

MNFAC



Minnesota Families &
Advocates Coalition
(MNFAC)

Minnesota Families and Advocates Coalition

Position Paper:

Fair Labor Standards Act 14(c) Certificates

MNFAC is an organization of only volunteers – Steering Committee

&

*Network of Parents and Families of people with intellectual
developmental disabilities*

Co-Chairs: Julie St. Marie and Jim Clapper

www.mnfac.org
mnfacgroup@gmail.com
facebook.com/mnfacgroup/

January 2021

Introduction

MNFAC: Minnesota Families and Advocates Coalition

- What is MNFAC and what are its concerns related to Competitive Integrated Employment (hereinafter “minimum wage work”) of persons with Intellectual or Developmental Disabilities (I/DD) in the State of Minnesota?
- Purpose of this document: Provide information, analysis of current state of affairs, and to make recommendations protecting the Fair Labor Standards Act 14(c) provision (hereinafter “special minimum wage work”) while promoting minimum wage work.

This paper is authored by the MNFAC Steering Committee after having gathered, examined, and analyzed information from other states that have eliminated the special minimum wage option. MNFAC’s goals include statewide advocacy, awareness, and advisement. MNFAC was formed in 2016 as a volunteer organization of parents and family members concerned with the rights of individuals with intellectual, physical, and developmental disabilities in Minnesota. It is not a membership organization. It is a network of parents and families with children/family members who have disabilities.

MNFAC, until the pandemic, developed and created in-person workshops and network sessions in areas of the state for families of people with disabilities. Workshop contents include learning about services to people with disabilities and how to advocate effectively for their family member with a disability.

MNFAC maintains a Facebook page as yet another way to provide information to family members. It is in the process of exploring the development and implementation of a podcast for its website and Facebook page. MNFAC collaborates with organizations serving people with disabilities in ways that enables MNFAC to move toward meeting its own organizational goals. MNFAC has participated in MN DHS/Disability Services Division Committees where MNFAC is almost the only voice of parents and family members.

The intent of this paper is to provide information to Minnesota families, state legislators, and local public and private agency leaders serving people with disabilities, and other interested stakeholders. The information is expected to be used in advocating for the civil rights of people with disabilities and protect the special minimum wage option from those that would see it eliminated in the state.

The focus of the paper is the advocacy of some interest’s groups to move toward policies that require the full integration of all people with disabilities into the general workforce and making at least a minimum wage. Their reasoning is that the Fair Labor Standards Act 14(c) provisions violate the civil rights of people with disabilities. Their stated belief is that all people with I/DD should be employed in general workforce earning at least a minimum wage.

This paper outlines issues related to employment for people with I/DD with an emphasis on those with more significant cognitive and other physical or sensory disabilities. We explain, provide examples, and give relevance to the real-life effects of existing employment and day program services and the effects of integrated employment for those with an I/DD. We also gathered and analyzed financial information.

The paper begins with introduction and proceeds into definitions, brief explanations of relevant state and federal policies, and background information. We discuss an analysis of data collected from states and data provided by the federal government. We provide a response to the 2020 Civil Rights Commission Subminimum Wage Report. Examined resources include:

- September 2020 Civil Rights Commission Subminimum Wage Report
- MNFAC's research of states that no longer have 14(c) certified employment opportunities
- Minnesota Olmstead Plan
- National Conferences of State Legislators reports available to the public
- U.S. CDC disability definitions and recommendations
- U.S. Department of Labor provisions related to the Americans with Disability Act (ADA), the ADA
- Workforce Innovation and Opportunity Act 2014
- Fair Labor Standards Act
- Legislation introduced in Minnesota
- Minnesota state, county and private agencies serving I/DD populations
- Advocacy organizations for people with disabilities
- Organizations that work in partnership with MNFAC
- VOR – a Voice of Reason – an organization Speaking Out for People with Intellectual & Developmental Disabilities

In the final analysis MNFAC provides recommendations regarding future policy considerations related to employment and day services for Minnesota citizens with I/DD.

NOTE. As often acknowledged by DHS and other stakeholders, Minnesota's disability service system is both complex and confusing and it is possible that MNFAC has made some minor and/or technical mistakes in writing this Report. However, any mistake made does not diminish our fundamental point that the 14(c) option should be protected to ensure choice as promised by DHS, the MN Olmstead Plan, and the civil rights provisions of our country's constitution.

Executive Summary

Fair Labor Standards Act 14(c) Certificates

The Minnesota Families and Advocates Coalition (MNFAC) is a network of parents and families of Minnesota disabled adults. MNFAC is an organization of volunteers with no paid staff. Parents and family members conduct all MNFAC business including researching and writing this report. These parents and family members have been actively engaged for decades in teaching and advocating for their adult children/family members with I/DD.

They are in the best position to understand diagnosed disabilities, how their family member is able to function and where their family member with I/DD feels most safe and successful. Through person-centered planning, supported by professionals, family members are able to help make decisions related to work and living environments.

