

From: Cheryl Felak [mailto:CHERYLFELAK@msn.com]

Sent: Tuesday, August 29, 2017 8:47 PM

To: Bull, Karina <Karina.Bull@seattle.gov>

Subject: Certificate 14(c) - sub-minimum wage

Dear Ms. Bull,

I am writing as a concerned advocate for those with intellectual and developmental disabilities. I am also the guardian of a young man who has worked under the 14 (c) certificate for several years. He currently does have a job at a local home improvement store and earns a bit more than minimum wage - but he is only able to work 9 hours per week. While he earns more than minimum wage, he requires 1:1 employment support for which King County pays the vendor about \$2500 per month.

I understand that the Seattle Commission for People with disAbilities has recommended that these certificates be eliminated. Removing this choice also then removes the choice of having any type of employment for some of these individuals. They state that the law is discrimination and that people are being exploited by not paying a fair wage.

According to the "Bottom Dollar" documentary produced in part by Disability Rights Washington and Rooted in Rights, employers must use a time/productivity study to calculate what a non-disabled person could accomplish and then use that to figure the wage for the disabled employee working under this certificate. If the standard would be producing 10 items an hour and the disabled person produced 5 items, that person would receive the pay for those 5 items. Discrimination comes into play when a non-disabled person at the same place of employment produces 5 items and gets paid for 10 items - only due to the fact that this person is protected by the minimum wage law. If this was the case, I'm sure most employers would fire that non-disabled person due to low productivity but the certificate provides protection for the disabled employee.

Also, as stated in the documentary, "If people are given the proper services and supports and proper assistive technology, the sky is the limit for many, many individuals" It also takes funds to provide that support and given the situation I would really question if those funds for employment support would magically appear if the certificates were eliminated.

It really does help to have a creative and knowledgeable job coach/vendor to assist with matching skill sets to a job. I would imagine that most of those people who have a job under this certificate would need 1:1 employment support or close to it for a job that paid minimum wage. Employment support is also expensive which then reduces the number of hours that the person would be able to work. Reality and ideology are two different things.

People who work under these certificates (and/or their guardians) are aware that they are making less than minimum wage and sign a consent that they agree to work for that wage.

Another issue of concern is the extremely rude and derogatory responses that I have received from one of the commissioners when I expressed concern regarding the elimination of these certificates. The responses are also ones which deny me the legal and court appointed job of speaking for and advocating for my son - refusing to listen to what I say on behalf of my son because I'm not the disabled person. I have been told by more than one person that since I am not disabled, I cannot speak for my son who is - totally ignoring the court appointed and legal responsibility that I have. These people do not know my son, do not understand his unique set of skills and/or limitations and are not intellectually and developmentally disabled. Many of the commissioners have advanced college degrees - my son was not even able to graduate from high school.

When advocating for and with a population it is important to work with that population. The Seattle Commission for People with

disAbilities seems to forget that the population that identifies as "disabled" is extremely heterogeneous and when advocating for issues that affect a certain segment of that population it is critical to work with them - not against them.

Thank you,

Cheryl

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Sub-minimum wage ruling questions

CF

Cheryl Felak

Reply

Yesterday, 4:25 PM

Bull, Karina (Karina.Bull@seattle.gov)

Dear Ms. Bull,

I am writing to follow up regarding my concerns and the concerns of many other families and people in the area who disagree with the recommendation of the Seattle Commission for People with Disabilities. There are many flaws in the so-called "evidence" that the PwD Commission provided and the opinions and concerns of those affected by this decision was totally ignored.

The PwD Commission does not have any representation of the population that is affected by intellectual disabilities. (ID) People

with ID are typically the people who are able to work under the special certificate. Eliminating this option, eliminates jobs and opportunities, it forces these people into isolation. Unfortunately, the PwD Commission did not research the issue well nor did they take into account how this affects everything else in the system that is used by the population - housing, job training, availability of appropriate job coaches, transportation, care giving, healthcare and other aspects of a meaningful life.

After several requests of the PwD Commission to provide their research and evidence on the issue of sub-minimum wage they did finally send me some documents. None of the documents they provided had anything pertaining to the employees and employers in Seattle. In addition to the lack of evidence the commission has been able to produce, the documents they provided for their research are outdated. The documents actually do not support the recommendation of the PwD Commission to have a rapid elimination of the special certificates. In fact, the resources provided by the PwD Commission strongly oppose a rapid elimination understanding that such an action would cause more harm than good.

Below are the documents that were provided to me as the research done by the PwD Commission. Before any more action is taken on this issue, it would be very helpful to have current and accurate evidence based research - not merely opinion - to back up these recommendations that will greatly affect people in our community.

APSE'S CALL TO PHASE OUT SUB-MINIMUM WAGE BY 2014

"In calling for phase out of sub-minimum wage, APSE recognizes the importance of undertaking such action in a way that is carefully thought out, and leads to movement of individuals currently being paid sub-minimum wage into individual, integrated employment opportunities paying minimum wage or higher, and avoiding unintended

consequences that would not only damage efforts to expand community employment, but result in actual loss of rights and opportunities for individuals with disabilities to full integration and inclusion in society."

DECLARATION IN SUPPORT OF INTEGRATED EMPLOYMENT AND AT LEAST MINIMUM WAGES FOR ALL PEOPLE WITH DISABILITIES APRIL 2016 -

- a value statement of the organization - not research or evidence but they do state "The transformation to equal wages and integrated community employment for ALL must be planned and systematic to ensure that no one is left behind."

NATIONAL COUNCIL ON DISABILITY REPORT ON SUBMINIMUM WAGE AND SUPPORTED EMPLOYMENT

The central theme of our recommendations is that the 14(c) program should be phased-out gradually as part of a systems change effort that enhances existing resources and creates new mechanisms for supporting individuals in obtaining integrated employment and other non-work services. The comprehensive system of supports we propose is designed to improve opportunities for persons with disabilities. NCD recommends a phase-out of the 14(c) program rather than immediate repeal because those who have been in the program for many years need time to transition to a supported employment environment. Our comprehensive approach includes formal requirements of mandatory information-sharing to workers, as well as informal systems of peer support and incentives to states and providers to expand supported employment services in integrated settings.

WE ARE AGAINST SUBMINIMUM WAGE AND WORKING IN SHELTERED WORKSHOPS - no research - opinion of this trained self-advocacy organization - Self Advocates in Leadership (SAIL)

I would urge the Office of Labor Standards to look at the research and understand how various systems work together in supporting this particular population. Rash decisions based on the opinion of

a few activists who are unaware of the full impact of these recommendations will only cause harm.

Thank you again for your consideration to this issue.

Cheryl

Cheryl Felak, RN, BSN

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From: Bull, Karina <Karina.Bull@seattle.gov>
Sent: Tuesday, September 5, 2017 2:59 PM
To: Cheryl Felak
Subject: RE: Certificate 14(c) - sub-minimum wage

Hi Cheryl,

Many thanks for sharing your perspective. We will take your comments into consideration as we develop our final rules.

If you have questions, please do not hesitate to contact our office.

Regards,
Karina

Karina Bull

Policy Manager

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