

J S Clapper Testimony – SF2934
16 March 2023

To: Minnesota House Human Services Committee

Chair Hoffman and members of the Committee:

My name is Jim Clapper. I am a **parent** of a young man with Intellectual and Developmental Disabilities, who receives MA waived support for residential and employment services. I oppose portions of SF2934 that intend to eliminate utilization of “subminimum wages.” If these portions are passed, they **will eliminate a legitimate employment choice** for at least 5000 people in Minnesota with Intellectual and Developmental Disabilities. Thank you for taking my testimony.

My son, Bob, has been happily employed since 2008 in a number of positions, all made possible under the provisions of **section 14(c)** of the Fair Labor & Standards Act. He started his employment in a center based employment program, doing light assembly and packaging work in a Day Training and Habilitation program near our home. His wages at that time were about \$2.30/hr which were **commensurate with his level of productivity**. Today, he works on a mobile work crew **in the community** at Kowalskis and earns a fair wage but still under the Special Minimum Wage provisions found in section 14(c). He has more than **tripled** his productivity in this time and moved from a center based employment setting to a *community based* employment setting, and we are very proud of his progress. Bob is very proud of himself too, even though he does not have a firm grasp of money.

The 14(c) provisions provided Bob with **choices** and **opportunities** to start his employment and then **steadily develop his skills and work ethic** over the last 15 years. If not for the provisions of 14(c), he would have had only “life enrichment” activities in his Day Training & Habilitation program. In addition, customers that contract for this work would have moved away from Disability Employment programs in order to compete. On top of that, his center based employment program might have been closed which is what has happened in those states where utilization of 14(c) has been eliminated. Bob’s story represents about **5000 individuals** with intellectual and developmental disabilities who are **thriving** (or even progressed above minimum wage) under the provisions of 14(c) **and will lose their employment** if the bill to Eliminate Subminimum Wages succeeds.

The National Council on Severe Autism did a fair amount of research on this subject. One of their data sources was a Case Study carried out by the George Washington University where they looked at what happened in Maine when they eliminated utilization of 14(c). The Council also looked at other states that had done the same thing including Washington, Vermont, and a few others. Their conclusion was this: *“In short, participants often end up idle at home, not in competitive, minimum-wage jobs.* If this bill succeeds we will have the same result in Minnesota.

Proponents of this particular language have stated repeatedly that parents and family members who are opposed, do so out of fear or lack of understanding. I have spent 20 years in

advocacy for people with IDD. I have been on the board of directors for 10 years for a Day and Employment Services provider with six locations across the metro area. I was Board chair when we had to close our center based employment program, as it was too much of a financial loss due in part to the low reimbursement rates from the state. I have seen what happens when people with IDD become unemployed and it is not pretty. I have started up two advocacy organizations over the last six years, and have personally spoken to hundreds of parents and visited dozens of Day and Employment programs across the state. I do not come to my position lightly or from some sort of basis of fear, but from **Experience, Knowledge, and Facts** and I believe most parents and family members have come to oppose Elimination of Special Minimum Wages the same way. Please join us and oppose these portions of SF2934. Thank you.

Respectfully, James S Clapper
North Oaks, MN 55127



Bob Clapper working at Kowalski's, made possible using 14(c) special minimum wage provisions of FLSA.