Many families within the MNFAC network are intensely concerned about federal and state support for services offered to individuals with I/DD such as day program, employment opportunities, and residential environments. They are concerned that other advocacy groups are working to eliminate the Fair Labor Standards Act 14(c) Certificates that offers a valued choice of employment for people with I/DD.

Through research and examination of the September 2020 Civil Rights Commission on Subminimum Wage, position papers of other advocacy groups, Minnesota DHS reports to the Legislature, information on the DHS website, through MNFAC participation in DHS committees, and review of other federal and state information MNFAC concludes:

- The Civil Rights Commission Report failed to make a case with evidence in support of its position to recommend the elimination of 14(c) certificate work environments. It ignored that 98% of public comments received were in favor of maintaining 14(c) as an option from which to choose (see MNFAC findings related specifically to the Commission Report – pages 23 - 25).
- Two of the eight appointed Civil Rights Commissioners wrote dissenting arguments within the Report pointing out that evidence in favor of maintaining 14 (c) work environments was ignored.
- That elimination of 14(c) as a choice may violate the civil rights of people with I/DD. 14(c) work environments offer a safe, successful and preferred environment for people with I/DD that are not able or have not been successful in other kinds of work environments. In our view this is consistent with Judge Frank’s ruling (page 8) on the MN Olmstead Plan.
- Other advocacy groups and the Civil Rights Commission Report fail to acknowledge that each person with I/DD is an individual with his/her own unique level of cognitive, social, emotional, motor and language development that contributes to everyday functioning. Not all people with I/DD are able to function successfully in an integrated competitive work environment paying minimum wage.
- CHOICE – for decades federal and state policies have moved in the direction of choice for people with I/DD. MNFAC supports that direction. Minnesota DHS policy states that CHOICE is the official state policy for all people with disabilities and the Minnesota Olmstead Plan specifies that individuals with disabilities are to have CHOICES and receive services and supports appropriate for each individual.

Following are MNFAC Findings and Recommendations that are found on pages 23-25 of this MNFAC report. See Findings and Recommendations on pages 22- 24 of this report.

MNFAC Findings:

- The brief history section in the MNFAC paper demonstrates a policy and advocacy movement of CHOICE on the part of the individual with I/DD and in many cases the guidance of parents, family members and/or legal guardians.
- The history of education and day/employment services for people with I/DD establishes a policy movement in the general direction toward integration into community-based living and employment where and when it is determined to be preferred and appropriate.
- DHS 2019 Report to the Legislature states that its goal is CHOICE for people with disabilities.
- Existing work, day programs, integrated employment including 14(c) employment settings offer a variety of choices. An individual with I/DD can choose what he/she desires and what is most integrated and most appropriate per his/her person-centered planning.
- MNFAC paper provides evidence that people with I/DD as described by CDC, WHO, medical, educational and I/DD service providers is tremendously diverse in terms of the range of developmental cognitive abilities and in terms of added forms of disabilities. It is a broad continuum of abilities. There is no one kind of program that fits all. Choices provide options.
- Parents and families of people with I/DD have firsthand knowledge and broad experience about the realistic potential abilities of their adult child with I/DD. They understand the multiple disabilities within an individual and how to best influence them with a measure of success. They understand they have to live with decisions made with and/or on behalf of their adult child. They seek advice of a variety of professionals. They feel a substantial responsibility that is not being acknowledged by those seeking to reduce service options.
- The Employment First Policy has been exaggerated to the point that it is more like “Employment Only.” It is not realistic that every individual with Intellectual and Developmental Disabilities wants to work, can work, and can earn competitive wages.
- DSP – Direct Support Staff. These are employees hired to give support to I/DD individuals in work related and day program activities as well as group homes and other residential setting requiring support. The 2020 DHS DWRS report concludes that the labor market has notably low wages, lacks access to affordable benefits, and is highly unstable due to turnover.
- 2020 was a year of a national and international pandemic that forced several reductions in work environments for non-disabled and certainly for disabled persons and in particular I/DD. The reality of state budget reductions is unknown for the future.
- With the increase of minimum wage to \$15/hour, we are concerned about the effects of that increase on employment opportunities and the success of people with I/DD in integrated employment.

MNFAC Recommendations

- CHOICE. Section 14(c) is proven to meet the employment choice for a significant portion of the population with I/DD.

