

Facility Based Training for Persons with Disabilities

Throughout its history AHEDD has advocated that facility based training, i.e. sheltered workshops, should not be the preferred nor primary community option in lieu of gainful employment. In short, vocational training is a process which should result in competitive employment. "Competitive work" refers to employment for wages at or above the minimum wage consistent with earnings to persons with no apparent disabilities with similar job duties. Generally competitive employment occurs in an integrated work setting, one which includes routine opportunities to interact with employees and/or customers with no apparent disabilities, assuming that such interaction is inherent within the context of the job.

The General Accounting Office (GAO) has reported that the U.S. Labor Department (DOL) continues to ineffectively manage the special minimum wage program for persons with disabilities. A September 2001 report of special minimum wage certificates issued by the department's Wage and Hour Division (WHD) estimates that 5,600 employers, nationwide, paid special minimum wages to about 424,000 workers with disabilities. Section 14(c) of the Fair Labor Standards Act (FLSA) authorizes DOL/WHD to issue special minimum wages certificates to employers of persons with physical or mental disabilities.

GAO estimates that 74% of workers who are paid special minimum wages by work centers have mental retardation or another developmental disability as their primary disabling condition; 46% have multiple disabilities. More than half of the workers employed under Section 14(c) certificates earn \$2.50 an hour or less. In addition, 86% of 14(c) workers are employed on a part-time basis. Although the goal of work centers is to prepare workers for employment in non-sheltered setting, there is relatively little movement from these programs. According to the GAO, only 5% of 14(c) workers left work centers to take jobs in the community earning either at or above the minimum wage or at a special sub-minimum wage. More than half of 14(c) workers have been employed by a work center for five years or more; and some individuals have been in such centers for over twenty years.

With the advent of Supported Employment in 1985, public policy reflected the realization that vocational rehabilitation for many persons with severe disabilities did not need to begin with, nor even include segregated vocational training. A 1996 amendment to the Rehabilitation Act has prevented state vocational rehabilitation agencies from claiming a successful closure within a sheltered workshop. The 1999 Olmstead decision interpreted Title II of the Americans with Disabilities Act (ADA) and its implementing regulation, requiring States to administer services, programs, and activities "in the most integrated setting appropriate to the needs of qualified individuals with disabilities." Many have suggested that this decision will have future bearing on sheltered workshop programs. . Understandably many individuals remain in these programs for a number of reasons, including: a sense of safety; predicable and convenient work schedule and transportation; bonding with staff and fellow trainees; and a sense of accomplishment in available assignments. Nevertheless, the New Freedom Initiative seeks integration, equality of opportunity and economic self-sufficiency for people with disabilities