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*Equity, Opportunity, and Inclusion for People with Disabilities since 1975*

## **TASH Testimony on Increasing Competitive Integrated Employment**

Provided to the National Advisory Committee on Increasing Integrated Employment for Individuals with Disabilities – April 2016

Thank you for the opportunity to provide testimony to you today. My name is Raquel Rosa, and I am speaking on behalf of my employer, TASH, a 41-year-old organization whose mission it is to secure equal opportunities and inclusion for people with significant disabilities across the lifespan. I have been in the field for over 13 years, and I am also the eldest sibling of a gentleman who has cerebral palsy and a mild intellectual disability. My brother is just one of countless Americans with disabilities who desires community integrated employment, yet he only does light clerical work for subminimum wage at the service provider where he receives paid supports.

The solution to ensuring access to competitive integrated employment and ending the use of the special minimum wage certificates (Fair Labor Standards Act, Section 14c) may be complex. TASH is certain that achieving these goals will not occur if federally-sanctioned systems and programs continue to encourage and/or allow employment service providers (community rehabilitation providers, or CRPs and non-profit agencies, or NPAs) to be the employer of people with disabilities. Concentration of people with disabilities as employees for a limited number of employers is not good for people with disabilities, the service system, or mainstream employers for the following reasons:

- It enables and *reinforces the need for* long-term dependency on a system of care and federally-sanctioned segregation, rather than reinforcing community integrated employment with natural and paid individualized supports.

- Long-term dependency means these CRPs and NPAs serve fewer people, contributing to, rather than solving, vast unmet need of people desiring employment and forced to wait for years to access limited publicly funded supports and services.
- CRPs and NPAs remain resistant to change, believing it is not possible to end the use of 14c because they are convinced that people they support are unable to secure employment in the general workforce where they are able to earn equitable wages in spite of the continued evidence for the success and cost-benefits of supported and customized employment.

Employment of people with disabilities by mainstream employers, in natural proportions, is the answer to ending the need for 14c. The data supports this – comparatively few mainstream employers see a need to use 14c in employing people with disabilities. In fact, TASH members who facilitate integrated and supported employment report that when 14c is not offered to employers, they don't even consider paying the prospective employee less than the minimum wage. These same providers are also very successful in placing people with significant and complex disabilities into integrated and supported employment. Mike Callahan, a long-time TASH leader and expert on Supported and Customized Employment, was once asked how to negotiate a person's wage with an employer expressing a willingness to hire. Mike simply said this: "Once you have agreed on what the person will do for the employer, ask the employer, 'What's it worth to you to have someone do those things for your company?'" Mike reports that he's never had an employer suggest less than minimum wage. The data is clear: the vast majority of people with disabilities paid under 14c are employed in concentrated numbers by CRPs and NPAs – not by mainstream employers. We can dramatically increase competitive integrated employment and phase out the need for 14c by focusing on facilitating employment by mainstream employers.

Unfortunately, what happens now is that CRPs and NPAs functioning as employers are focused on increasing their role as employer rather than building capacity to implement best practices and facilitating employment of people with disabilities by mainstream employers. CRPs and NPAs are now buying franchises and starting new businesses that they are defining as social enterprises to employ people with disabilities rather than putting their resources and energy into facilitating employment through mainstream employers. So long as CRPs and NPAs substitute for mainstream employers, we will never see mainstream employers filling the role we need them to fill, and as a result, we will never see the growth of competitive integrated employment and the phase out of 14c, which is long overdue.

Research has confirmed that employment outcomes for people with disabilities are improved when they are typical of the general population. In other words, a good job match with a mainstream employer leads to the best employment outcome. There is a long-standing myth that employer attitudes about hiring people with disabilities are a barrier to their employment. In an examination of 67 research findings, the authors concluded that “overwhelmingly, there is ample evidence that disability in and of itself does not trigger inherently negative employer responses. In addition, exposure to disability usually yields improved employer views of disability.”<sup>1</sup>

Moreover, mainstream companies who hire people with disabilities are realizing positive reactions from consumers. A national poll conducted by the University of Massachusetts’ Center for Social Research and the Gallup organization found that “92 percent of consumers surveyed felt more favorable toward companies that hire individuals with disabilities and 87 percent said they would prefer to give their business to such companies.”<sup>2</sup>

Additional research conducted by the Institute for Corporate Productivity of 230 employers across the country had the following findings about employees with intellectual/developmental disabilities: “1) companies hire people with I/DD for business reasons and are rewarded with business benefits; 2) the profile of a worker with I/DD reads like an ideal employee; 3) positive reactions from employers abound; and, 4) challenges are fewer than expected and resources are greater than anticipated.” The same study also found the following ratings for employees with I/DD: dependability, 89%; engagement, 88%; integration with co-workers, 87%; motivation, 86%; attendance, 84%; and work quality, 79%.<sup>3</sup>

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<sup>1</sup> Luecking, R. (2008). Emerging employer views of people with disabilities and the future of job development. *Journal of Vocational Rehabilitation*, 29(1), 3-13. Retrieved April 20, 2016, from <http://content.iospress.com/>

<sup>2</sup> Russ, K. (2006, January 6). New Study by Center for Social Development & Education Shows Consumers Support Businesses that Hire Employees with Disabilities. Retrieved April 20, 2016, from [https://www.shrm.org/hrdisciplines/Documents/Press\\_Release\\_Employment\\_Study.pdf](https://www.shrm.org/hrdisciplines/Documents/Press_Release_Employment_Study.pdf)

<sup>3</sup> Martin, K., Jamrog, J., Dixon, A., Lykins, L., & Davis, E. (2014, October 14). Employing People with Intellectual and Developmental Disabilities. Retrieved April 20, 2016, from <http://www.imintohire.org/>

It stands to reason, then, that there could be an exponential increase of employment outcomes for people with disabilities if we were unified in concentrating our efforts on facilitating employment with mainstream employers, rather than allowing for the distracting presence of a parallel, unequal, and competing system of CRPs and NPAs. This competing presence allows for the continuation of a myth that there is something special and different about hiring people with disabilities, when in fact this does not exist.

TASH cannot emphasize this point enough; the continued co-mingling, and potential expansion, of these two roles – employment services provider and employer of record within the same non-profit entities – poses a significant threat to this Committee’s and the federal government’s overall goal of increasing integrated competitive employment. Moreover, the co-mingling of these roles conflicts with ensuring choice of provider for recipients of Medicaid or VR-funded services, which are commonly people also served by NPAs and CRPs. Because my brother works for his service provider, he does not have the same unfettered ability to choose a different employment service provider, as required under both Medicaid and VR policy. If he chooses to change providers, there is no assurance he can keep his job because it belongs to his provider, not him. His service provider’s motto is “Empowering People with Disabilities”, yet what I see is an expectation that he’ll be continually dependent on them with no effort aimed at increased self-sufficiency or mainstream employment.

This potential for conflict of interest is not always recognized or acknowledged. This problem, coupled with that of CRPs and NPAs supplanting the role of mainstream employers, are two very significant and interrelated problems that should not be ignored. Public policy must disrupt the commonly co-mingled roles of provider and employer and become consistent with the “conflict-free” approach now required by Medicaid. All efforts and resources of any entity receiving public funds for employment services must be redirected to the facilitation of mainstream employment opportunities. This redirection will ensure that a path to elimination of 14c is created and the four goals of the Americans with Disabilities Act – equality of opportunity, independent living, economic self-sufficiency, and full participation – are achieved for all Americans with disabilities.