- Do not eliminate Section 14(c) as a choice for those who need those opportunities to feel safe and a productive worker in their community.
- Elimination of Section 14(c) services will have the effect of violating the civil rights of individuals with I/DD.
- As the only option for people with I/DD to earn wages in a congregate setting, there should not be a life-time limit on being eligible for prevoc services.
- Refocus the Employment First Policy to keep employment as the first and default direction for services and supports, but remove the language that does not apply to the more severely disabled individuals.
- Thorough data collection and analysis of the data from states that eliminated 14(c) services must be conducted before making decisions about the future of Section 14(c). Take time to study the outcomes and any unintended consequence.
- MNFAC recommends adding its list of research questions to the collection and analysis.
- Conduct thorough data collection and analysis of current Minnesota 14(c) services to individuals with I/DD. Include information related to a range of cognitive functioning abilities and range of multiple disabilities.
- Conduct cost analysis of 14(c) services in Minnesota. Conduct total cost of services of Minnesota I/DD population – housing, medical, day program and employment services, etc.
- Use a business approach to services for I/DD individuals.
- Develop a business plan that outlines goals, a market analysis and a plan of services for I/DD populations that includes a financial analysis of costs related to implementation of the business plan. In addition, the sources of funding the plan should be clearly identified.
- Build an infrastructure of appropriate supports before making new and expanded policies intended to serve adults with I/DD.
- Infrastructure includes developing education and training requirements within state post-secondary vocational certification and college degree programs for people to be hired to provide support to people with I/DD. There are currently no such programs that provide a quality and standard for education and training for Direct Support Professionals. DHS in partnership with the U of M offers some online classes through College of Employment Services.
- Increase financial supports dedicated to increasing salary and benefits of Direct Support Professionals (DSP).
- Federal government must conduct an operations review of federal agencies to identify persistent failures in regulations and oversight of 14(c) and to identify corrective actions.
- Federal government agencies must collaborate in an effort to collect consistent and reliable state by state data related to employment of people with disabilities. It must collect and sort the data according to separately defined disability categories to make it useful to policymakers, service providers, and families of people with I/DD.
- MNFAC supports written statements of dissent by Civil Rights Commissioners Gail Heriot and Peter Kirsanow. See these in the MNFAC paper.
- The state best serves its citizens with disabilities through efforts to make services uniformly available across the state.

Background for MNFAC Findings and Recommendations

Brief History of Laws and Policies

Education for All Handicapped Children Act (Public Law 94142)

In 1975 Congress passed PL94142 that provided public education for K-12 school students with disabilities to attend public schools in what was termed the Least Restrictive Alternative. Many students were mainstreamed into regular classrooms with supports. Some were educated in segregated special education classrooms located inside the school with even more support. As time passed, school systems provided transition services for students with disabilities as they reached chronological age for graduation. In theory, transition programs were designed to work with Vocational Rehab Counselors to move students with disabilities to vocation programs or other education programs to prepare them to become employees in the general workforce. In practice, most transition programs kept students with disabilities until age 21 as counties wanted to maximize the use of school funding; and most graduates enrolled into Day Training & Habilitation (DT&H) programs. Once enrolled, DT&H programs supported the client's informed choice of being onsite, on a crew, or hired directly by an employer making minimum wage. Until the 2014 WIOA Act, very few students with I/DD had any significant interactions with their Vocational Rehab Counselor and/or the Department of Employment & Economic Development (DEED).

Deinstitutionalization

Dissatisfaction in the 1960's with services for people with disabilities that lived in state institutions led to a redesign of services and the beginning of closing institutions in the 1970's moving those persons into community-based residences mostly operated by State and now called Direct Care & Treatment Services (DCTS). In the mid-1980's the Developmental Disability Waiver (DD Waiver) was approved by the Centers for Medicare and Medicaid Services (CMS) and private nonprofits began to provide Supported Living Services (SLS) funded by the DD Waiver.

Americans with Disabilities Act (ADA) – 1990

The purpose of ADA is to provide a clear and comprehensive national mandate for the elimination of discrimination to individual with disabilities in areas including employment, transportation, public accommodations, communications, and access to state and local government programs and services. It provides consistent enforceable standards addressing discrimination and to ensure the Federal Government plays a central role in enforcing established standards on behalf of individuals with disabilities.

Olmstead Act - 1990

Olmstead v. L.C. 1999 was a federal case and ruling triggered by the ADA. Prior to this act and court decision society tended to isolate and segregate people with disabilities in various ways via where they lived and received services. People with disabilities in many cases continue to live with their families adding yet another set of concerns for families and their own capacity to manage and finance the care of their family member.

The Olmstead decision ruled that states are required to provide community-based services for people with mental disabilities if treatment professionals determine that it is appropriate and the affected individuals do not object to such placement. The Court further concluded that states are responsible for community-based

placement if they have the available resources to provide community-based services. Minnesota developed and adopted a MN Olmstead Plan that has been updated numerous times since its initial adoption.

In his 09/29/2015 ruling, the Honorable Judge Frank made some notable statements that support the protection of the 14(c) special minimum wage certificates. These include:

1. “In approving the revised Olmstead Plan, the Court also takes this opportunity to respond to those who have expressed fears about the plan’s purported harmful effects. The Court has received numerous submissions from concerned community members, parents, and advocates expressing fears that the Olmstead Plan will lead to fewer choices and diminished respect for individuals who choose not to fully integrate into community-based settings. Many individuals with disabilities in this state value living and working alongside other individuals with disabilities in settings such as group homes and sheltered workshops”. It is significant that Judge Frank then footnotes an Amicus Brief (Doc. 506 at 6-8) because it connects honoring informed choice to the Court ruling giving legal recourse to future plaintiffs.
2. “The Court emphasizes that the Olmstead decision is not about forcing integration upon individuals who choose otherwise or who would not be appropriately served in community settings”.
3. “The goal of placing individuals with disabilities in the most integrated setting must be balanced against what is appropriate and desirable for the individual.

