopped providing services or funding for new participants at TTP's sheltered workshop and facility-based day program, and the city has stopped providing services or funding to Birch's in-school sheltered workshop. Over the next year, the state and city will provide supported employment services and placements to all adults at TTP and youth in transition from Birch to help them find, get, keep and succeed in real jobs. The services will be designed to help people access jobs in typical work settings where they can interact with non-disabled coworkers and customers, and enjoy the same employment benefits as non-disabled peers. When individuals are not working, they will have access to integrated day services.

Under the agreement, individuals will receive supported employment and integrated day services sufficient to support a normative 40 hour work week, with the expectation that individuals will work, on average, in a supported employment job at competitive wages for at least 20 hours per week.

For students leaving Birch, the agreement requires a robust career development and transition planning process to ensure that youth can successfully move into community-based jobs, rather than to segregated settings like TTP. The department's statewide investigation of the state's day activity service system for people with I/DD will continue. The interim agreement is due to the efforts of the following Civil Rights Division staff: Regina Kline, Sheila Foran, Justin Park, Lance Simon and Chloe Holzman.

Please visit www.ada.gov/olmstead to learn more about the Division's ADA Olmstead enforcement efforts and www.justice.gov/crt to learn more about the laws enforced by the Justice Department's Civil Rights Division.

Related Materials:

[Agreement](#)

[Complaint](#)

Component(s):

[Civil Rights Division](#)

[Civil Rights - Disability Rights Section](#)

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