

Testimony regarding SMW Task Force  
For Thursday, March 31

Re: Subminimum Wage Task Force  
HF4071

Chair Schultz & Members of the Committee:

Thank you for this opportunity to present testimony. My name is Jean Bender; while some of you know me as a volunteer advocate for disability organizations, I am testifying here for myself and my son, David Bender, a 35 year-old man with multiple disabilities. I have closely followed the legislation and subsequent discussions regarding the subminimum wage task force, and I am concerned about the attempts to change the purpose.

Advocates with disabilities themselves have clearly articulated the reasons we need a task force with the purpose of eliminating subminimum wage. But you have heard that many of the disabled people who have testified do not speak for those with intellectual disabilities who need their parents to represent them. In that case, I am such a parent. David has very high support needs requiring 24-hour per day assistance with all activities of daily living; however, he lives in his own home, and pre-Covid, he participated in community activities every day. He has never participated in a sub-minimum wage employment or "traditional" day program because our family believes that community-based, individualized programs should always be the first option for supporting people, regardless of whether the programs are focused on employment or other lifelong learning opportunities.

I understand the fears of parents of adults who have relied on our traditional service system, including programs that utilize subminimum wage. I grew up in St. Peter, at a time when children and adults with intellectual disabilities still lived at the State Hospital and attended segregated day programs. As a young parent, I was grateful to be told my disabled child could be raised at home, and that children like my son would always have a place in society. They could attend school and receive special education services; when they finished school, they could attend day programs or sheltered workshops and live in group homes. But that was more than 30 years ago, before we had an Olmstead plan, and person-centered planning, and individualized services, and community first. I realized that my son deserved better than "a place to go during the day." And I've advocated for person-centered services ever since. Because we all have to stop trying to preserve programs and services just because it's better than what existed before, and we can't move forward without this task force and its original intent.

Because the task force is not about eliminating an existing option for people. It's about figuring out how to develop a person-centered plan for every disabled individual, and THEN putting the supports and services in place. If an individual who chooses employment needs supports, then we need to figure out how we will provide them. People who attend programs for subminimum wage do so for a variety of reasons; we need to look at why the programs are used and meet THOSE needs: socialization, a "purpose" or task to keep busy, supervision/direct support for those who aren't independent, a place to go during the day; or some other reason. (If the subminimum wage is actually needed for food, clothing, shelter or other living expenses, that becomes an argument for equal pay for equal work.) And many individuals with significant intellectual disabilities, like my son, do not understand the concept of money or paycheck, and they are doing the work for the other reasons listed above. This is not just my opinion; in a 2020 report from the US Commission of Civil Rights states, "As currently utilized, the U.S. Department of Labor has repeatedly

found 14(c) providers limiting people with disabilities participating in the program from realizing their full potential ....” (<https://www.usccr.gov/files/2020/2020-09-17-Subminimum-Wages-Report.pdf>)

Current employment and day program options are already limited and weighted in favor of a provider-led system. Those, like my son, who do not participate in traditional programs have historically received lesser funding and more “burden of proof” for consumer-directed options. David is lucky enough to participate in Highland Friendship Club (HFC) in St. Paul. They offer classes in the arts, fitness, music, self-advocacy, community living, and social programming for their almost 300 members (disabled teens and adults) who choose the specific classes that they are interested in attending. HFC is proof that quality programs can exist without relying on the business of subminimum wage. Individuals and families who choose HFC and other community options, including competitive employment, are growing in number. We need to take note and use their success in meeting the needs of David and his peers to inform the work of the task force. (<https://www.highlandfriendshipclub.org>)

Finally, if the membership of the task force is expanded, be sure to include parents (and disabled individuals themselves) who have chosen more creative or individualized options. These are the people with new ideas who know well the barriers of the traditional service system and how to tailor supports to meet individual needs and goals.

I urge you not to backtrack on the work you’ve already done to establish this task force. Promoting more options for supporting people who want employment AND those who do not want to or aren’t able to work will only strengthen our service system in Minnesota. Phasing out one option in favor of other, better options does not eliminate choice.

Respectfully submitted,

Jean Bender  
1150 Fairmount Avenue  
Saint Paul, MN 55105