

3/19/2021

House Labor, Industry, Veterans and Military Affairs Finance & Policy

Letter of Support for House File 439



Chair Ecklund and members,

On behalf of The Arc Minnesota, we write today in support of Rep. Xiong's House File 439, in solidarity with leaders who have disabilities working to develop a plan for the incremental phase-out of subminimum wage in Minnesota.

Across Minnesota and our country, more people are engaged in the movement to advance disability justice and reform outdated systems that perpetuate oppression of people who have disabilities. Now is the time to intentionally and creatively phase-out dated practices that perpetuate poverty and inequality – such as subminimum wage – while creatively supporting the competitive, integrated employment of people with diverse support needs.

For many years, people who have disabilities have not worked full time nor had a job at all. This includes many people who want to work and build careers.

The 2017 Family and Individual Needs for Disability Supports (FINDS) National Study reported that 2 out of 3 people who have intellectual and developmental disabilities (IDD) over the age of 22 did not have paid employment. Of those people, about half said they would like a job.

Almost 1 out of 3 people who reported having job with pay said that they work in center-based programs. In 2019, the United States Bureau of Labor Statistics reported that almost 4 out of 5 people who have a disability did not have a job. Minnesota has a high percentage of people who have disabilities who are unemployed.

The Minnesota State Demographic Center's "Minnesotans with Disabilities: Demographic and Economic Characteristics"¹ report from 2017 shows that people with disabilities are 2.6 times more likely to be unemployed (among those ages 18-64) and 3.4 times less likely to be participating in the workforce (among those ages 18-64). The report also shows that just 26% of people who have disabilities worked full-time.

Many Minnesotans who have disabilities face ableism, discrimination, and barriers in finding and keeping jobs. These barriers include:

- lack of access to education and work experience needed to get the jobs they want
- long waiting lists for employment supports
- lack of access to customized employment services
- poor results when working with workforce centers and vocational rehabilitation services
- inaccessible job descriptions, job applications, and interviews
- lack of physical, sensory, and other accommodations in the workplace
- lack of transportation to interviews and to work
- negative stereotypes, stigma, bigotry, and low expectations

These common barriers push many people who have disabilities into jobs that pay less than minimum wage, and are not individualized.

All individuals who have disabilities – no matter their disability type and support needs – deserve the opportunity to explore, find, and keep jobs and careers that provide personal fulfillment and help build wealth.

People who have IDD should have supports from individuals and systems to help them to find and keep jobs based on their preferences, interests, and strengths.

The Arc U.S. “Employment” position statement² says that, “people with IDD can be employed in the community alongside people without disabilities and earn competitive wages. They should be supported to make informed choices about their work and careers and have the resources to seek, obtain, and be successful in community employment.”

For all people who have IDD, employment services and supports should first explore competitive, integrated employment before other options. This means people who have IDD:

- work with people who do and do not have disabilities
- make the same amount of money as other people doing the same work
- have the same benefits as other people doing the same work
- learn about different jobs and careers
- develop skills and connections to find and keep a job.

The Arc U.S. “Employment” position statement also says that we must “build infrastructure and supports needed to phase out the issuance of subminimum wage certificates, increase opportunities for competitive integrated employment, and put in place safeguards to protect the interests of any people affected by this shift.”

Section 14c of the Fair Labor Standards Act is outdated and needs to be changed. The practice of paying people with IDD less than minimum wage in jobs that are not tailored to their skills and abilities goes against The Arc Minnesota’s mission to promote and protect the human rights of people with IDD.

The state of Minnesota should phase out 14(c), subminimum wage, segregated employment, and other employment-related policies that discriminate against people with disabilities. This will help advance equity, drive social change, and truly protect human rights.

The National Association of People Supporting Employment First (APSE) has strong recommendations for how to build capacity in employment supports³. This can help make sure that phasing out 14c is done in a thoughtful and strategic way, so people who have disabilities are not left without employment options.

The Arc Minnesota supports APSE’s recommendations, specifically that:

- “technical assistance and supports should be provided to systems that currently rely on service provider delivery of services using 14(c) certificates, and to the holders of 14(c) certificates themselves, in order to move the individuals currently receiving sub-minimum into employment opportunities in the community at minimum wage or higher”

- “a national effort must be undertaken to improve the overall quality of community employment outcomes both in terms of individual outcomes (wages, hours, diversity of employment), system outcomes (efficiency and effectiveness), and proper funding of services and long-term support”
- “the movement of individuals into non-work day habilitation facilities, instead of into community employment, is not an acceptable outcome of the phase out of sub-minimum wage”
- “it is unacceptable to eliminate an individual’s day services and supports as a result of the phase out of sub-minimum wage”.

To build more job and career options for Minnesotans with disabilities, we must:

- improve transition supports and post-secondary education options for young adults with disabilities
- create incentives for career exploration services and other supports that promote competitive, integrated employment
- increase collaboration across state agencies to streamline employment supports
- advance systems reform alongside service providers, individuals with disabilities, their family members, and business leaders statewide
- build innovative and creative partnerships with Minnesota’s larger business community
- change employer policies and workplace environment, and adopt universal design principles, to eliminate ableism
- support microfinancing and small businesses owned by individuals with disabilities.

Employment policy reforms in Minnesota must allow people with IDD to earn money, build and keep assets, and invest in their futures. They should be able to do this without risking health care, benefits, supports, and services that help them live full lives in their communities.

The Arc Minnesota agrees with and supports:

- policies like Universal Basic Income that respect the value and worth of each person, regardless of their capacity for typical work and jobs
- school transition programs and post-secondary education options that help young people with disabilities earn credentials, and find and keep jobs and careers
- programs and services that help people with IDD and their families learn about the benefits of competitive, integrated employment
- customized employment and other employment supports that are tailored for each person
- Minnesota’s Employment First policies
- policies that protect access to health care and health-related supports, no matter a person’s employment status.

Jobs that are tailored for each person, are fully inclusive, and pay minimum wage or higher can help build independence and connection in community while honoring the value and worth of each person.

The Arc Minnesota is building an organization that reflects the disability justice movement by fostering systems and social change that support belonging and justice for all people. Phasing out subminimum wage and 14c certificates – while supporting individuals’ career goals in tailored, creative, and diverse ways – is absolutely essential to advancing this movement.

We are grateful to leaders who have disabilities for championing this effort, and to Rep. Xiong for his allyship in carrying this critical bill.

Andrea Zuber, CEO

Alicia Munson, Chief Program Officer



Reference:

¹ https://mn.gov/admin/assets/minnesotans-with-disabilities-popnotes-march2017_tcm36-283045_tcm36-283045.pdf

² <https://thearc.org/position-statements/employment/>

³ <https://apse.org/wp-content/uploads/2019/01/Suminimum-Wage-Final-102.pdf>