The Court’s concern has been realized with subsequent actions taken by DHS to “redesign” DT&H services to Day Support Services that offer no meaningful work options, impose a 36-month lifetime limit on prevocational services, and clandestinely support the efforts to eliminate the 14(c) option. It is unthinkable that a genuine advocate would be party to taking an option off the service continuum and a valued choice away from people with I/DD under the guise of civil rights.

MnChoices

MN Department of Human Services launched the MnChoices Assessment in 2013 and MnChoices Support Plan in 2016. MnChoices was developed to meet a DHS need for improvement in the long-term services and support assessment process in including eligibility determination and support plan development. It was developed to eliminate the need for multiple assessments for people to access appropriate supports and services. MnChoices was developed to:

- Support a person-centered approach in assessment and support planning;
- Ensure consistency and equal access to services and supports statewide;
- Provide better access to assessment data for programmatic and budgetary decisions;
- Increase quality management; and
- Manage programs and services more efficiently and effectively.

MnChoices is a single comprehensive web-based application that integrates assessment and support planning for all people who seek access to Minnesota’s long-term services and support. People with I/DD engage in a MnChoices assessment each year.

Workforce Innovation and Opportunity Act – WIOA 2014

WIOA is administered through the U.S. Department of Labor and directive to each state’s vocational rehabilitation office. WIOA is federal legislation designed to strengthen and improve our nation’s public workforce system and help get Americans, including youth and those with significant barriers to employment, into high-quality jobs and careers and help employers hire and retain skilled workers. According to the WIOA website the law is meant to serve all and not single out any population group.

Employment First

“Employment First” is an initiative that makes competitive, integrated employment the default and priority preference for all people with disabilities and establishes an infrastructure to facilitate this policy objective. Currently, 37 states have adopted some form of Employment First policy through legislation or executive action. The Olmstead Plan for Minnesota has adopted the Employment First Policy.

Disabilities – Described and Defined

Public Education and Social Services I/DD:

- Identification of Intellectual or Developmental Disability (I/DD): With the passage of PL94142 in 1975 public schools began providing education services to students with disabilities in public school environments with non-disabled students. As the system engaged in making accommodations and attempting to make decisions about where and how best to provide what education, labels were created and used.
 - Labels used in identifying and serving those with intellectual (cognitive) or development disabilities (i.e., autism, cerebral palsy, epilepsy, physical, sensory, seizures, etc., that occur prior to age 18) included severely mentally retarded, trainable mentally retarded, and educable mentally retarded. Those terms changed over time to use the word handicapped in place of retarded.
 - Labels/Terms changed, again, using I/DD in place of severely, trainable and educable handicapped. Previous labels were narrowly defined. Each was identified within an IQ range or developmental age range.
 - Labels didn’t recognize that an individual may essentially have several (multiple) identifiable disabilities at the same time.
 - IQ and other adaptive kinds of assessment instruments (i.e., Vinland Adaptive Behavior Scales) have been used to determine intellectual (cognitive) and Independent Activities of Daily Living (IADL) capabilities.
 - It was no longer considered appropriate to label individuals with more specific definition of the disability. The movement intent has been to recognize people with I/DD with a level of respect and dignity when talking about and with them.
 - With the movement to change descriptors of levels of cognitive/functional capabilities, an in-depth understanding of what level of functioning is and how to best provide appropriate services fell by the wayside. Or, not considered essential to defining intellectual disability. Consequently, perhaps causing some advocates to believe all people with I/DD are able to be employed in an integrated work environment at minimum wage.
 - People with I/DD can range in developmental functioning level from mild (more than 70 IQ), moderate (50 - 69 IQ), severe (20 – 49 IQ) to profound (less than 20 IQ). In addition to a I/DD diagnosis, people may demonstrate dysfunctional or maladaptive social interactive behaviors and/or lack Activities of Daily Living (ADL) skills (i.e., self-care, eating, dressing, etc.).
 - People with I/DD demonstrate delays in the following areas of development: receptive and/or expressive language, cognition, fine and/or gross motor skills, and social and emotional skills.
 - People with I/DD often have additional diagnoses that may include: ADHD, Autism, mental health, as well as physical and/or sensory impairments that diminishes their ability to function in typical settings.
 - Professional testing is conducted to determine developmental functioning level of individuals.

Center for Disease Control (CDC) Definitions

World Health Organization (WHO) Definitions

Although “people with disabilities” sometimes refers to a single population, this is actually a diverse group of people with a wide range of needs. Two people with the same type of disability can be affected in very different ways. Some disabilities may be hidden or not easy to see (statement from CDC website).

