

## **MEMORANDUM OF SUPPORT**

A.4347 (Steck) and S.3434 (Skoufis)

The New York Association on Independent Living (NYAIL) is a statewide, not-for-profit membership association, created by and composed of Independent Living Centers across New York State. NYAIL strongly supports A.4347 / S.3434 which, if passed, would make New York the fourth state to ban subminimum wage for people with disabilities.

The practice of paying people with disabilities subminimum wage has been allowed under the Federal Fair Labor Standards Act which passed in 1938. At that time, employment was all but impossible for people with any disabilities, and this was seen as a way to train people to eventually acquire skills to make them employable in the general community. What has actually happened, however, is that people with disabilities have more often become trapped for life in subminimum wage jobs that they cannot ever be successful due to their disability. A common example is that of a person with poor hand articulation being placed in production work where speed and accuracy are paramount. The person is then paid below minimum wage because their performance is not up to par. The performance is not up to par because this type of work is completely inappropriate to the person's abilities.

Supported employment programs throughout the state take time to assess a person's abilities, interests, and latent talents and then place the person in a job where they are able to be successful. For those whose disabilities are so significant that they are unable to perform in any job, the Office for Persons with Developmental Disabilities (OPWDD) has a community habilitation program wherein participants are accompanied on various activities by a direct service professional who supports them in activities they enjoy in the community, which leads to a better quality of life where they are not being exploited for pennies an hour. Community habilitation may also encompass volunteer opportunities which may eventually lead to paid employment.

While thousands of New Yorkers with intellectual and developmental disabilities, blindness, and other disabilities have moved out of segregated residential institutions and now live and attend school in community settings, many such people, nevertheless, still lack access to typical jobs in the mainstream of the economy or competitive integrated employment. Many of these same people can and want to work and contribute as taxpayers and consumers but are restricted from doing so by considerable structural barriers to employment.

Other states, including Alaska, New Hampshire, and Maryland, have already banned the subminimum wage. If employers and rehabilitation agencies no longer had the option of paying people with disabilities less than the minimum wage, they would be forced to place

people in jobs that fit their skills and abilities so that they could truly earn at least the minimum wage.

New York's Employment First initiative prioritizes competitive integrated employment as the preferred outcome for working-age New Yorkers with disabilities and set out to increase the percentage of individuals with disabilities engaged in competitive integrated employment. A.4347 / S.3434 would greatly help to achieve these goals.

NYAIL urges swift passage of A.4347 / S.3434 so all people with disabilities can fulfill their potential and become contributing members of their communities rather than continuing to be victims of exploitation.