



Delegate Assembly December 4, 2024

PROPOSED RESOLUTION 2024-02

SUBMITTED BY:

OACB Board of Trustees; Policy Committee

SUMMARY & RATIONALE:

This resolution establishes the policy position of the Ohio Association of County Boards of DD on the potential elimination of subminimum wage employment practices by the State of Ohio or the United States federal government as authorized under Section 14c of the Fair Labor and Standards Act of 1938.

- Documents the history and decline of subminimum wage practices in Ohio since the state became an Employment First state in 2012;
- Highlights the conditions under which the association believes such an elimination would be successful;
- Establishes that—if the Board of Trustees determines that any proposal to eliminate subminimum wage practices in Ohio suitably meets these conditions—the Association shall support the proposal as a priority advocacy issue and make all efforts to ensure the proposal's adoption.

Resolution on the Potential Elimination of Subminimum Wage Employment Practices in the State of Ohio

WHEREAS, Ohio's County Boards of Developmental Disabilities recognize that the use of subminimum wage has been a practice for 86 years; and

WHEREAS, Ohio's County Boards of Developmental Disabilities recognize that efforts are underway at the state and federal level to end the practice of paying of subminimum wage to people with disabilities, including people with developmental disabilities supported by county boards; and

WHEREAS, since the signing of Ohio's Employment First executive order in 2012, the State of Ohio and county boards have maintained a continued focus on promoting community employment as the preferred option for people with developmental disabilities; and

WHEREAS, the State of Ohio has taken measures to encourage competitive community employment for people with developmental disabilities through enhanced rate structures and by supporting increased partnerships between providers, county boards, and businesses at a community level; and

WHEREAS, while there are nearly 3,000 individuals with disabilities who are employed under a certificate allowed by Section 14(c) of the Fair Labor Standards Act of 1938, Ohio's county boards of developmental disabilities recognize that this number has decreased by approximately 80% since 2011, largely due to the efforts of people with disabilities, their families, county boards, and providers working together to create more opportunities for community integrated employment; and

WHEREAS, Ohio's County Boards of Developmental Disabilities recognize that community employment makes our workforce and community stronger by including and valuing all people; and

WHEREAS, continuing to be an active system partner in ongoing discussions on the future of subminimum wage will ensure that county boards can continue to be leaders in promoting alternative solutions to sheltered or subminimum wage employment, while also ensuring that any elimination of subminimum wage is undertaken thoughtfully and with consideration of those currently employed in subminimum wage settings; and

WHEREAS, this document contains identified priorities that would provide people with disabilities, their families, and providers with support throughout any process to eliminate subminimum wage; and

THEREFORE BE IT RESOLVED, that in order for a successful transition away from subminimum wage employment, a proposal should:

1. ***Include a reasonable period of time in which a transition can be made.*** A transition away from subminimum wage will likely require significant planning, expectation-setting, and exploration by people with disabilities, their families, and their teams. It will also require administrative, structural, and programmatic changes for those providers currently supporting people with developmental disabilities in subminimum wage employment settings, regardless of whether the people affected continue working in a workshop environment at minimum wage or in competitive integrated community employment;
2. ***Allow a person with developmental disabilities employed in a subminimum wage setting to continue to choose their place of employment, even if that is not in a competitive community employment setting.*** While many people with disabilities benefit from community employment, others may prefer to maintain employment with their current provider. Because of this, the opportunity to remain employed in their current environment while making minimum wage assures every individual has the opportunity to choose the appropriate setting that best meets their employment needs;
3. ***Include a process through appropriate state department(s) in which assistance and best practices are offered to providers transitioning to minimum wage employment, including temporary financial assistance if needed throughout the transition period;***
4. ***Provide business incentives for those companies and organizations contracting with employers for services and goods to permit the payment of minimum wage for all employees, regardless of their disability status;***
5. ***Support local businesses and organizations to encourage the hiring of individuals with disabilities;***
6. ***Preserve the flexibility of providers to move an individual with a disability in and out of paid work status; and***

THEREFORE BE IT RESOLVED, that any proposal put forth that meets the criteria listed above, as determined by the Board of Trustees of the Ohio Association of County Boards of Developmental Disabilities, shall have the full support of the Association as a priority advocacy issue, which shall make all efforts to ensure the proposal's adoption.