



Facility Based Training/Sheltered Workshops

Throughout our history, AHEDD has advocated that facility based training, i.e. sheltered workshops, should not be the preferred or primary community option in lieu of gainful competitive employment. In short, vocational training is a process which should have as its primary outcome competitive employment in the community. "Competitive work" refers to employment for wages at or above the minimum or prevailing wage consistent with earnings to persons with no disabilities performing similar job duties. Competitive employment occurs in an integrated work setting; one which includes opportunities to interact with other employees and/or customers, assuming that such interaction is inherent within the context of the job.

A September 2001 report of special minimum wage certificates, issued by the U.S. Labor 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 the WHD to issue these special minimum wage certificates.

The General Accounting Office (GAO) estimates that 74% of workers who are paid special minimum wages by work centers have intellectual disabilities or another developmental disability as their primary disabling condition. More than half of the workers employed under Section 14(c) certificates earn \$2.50 an hour or less. Although the goal of work centers is to prepare workers for employment in non-sheltered settings, the GAO reports more than half of 14(c) workers have been employed in these work centers for five to twenty-plus years; only 5% of 14(c) workers left work centers to take jobs in the community.

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 or include segregated vocational training. A 1996 amendment to the Rehabilitation Act has ruled that state vocational rehabilitation agencies can no longer claim a successful vocational closure for an individual placed within a sheltered workshop. In 2009, the Civil Rights Division launched an aggressive effort to enforce the Supreme Court's 1999 Olmstead decision which interpreted Title II of the Americans with Disabilities Act (ADA) and required states to administer services, programs, and activities "in the most integrated setting appropriate to the needs of qualified individuals with disabilities."

Despite the push for change in legislation and public policy, we understand that many individuals remain in these programs for a number of reasons, including: a perceived level of safety on the part of the individual or their family; low expectations from many within society; a predictable and convenient work schedule and transportation; bonds 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.

AHEDD is a specialized human resource organization with a mission to serve the community as a catalyst in the employment and development of persons with a disability. AHEDD provides community employment services through a network of field offices throughout Pennsylvania. For further information about our passion for community integrated employment services, contact AHEDD at 1-866-902-4333 or inforequest@ahedd.org.