

J S Clapper Testimony – HFXXX 23-03708
1 March 2023

To: Minnesota House Human Services Policy Committee

Chairperson Fisher and members of the Committee:

My name is Jim Clapper. I am a **parent** of a young man with Intellectual and Developmental Disabilities, who receives MA waived support for residential and employment services. I oppose this draft bill HFXXX as it will eliminate a legitimate employment choice for at least 4000 people in Minnesota with Intellectual and Developmental Disabilities. Thank you for taking my testimony.

My son, Bob, has been happily employed since 2008 in a number of positions, all made possible under the provisions of **section 14(c)** of the Fair Labor & Standards Act. He started his employment in a center based employment program, doing light assembly and packaging work in a Day Training and Habilitation program near our home. His wages at that time were about \$2.30/hr which were **commensurate with his level of productivity**. Today, he works on a mobile work crew **in the community** at Kowalskis and earns a fair wage but still under the Special Minimum Wage provisions found in section 14(c). He has more than **tripled** his productivity in this time and moved from a center based employment setting to a community based employment setting, and we are very proud of his progress. Bob is very proud of himself too, even though he does not have a firm grasp of money.

The 14(c) provisions provided Bob with **choices** and **opportunities** to start his employment and then **steadily develop his skills and work ethic** over the last 15 years. If not for the provisions of 14(c), he would have had only “life enrichment” activities in his Day Training & Habilitation program. In addition, customers that contract for this work would have moved away from Disability Employment programs in order to compete. On top of that, his center based employment program might have been closed which is what has happened in those states where utilization of 14(c) has been eliminated. Bob’s story represents about **5000 individuals** with intellectual and developmental disabilities who are **thriving** (or even progressed to minimum wage) under the provisions of 14(c) **and will lose their employment** if the current draft bill to Eliminate Subminimum Wages succeeds.

The National Council on Severe Autism did a fair amount of research on this subject. One of their data sources was a Case Study carried out by the George Washington University where they looked at what happened in Maine when they eliminated utilization of 14(c). The Council also looked at other states that had done the same thing including Washington, Vermont, and a few others. Their conclusion was this: *“In short, participants often end up idle at home, not in competitive, minimum-wage jobs.* If this bill succeeds we will have the same result in Minnesota. Please oppose this bill.

Respectfully,

James S Clapper
North Oaks, MN 55127



Bob Clapper working at Kowalski's, made possible
Using 14(c) special minimum wage provisions of FLSA.