The CDC is looked to by health and education professionals in determining disability and services. It provides information for media, policymakers, state and federal agencies and more. The WHO is looked to by the CDC as well as health and education professionals around the world.

CDC- What is a disability?

A disability is any condition of the body or mind (impairment) that makes it more difficult for the person with the condition to do certain activities (activity limitation) and interact with the world around them (participation restrictions). There are many types of disabilities, such as those that affect a person’s:

Vision	Movement
Thinking	Remembering
Learning	Communicating
Hearing	Mental Health
Social Relationships	

CDC provides links on its website to definitions and descriptions of ADHD, Autism, Cerebral Palsy, Fetal Alcohol Spectrum Disorders, Hearing Loss, Hemophilia, Intellectual Disability, Spina Bifida, Tourette Syndrome, Traumatic Brain Injury, Vision Impairment and more.

WHO observes disability in three dimensions:

1. **Impairment** - in a person’s body structure or function, or mental functioning; examples of impairments include loss of a limb, loss of vision or memory loss.
2. **Activity limitation** - such as difficulty seeing, hearing, walking, or problem solving.
3. **Participation restrictions** - in normal daily activities, such as working, engaging in social and recreational activities, and obtaining health care and preventive services.

Disability can be:

- Related to conditions that are present at birth and may affect functions later in life, including cognition (memory, learning, and understanding), mobility (moving around in the environment), vision, hearing, behavior, and other areas. These conditions may be
 - Disorders in single *genes* (for example, Duchenne Muscular Dystrophy);
 - Disorders of *chromosomes* (for example, Down Syndrome); and
 - The result of the mother’s exposure during pregnancy to infections (for example, rubella) or substances, such as alcohol or cigarettes.
- Associated with developmental conditions that become apparent during childhood (for example, autism spectrum disorder and attention-deficit/hyperactivity disorder or ADHD).
- Related to an injury (for example, traumatic brain injury or spinal cord injury external icon).
- Associated with a longstanding condition (example i.e., diabetes), which can cause a disability such as vision loss, nerve damage, or limb loss.
- Progressive (for example, Muscular Dystrophy), static (i.e., limb loss), or intermittent (example i.e., some forms of Multiple Sclerosis).

Civil Rights Commission Subminimum Wage Report September 2020

Summary

Introduction:

The September 17, 2020 Civil Rights Commission Subminimum Wages Report (hereinafter “Report”) is a commission examination of current implementation of Section 14(c) of the Fair Labor Standards Act of 1938 which directs the U.S. Secretary of Labor to grant special certification allowing for the employment of workers with disabilities below the federal minimum wage to prevent reduced employment.

Public Comments and Site Visits:

The Commission collected information from numerous sources including federal, state, self-advocates, service providers, public officials, and experts on disability employment and data analysis. Two field trips to employment and service provision sites were planned.

The Commission received over 9,700 comments: a mix of petition signatures, and 1,700 individual comments. The Commission also heard and received thousands of comments, mainly from impacted parents, stating that 14(c) is needed to protect employment opportunities for people with disabilities. The Report narrative notes that the majority of the public comments received were from parents who support the continued operation of 14(c) programs unchanged. The Commission received abundant public comment and testimony from states indicating that many parents and employers are in favor of 14(c), seeing it as a place of safety and dignity for persons with disabilities. The comment section of the Report states “One model can’t be the model for all people in any services.”

Discussion Points:

- The Report provides a summary and evaluation of the 1938 14 (c) provisions and ADA.
- The Report states that all people with disabilities including intellectually disabled should be in integrated employment with minimum wage pay.
- It presents information about the introduction of legislation at the Congressional level and what some view as bipartisan support to eliminate 14(c) certifications and/or phasing out of the certifications.
- Census data based on the 2018 American Community Survey is presented. It is estimated that 39.7 million people with disabilities live in the U.S. and that 35.9% of persons with disabilities were employed as compared to 76.6% of the general working-age population. Note: 2018 the economy was doing well and with the 2020 pandemic the economy suffered severely with millions of the general population unemployed.
- The number of certificate holders across the country as of January 2020 is at least 1,558. As of this date an estimated 100,300 people with disabilities were working in programs that held a 14(c) certificate.
- Oversight of certificate holders is limited due to the structure of federal government agencies. The Report notes government is ineffective in its oversight. It is noted that a non-government organization (National Council on Disability) study of 14(c) claims it found the program to be discriminatory and recommend the phase out of 14(c).

