



State of Connecticut
Department of Developmental Services

DDS

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Commissioner

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**DEPARTMENT OF DEVELOPMENTAL SERVICES TESTIMONY
BEFORE THE LABOR AND PUBLIC EMPLOYEES COMMITTEE
February 14, 2019**

Senators Kushner and Miner, Representatives Porter and Polletta and members of the Labor and Public Employees Committee. I am Jordan A. Scheff, Commissioner of the Department of Developmental Services (DDS). Thank you for the opportunity to submit written testimony on **HB 6739 AN ACT PROHIBITING EMPLOYERS FROM PAYING DISABLED EMPLOYEES LESS THAN MINIMUM WAGE.**

The department appreciates the intent of this proposed bill. DDS considers access to quality, supportive employment a priority for the individuals we serve. Employment not only provides an opportunity for individuals to become active, engaged and contributing members of their community, but it also brings a heightened sense of self-worth that all Connecticut residents, including individuals with intellectual disability, deserve.

DDS offers an array of supportive employment services that assist individuals in meeting their employment-related goals. Supports may include assistance with obtaining and maintaining competitive, integrated employment or opportunities to explore different career paths by learning different work skills in a community or facility-based setting.

In addition, DDS has been working to integrate customized employment into our continuum of employment supports. Customized employment is designed to assist individuals with complex needs with their ability to work competitively. The model focuses on matching the individual's strengths with an employer who has expressed the need for that specific strength, while providing a team approach to employment planning. Once the individual is matched with an employer, the department will continue to provide ongoing natural supports to ensure a successful employment experience. Working in collaboration with the State Department of Education (SDE) and the Department of Rehabilitation Services (DORS), we will continue to formalize and expand the options for customized employment throughout the state.

From an interagency perspective, the FY 2019 budget appropriated \$1.5 million to the Intellectual Disability (ID) Partnership. In collaboration with the Department of Social Services (DSS), the Office of Policy and Management (OPM) and community partners, part of this ID Partnership funding is being utilized to encourage and support the employment of individuals with intellectual disability by (1) providing grants for alternative business models; (2) offering trainings and education to providers and businesses; and (3) establishing a revolving loan fund for startup costs. The department is committed to

continuing to expand our employment-related supports and utilizing creative ways to engage business in hiring individuals with intellectual disability.

In the context of a larger discussion on subminimum wages, the department would be remiss without detailing the complexities associated with this topic. In our work around the state, many families, providers and stakeholders have vocalized their support for a subminimum wage as an opportunity to directly carve out an employment sector for individuals with intellectual disability. These stakeholders stress that without a subminimum wage, employment opportunities for individuals with intellectual disability would be limited and far more difficult to obtain. Some argue that removing a subminimum wage option would jeopardize the security of individuals currently receiving wages under any subminimum wage exception.

On the federal level, Section 14(c) of the Fair Labor Standards Act allows employers to pay wages below the federal minimum wage to employees who have disabilities that directly affect their job performance. Also known as “14(c)” the U.S. Department of Labor’s (US DOL) Wage and Hour Division, allows employers to obtain a 14(c) certificate that permits the employer to pay less than minimum wage. Similar to the conversations we are having on the state level, the federal discussion is moving toward efforts to eliminate the subminimum wage. Most recently, Congress has introduced bills in both the US Senate and the House of Representatives to eliminate subminimum wage. [S. 260, The Transformation to Competitive Employment Act](#) requires the US Department of Labor (DOL) to stop issuing 14(c) certificates, while also allowing current certificates to be phased out over a six year period. [H.R. 582, The Raise the Wage Act](#) includes similar language that allows for 14(c) certificates to be phased out over a six year period. Some of the discussion in opposition to such federal legislation reflects the concerns we have heard on the local level.

The department thanks the Committee for raising this bill. As the conversation on this complex topic continues we would respectfully request that all stakeholders, including the individuals affected by any potential changes in the use of the subminimum wage, be included in this important discussion.

Thank you again for the opportunity to offer testimony on [HB 6739 AN ACT PROHIBITING EMPLOYERS FROM PAYING DISABLED EMPLOYEES LESS THAN MINIMUM WAGE](#). If you have any questions, please contact Krista Ostaszewski, DDS Director of Legislative Affairs at (860) 418-6066 with additional questions.