

TESTIMONY – PROTECTION AND ADVOCACY PROJECT
SENATE BILL 2265
INDUSTRY, BUSINESS & LABOR
January 25, 2011

Chairman Klein and Members of the Senate Industry, Business & Labor Committee:

My name is Vickay Gross, program coordinator and advocate with the Protection & Advocacy Project. The Protection & Advocacy Project is an independent state agency that acts to protect people with disabilities from abuse, neglect, and exploitation, and advocates for the disability-related rights of people with disabilities. I coordinate the advocacy activities for a grant through the Social Security Administration that works to eliminate barriers to employment experienced by people with disabilities. I am testifying before you today as neutral on this bill. However, I would like to encourage changes to the bill that would insure people with disabilities working on state contracts will receive equitable wages in an integrated setting.

Hundreds of thousands of people in our country are being segregated on the job and paid less than minimum wage because of their disability. Section 14(c) of the Fair Labor Standards Act allows employers to pay individuals less than the minimum wage if they have a physical or mental disability that impairs their earning or productive capacity. The concept that individuals with disabilities should be earning less than other workers was originally meant to assist WWI veterans. Some, not all, work activity centers referenced in this bill hold Section 14(c) waivers that allow them to pay individuals with disabilities less than minimum wage. Paying below the minimum wage reinforces a life of poverty and a dependency on public support.

I understand that people providing the labor on state contracts need to be able to do the work. Job coaching, job carving, job sharing, and use of assistive technology are just a few examples of accommodations that can be used to assist people with disabilities to be productive on state contracts. In addition, as with any of us here today, people with disabilities have a greater chance of being productive if matched with the right type of work.

I support work activity centers finding creative ways to secure work for people with disabilities in integrated setting at minimum wage or better. Through this bill, the state will have an opportunity to partner with work activity centers to increase the employment opportunities for many people with disabilities. However, state entities should not perpetuate the practice of paying people with disabilities less than the lowest wage allowed in our country.

In closing, I am asking this committee to insure that people with disabilities are compensated fairly for the labor they provide on state contracts. North Dakota state government needs to take the position that all of its citizens should be treated fairly in the work force including individuals with disabilities. I would like to propose that language be added to this bill requiring that workers be paid at least minimum wage and the work is performed in integrated settings. As an over site measure, written assurances should be provided by work activity centers stating that people with disabilities working on state contracts will be paid at or above minimum wage. In addition, the work should be done in an integrated setting that includes both workers with and without disabilities.

Chairman Klein and Members of the Senate Industry, Business and Labor Committee, thank you for the opportunity to testify on SB 2265. I am prepared to provide an amendment to this bill and to answer questions you may have regarding my testimony.

PROPOSED AMENDMENTS TO SENATE BILL 2265

Page 1, line 11, insert after the period;

- f. These contracts may be free of competition only if all workers are paid at least minimum wage and work is performed in integrated settings.