- Report narrative discussed the several states that are transitioning to integrated employment. Vermont and Maine ended subminimum wage and segregated settings. It points out resolution agreements with the U.S. Department of Justice in Oregon and Rhode Island. The Report points out the following states that are phasing out subminimum wage: New Hampshire, Maryland, and Alaska. Oregon through its resolution agreement is phasing it out (several of these will be discussed in the MNFAC examination of the Civil Rights Commission report).
- Commission only conducted one field inspection of a 14(c) certified site.
- Commission members visited with workers working in integrated settings about their experience in 14(c) programs and in integrated employment.
- Later in the Report is a brief narrative about the record number 9,700 submitted comments to the Commission related to 14(c) with 98% coming from those who support the continuation of 14(c) provisions as a choice for I/DD individuals.

Findings and Recommendations

Highlighted Commission Findings:

1. Department of Labor has found 14(c) providers limiting people with disabilities participating in the programs from realizing their full potential while allowing providers and employers to profit.
2. Persistent failures in regulations and oversight of the 14(c) programs by government has allowed the program to operate without satisfying its legislative goal to meet the needs of people with disabilities to receive supports to become ready for employment in the competitive economy.
3. People with I/DD in the 14(c) programs are not categorically different in level of disability from people with I/DD currently working in competitive integrated employment.
4. The Commission took in bipartisan testimony in favor of keeping the 14(c) and to end the 14(c) programs.
5. Several states now have experience in developing and designing competitive integrated employment models that do not result in a loss of critical services to individuals with disabilities.
6. With ADA requirements and technologies providing support to individuals there is no need for special minimum wage work.

Highlighted Commission Recommendations

1. Congress should repeal Section 14(c) with a planned phase out period to allow transition among service providers and people with disabilities to alternative models prioritizing competitive integrated employment.
2. The phased repeal should be a redesign not a retreat in Federal investment and support.
3. Congress should expand funding for supported employment services.
4. Congress should require in a transition redesign Civil Rights oversight with reporting of 14(c) investigations and findings by a civil rights agency.
5. In a transition of redesign Congress should require more stringent reporting and accountability for 14(c) certificate holders and continue collecting data on employment outcomes of former 14(c) workers.
6. The Department of Justice should increase enforcement of the Olmstead integration mandate to determine whether more state systems are inappropriately relying heavily on providers using 14(c) certificates to provide non-integrated employment. The Department should issue guidance, open more investigations and litigate where voluntary compliance cannot be achieved.

Commissioners' Statements, Dissents, and Rebuttals

The Commission is comprised of 4 Presidential and 4 Congressional appointees. Two Commissioners wrote lengthy dissents to the September 2020 Civil Rights Commission Findings and Recommendations. Those dissenting include Commissioners Gail Heriot (Independent), and Peter Kirsanow (Republican). David Kladney (Democrat), wrote a lengthy statement that outlined the strengths and weaknesses of the Report.

Dissenting Statements:

- Commissioner Gail Heriot
 - ✓ States we all want people with serious DD to have happy and fulfilling lives – we differ in how to achieve that goal.
 - ✓ Criticizes the moralizing tone of the Report – She states the issue before us is one of practical economics, not one of morality.
 - ✓ She sees 14(c) as optional for people with disabilities.
 - ✓ She points out the 14(c) provision was put into the FLSA in 1938 at the same time minimum wage came into effect and the 14(c) language was to create an exception so that people with disabilities would not lose employment.
 - ✓ Right now, the law allows a choice.
 - ✓ She points out the Report doesn't mention that 98% of members of the public who submitted comments to the Commission support the continuation of Section 14(c) until so late in the report that readers won't get to that important fact.
 - ✓ She indicated the Commission in 13 years has never received anything like the number of comments received on this issue – 9,700 – with the overwhelming majority from parents or close family members.
 - ✓ She states parent testimony was clear – parents know their adult children with I/DD better than others and are in a position to know how their family member functions and responds to environmental conditions.
 - ✓ She again points out that no one in their right mind would think that the U.S. Commission on Civil Rights -with its mere two days of fieldwork on this issue – has better insight than these mothers have into what is best for their sons with disabilities.
 - ✓ She protests the burying of the fact that 98% of the comments were in favor of 14(c).
 - ✓ She made comments about how some advocates for the elimination of 14(c) may feel uncomfortable seeing a person with Down Syndrome doing a menial task and being paid a lower wage than a nondisabled person. Or, they feel uncomfortable around the severely disabled.
 - ✓ She states policy should not be determined on the appearance of individuals. What is in the best interest of the individual with a disability is what should matter.

