



Written Testimony of Bob Niemiec on SF 2934

My name is Bob Niemiec. Please accept my written testimony in support of the provisions in SF 2934 related to disability services and the cessation of using Section 14c of the Fair Labor Standards Act that allow organizations to pay people with disabilities less than the minimum wage.

I am a senior associate with Griffin-Hammis Associates (GHA), an award-winning, internationally recognized pioneer in the field of customized employment services for people with disabilities. We are a full-service consulting firm that works in partnership with government agencies, employment providers, business leaders, family members, and job seekers to transform systems, lives, and communities. I was the chair of the MN State Rehabilitation Council (1997-2002) a founding member of the MN Employment First Coalition, and a Subject Matter Expert with the US Dept. of Labor, Office of Disability Employment Policy (ODEP). My knowledge, experience and history regarding Section 14c and disability services provide a unique and thorough understanding of the matters being addressed in this bill.

Prior to working with GHA, I was the Director of Employment and Community Supports at Community Involvement Programs (now Accord) based in Minneapolis and Bloomington. In my capacity as director, I led CIP in the elimination of using Section 14c back in 2004. I know what it takes to utilize 14c, the shortcomings and unreliability of the wage determinations to calculate sub-minimum wages, and the inequity of paying people wages based upon how they measure against perfection (100%). As a young man growing up in industry-laden northwest Indiana, I and many of my peers worked summer jobs in factories, steel mills, oil refineries, and a myriad of industries. It was my experiences working in a cement factory while I was in college that opened my eyes to the lack of productivity of the general workforce. Not one of my co-workers was measured against a time standard, yet they were all paid the prevailing wage.

When I entered the field of disabilities in 1980, sheltered employment was prevailing practice of rehabilitation agencies across the country. I became the director of industrial services at Hopewell Center in Anderson, IN, where we did contract work for General Motors, particularly Delco-Remy and Fischer Guide. I was part of the sheltered workshop (14c) establishment in IN. When the idea of supported employment – people with disabilities working in community employment was presented to me – I made all the same arguments against it that you have probably heard or will hear.

In 1985, I realized that I could no longer be part of a system that treated people with disabilities as less than the least (the definition of sub-minimum). I moved to MN in 1986 to work on the conversion of a conventional day program in Washington County into a quality employment program. We began the process of converting resources, both financial and human, into doing our work with community businesses. One person, one job, regular businesses, and regular wages.



Making the transformation from sheltered employment to individualized community employment is not a matter of skill. It is a matter of will. Here is what I've learned:

- Leadership matters, if the leader says it can't be done – they're right, but if they say "we're doing it even if we don't know how," success is greatly enhanced.
- Elimination of a long-standing practice like 14c cannot be done abruptly (we accomplished it at CIP in 14 months)
- We have a well-funded system in MN.
- We can learn from mistakes made in other places and do this successfully
- Technical assistance is available.
- Set your goal and work your way backwards to what you can do tomorrow
- Organizations can reallocate resources – getting rid of buildings and other material assets that consume financial resources. When you have a building, board meetings become about paving the parking lot.
- There are unlimited ways in the world that people make a living, and we only know about a few of them
- Finally, on the issue of "one size fits all." Our communities are bountiful. How many more choices become available in the actual world as opposed to the controlled and limited environments of provider agencies?

Thank you for your time. I'm happy to answer any questions.

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