



November 18, 2019

***Statement of Equip for Equality to the Chicago City Council Committee on the Budget and Government Operations on the Proposal to Eliminate the Exemption from Minimum Wage for Workers with Disabilities***

My name is Barry Taylor, and I am the Vice President for Civil Rights and Systemic Litigation at Equip for Equality. Since 1985, Equip for Equality has been the Governor-designated Protection and Advocacy agency for Illinois, federally mandated by Congress to safeguard the rights of children and adults with disabilities in the state. We provide self-advocacy assistance, legal services, and disability rights education while also engaging in public policy and legislative advocacy and conducting abuse investigations and other oversight activities. We have been very active on promoting the full inclusion of people with disabilities in all aspects of life, including in employment. We are here today to testify in support of Mayor Lightfoot's proposal to eliminate the exemption from minimum wage for workers with disabilities.

Most people with disabilities want the opportunity to work, to be contributing members of their communities, and to be independent. Yet, there continues to be a significant gap in employment for people with disabilities when compared to the general population. Additionally, since 1938 the federal Fair Labor Standards Act (FLSA) has authorized employers, upon receiving a certificate under Section 14(c) of the Act, to pay workers with disabilities sub-minimum wage—meaning less than the federal minimum wage. Often, workers with disabilities are paid a mere fraction of what workers without disabilities would be paid for performing the same or similar work. Sheltered workshops are not geared toward meeting the particular interests or preferences of an individual, nor do they typically teach skills that could translate into competitive and integrated employment in the community. Very few people with disabilities successfully transition from sheltered workshops to competitive, integrated employment. The continued authorization of this grossly disparate wage scheme is a major barrier to people with disabilities achieving true community integration.

Consistent with the national trend to expand community-based services for people with disabilities, the concept of Employment First has gained momentum across the country. Employment First means “that employment in the general workforce is the first and preferred outcome for all working age people with disabilities, regardless of level of disability.” Implicit in this definition are the principles that employment should: 1) be integrated, not in segregated settings or in working crews of only people with disabilities; and 2) paid a competitive wage—not sub-minimum wage or other wage calculated specifically for people with disabilities.

In 2013, the Illinois Employment First Act was signed into law by former Governor Quinn. The declared public policy of the State of Illinois is that: Competitive and integrated employment shall be considered the first option when serving people with disabilities of working age. The

Mayor's proposal to eliminate sub-minimum wage in Chicago is consistent with the principles of the Employment First Act—the law in Illinois.

Employment plays a critical role in achieving true integration and full inclusion of people with disabilities in the community. Importantly, the work must be meaningful to the individual. The plans and processes required to implement the choice to live and work in the community must focus on and reflect the individual's personal preferences, strengths, and needs. Paying less than minimum wage to people with disabilities working in segregated settings is contrary to Employment First and contrary to the integration mandate of the Americans with Disabilities Act and the U.S. Supreme Court's decision in *Olmstead v. L.C.* Following the *Olmstead* decision, Equip for Equality and our co-counsel brought three community integration class actions that to date has resulted in over 13,000 people getting to live in the community. However, many of these newly integrated people, despite wanting to work in integrated settings and receive a competitive wage, are segregated in sheltered workshops, and many of them are being paid sub-minimum wage. Eliminating sub-minimum wage is an important step to ensure that the promise of the ADA and the Supreme Court's decision in *Olmstead* become a reality in Illinois.

Respectfully submitted,



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Equip for Equality