- Commissioner Peter Kirsanow – Comments from his dissenting statement:
 - ✓ This Report stands out from other Commission reports because it threatens to make the world worse for those least able to fend for themselves.
 - ✓ The tone of the Report is that not all people are caught up on the caravan of progress in realizing competitive integrated employment is the wave of the future and the writers erroneously present the evidence is in favor of that approach. He states that is not the case.
 - ✓ The Commission has identified one success in Vermont via testimony of people with disabilities that have strong capabilities.
 - ✓ The Report misleads the unwary reader into thinking that it received thousands of comments in support and in opposition to 14(c). The Commission received far more public comments from parents and individual who tried working in mainstream environments and did not thrive there.
 - ✓ He argues that people with I/DD and their parents and close family members are capable of making decisions about employment that is appropriate for them.
 - ✓ Testimony from Jennifer Mathis, Maryland State Advisory Committee, asserts that anyone can succeed in community employment with the right supports, but she never gives concrete examples of how this works for people with significant disabilities.
 - ✓ Concerned parents and siblings wrote to the Commission explaining why competitive integrated employment is a poor fit for their loved one. He states the Report ignored this and provides a number of examples.
 - ✓ The Report suffers from often conflating physical and intellectual disabilities. This is a problem with some witness testimony and public comments. The Report quotes testimony that favors its conclusions. It pushes testimony that doesn't favor its conclusions to the background and he provides a number of examples.
 - ✓ Relative to Commission Finding No. 3 – that “People with intellectual and developmental disabilities who are currently earning subminimum wages under 14(c) are not categorically different in level of disability from people with intellectual and developmental working in competitive integrated employment” he notes the Commission cited no evidence supporting this assertion.
 - ✓ He cited public comments explaining in detail why particular disabled individuals are unable to be sufficiently productive to make minimum wage. The Report does not offer explanation of this when making its recommendations.
 - ✓ He discusses testimony in the Report from Dr Christiansen the head of APSE, an organization dedicated to promoting integrated employment for people with disabilities and engages in lobbying efforts. APSE promotes “supports” that lead to the success of individuals in integrated employment. Commissioner Kirsanow states there is nothing wrong with APSE being a lobbying organization but there is no reason to privilege APSE's view that every person with a disability is capable of competitive integrated employment over that of parents and employers who deal with real people with disabilities every day.
 - ✓ Commissioner Kirsanow further explains the practical side of business management in terms of employees and productivity.
 - ✓ He states that the Report assumes that no one has ever thought of this great idea of “support” before and no one who works under a 14(c) certificate ever tried to find a mainstream job. He points out testimony from parents who describe how supports were tried. The integrated employment environment didn't work for multiple reasons.

Civil Rights Commission Members

Presidential Appointees

[Catherine E. Lhamon](#) (Chair)
 Legal Affairs Secretary,
 California Governor Gavin Newsom
 Former Assistant Secretary for Civil Rights,
 U.S. Department of Education
 Sacramento, CA
 POLITICAL AFFILIATION: DEMOCRAT

VACANT (Vice Chair)

[Debo P. Adegbile](#)
 Partner
 Wilmer Cutler Pickering Hale and Dorr, LLP
 New York, New York
 POLITICAL AFFILIATION: DEMOCRAT

[Stephen Gilchrist](#)
 Chairman and CEO, South Carolina African American Chamber of Commerce
 Columbia, SC
 POLITICAL AFFILIATION: REPUBLICAN

[J. Christian Adams](#)
 President and General Counsel
 Public Interest Legal Foundation
 Alexandria, Virginia
 POLITICAL AFFILIATION: REPUBLICAN

Congressional Appointees

[Gail Heriot](#)
 Professor of Law, University of San Diego
 San Diego, CA
 POLITICAL AFFILIATION: INDEPENDENT

[David Kladney](#)
 Lawyer
 Reno, NV
 POLITICAL AFFILIATION: DEMOCRAT

[Peter N. Kirsanow](#)
 Partner, Benesch, Friedlander, Coplan & Arnoff
 Cleveland, Ohio
 POLITICAL AFFILIATION: REPUBLICAN

[Michael Yaki](#)
 Michael Yaki Consulting
 San Francisco, CA
 POLITICAL AFFILIATION: DEMOCRAT

Mission

The Civil Rights Act of 1957 created the U.S. Commission on Civil Rights. Since then, Congress has reauthorized or extended the legislation creating the Commission several times; the last reauthorization was in 1994 by the Civil Rights Commission Amendments Act of 1994.

Established as an independent, bipartisan, fact-finding federal agency, our mission is to inform the development of national civil rights policy and enhance enforcement of federal civil rights laws. We pursue this mission by studying alleged deprivations of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice. We play a vital role in advancing civil rights through objective and comprehensive investigation, research, and analysis on issues of fundamental concern to the federal government and the public.

Powers

Our commissioners, national and regional office staff of civil rights analysts, social scientists, attorneys, administrative personnel, and our volunteer state advisory committee members execute our mission in a number of ways. Among them are:

- holding public briefings, issuing press releases, making information publicly available on our Web site, and providing a complaint referral service to promote greater public awareness of civil rights issues, protections and enforcement;
- conducting hearings on critically important civil rights issues, including issuing subpoenas for the production of documents and the attendance of witnesses;
- publishing significant studies and reports on a wide range of the civil rights issues, that typically include findings and recommendations, to inform and advise policy-makers; and
- sustaining advisory committee involvement in national program planning to strengthen fact-finding by broadening the scope of the research to include state and local perspectives and data.

