



To: Minnesota House Labor, Industry, Veterans and Military Affairs Finance, & Policy Committee
From: John Wayne Barker
Re: HF439
Date: March 19, 2021

Chairman Ecklund and members of the Committee: I am the Executive Director of Merrick, Inc., a 501(c)(3) nonprofit corporation located in Vadnais Heights that provides life enrichment services and work support to over 350 adults with Intellectual or Developmental Disabilities of which 200 currently earn a special minimum wage. Thank you for considering my testimony on HF439 and I will focus on the following three truths.

1. The February 2021 client payroll facts for Merrick, Inc., are as follows:
 - The wage used to calculate a client's special minimum wage is not the \$7.25 federal minimum wage or the \$10.08 Minnesota minimum wage but an average prevailing wage of \$13.40 an hour for similar/same work done by a nondisabled worker in our local area (to be clear this is a "fair" wage for the work being done);
 - We had 200 clients that earned an average special minimum wage of \$6.12 an hour based on their individual productivity when compared to a nondisabled worker;
 - Of these, 132 (66%) earned less than the \$7.25 minimum wage with an average of \$4.15 an hour; and
 - The remaining 68 (34%) earned more than the \$7.25 minimum wage with an average of \$9.97 an hour.
2. In 2016 it became a federal requirement that every person earning a special minimum wage go through an annual Career Counseling, Information and Referral (CCIR) session completed by the State Vocational Rehabilitation authority (DEED). In Minnesota, this requirement was contracted out by DEED to private entities and is completed by the Metropolitan Center for Independent Living (MCIL) for clients in our program. The CCIR session includes the special minimum wage worker, usually a family member, and an MCIL counselor (representatives from the day program are specifically excluded). As an agency with a clear bias towards minimum wage employment, MCIL counseled a total of 2,721 special minimum wage workers during the 7/19 – 7/20 annual reporting period - 87% did not want a minimum wage job. In 2020, as documented by MCIL, 98% of the clients earning a special minimum wage at Merrick, Inc., and their families, do not want a minimum wage job.
3. As a nation, and a state, we are collectively reflecting on historical and structural barriers to equity and access for all of our citizens; and yet here we are considering legislation that would take a preferred choice away from adults with disabilities. One has to wonder why these few critics of the special minimum wage get to take that choice away from 200 people in our program; especially when it does not stop them or others from pursuing a minimum wage job? Choosing to make a special minimum wage is not a "barrier" as alleged by the National Down Syndrome Society whereas taking an informed choice away is denying someone access to an option that supports their definition of a good life. This is bad legislation that will do bad things to 200 people with disabilities in our program as it has done in the eight states that have eliminated or restricted the special minimum wage option resulting in higher unemployment for their citizens with disabilities. Legislators need to stand firm that our state is not about taking choices and access away.

As you have heard, or will hear from a number of families, they have to live with the consequences of your decisions and they are imploring you not to eliminate the special minimum wage option. The special minimum wage option is not "outdated" as alleged by The Arc of Minnesota and we should be proud that our state supports the informed choice of people with disabilities to make a wage based on their productivity and builds their self-esteem as a valued member of a workforce. Let us demand truth over political optics, choice versus bias, and family experience over professional platitudes. We must trust the facts, ignore unsubstantiated allegations, and listen to those with disabilities and their families. I ask that you do the right thing and not support HF439.