Minnesota

The Minnesota Legislature over the past several years requested the Department of Human Services to collect information and conduct an analysis related to services for disabled adults. The following list of reports are MNFAC findings relevant to this MNFAC document.

2019 Biennial Report on Services for People with Disabilities

DWRS Labor Market Reporting 2019

Adult Consumer Survey – Minnesota Report 2016

Minnesota State Demographic Center – March 2017 – Minnesotans With Disabilities

Demographic and Economic Characteristics

Statements from reports:

Demographics – Minnesotans with one or more disabilities – 2017 Report

- About 593,700 persons have one or more disabilities, roughly 10.9% of the population, according to the 2015 ACS.2
- Among those Minnesotans with any disability, 44% reported having two or more disabilities
- Minnesota’s ages 5-17 population, about 1 in 20 reports a disability, while among the ages 18-64 population, the rate rises to nearly 1 in 10, and climbs further to about 1 in 3 for the age 65 or older population
- Among older adults, only 22% of those ages 65 to 74 report a disability, which more than doubles to 46% following age 75
- Minnesotans with ambulatory disabilities (about 265,800) this disproportionately affects older adults.
- A cognitive disability is the next most common (affecting 227,200)
- Self-care disability (affecting 105,300)
- Independent living disability (affecting 192,700)
- Vision disability (affecting 84,100)
- Hearing disability (affecting 193,400)

Work Status & Labor Force Participation demographic data - 2017 Report

- Persons with disabilities face a challenging employment environment. Many unemployed have multiple disabilities.
- Due to the nature of their disability, some individuals have constrained job prospects or inability to work.
- About 62% of the disabled population that was seeking work consisted of adults with a cognitive disability (about 9,300 people), the most common disability among unemployed persons.
- People with an ambulatory disability represented 33% of the unemployed population with disabilities (about 4,900 people).
- Unemployed with a hearing disability (16%, or about 2,500 people), those with a vision disability (12%, or about 1,800 people).
- Among Minnesotans with disabilities age 16+ who had earnings from employment in 2015, median annual earnings were \$19,700, while those without disabilities had median earnings that were almost double that, at \$36,000. Some of these earnings differentials may be explained by differing levels of educational attainment, as greater education typically results in higher earnings.

- Nearly half of typical working-age Minnesotans with disabilities, or 135,800 people, have no annual earnings whatsoever.
- Those with hearing and/or vision disabilities were least likely to report no earnings, and most likely to report earnings of \$35,000 or more.
- 15% of adults with disabilities had not earned a high school diploma, more than twice the proportion without a diploma among the non-disabled population (6%).

2019 Biennial Report on Services for People with Disabilities

Current types of employment and day services

Work/day programs

- Day training and habilitation (DT&H)
Licensed supports to help adults develop and maintain life skills, participate in community life and to engage in proactive and satisfying activities of their own choosing.
DT&H services are available in 81 counties and serve more than 12,000 people.
- Employment First state policy – DHS website provides information

DHS is a number of years into a plan to simplify its waived service programs, promote self-directed service plans and budgets, and improve cost effectiveness. Referred to as “Waiver Reimagine”, the initiative has many elements and phases with a completion date of 2023 or later. One of the elements is to consolidate and redefine services historically provided by DT&H programs into three options. These are:

Day Support Services (DSS) will be replacing DT&H services on a “rolling” schedule in 2021 for I/DD clients funded by a disability waiver. As annual IDT meetings occur, clients will either be transitioned to DSS or prevoc and center-based employment will be eliminated. DSS is currently defined as providing individualized, community-based training and support services to help people develop and maintain needed, essential life skills and personally preferred, enriching life skills so they can effectively access and participate in meaningful activities they prefer in their communities. DSS will provide intensive training and support to people in essential life skills such as:

- self-care/personal health;
- behavioral/mental health support;
- adaptive-skill development;
- communication;
- social skills development;
- relationship building;
- problem-solving/conflict resolution;
- self-advocacy and self-direction goal setting;
- interest-based decision-making;
- Independent living skills development; and
- community access, mobility and safety.

Employment Waiver Services (EWS): include Employment Exploration (EES), Employment Development (EDS), and Employment Support (ESS) services defined as follows:

- EES are community-based services that help someone with an I/DD explore employment. Exploration can help the person think about whether or not they want to work in the community and what kind of work they want to do. Exploration might include things like talking to people at businesses in the community, watching someone while he or she works to see what his or her job is, doing the job along with another person just to see what it's like and help understanding what happens to their benefits when they go to work.
- EDS are services that help someone with an I/DD get a job in the community or start their own business. Development might include things like help the person with their resume, finding a job that's a good fit for them, or setting up and going to job interviews.
- ESS provides supports that help the person with an I/DD succeed in their job. The service might be for just one person or a group of up to six. Support might include things like having someone help a person learn their job, help someone keep on task, or make sure that each person has the things they need to be successful in the job.

Extended Employment (EE): is a service offered by a small number of day programs that is entirely funded with state dollars administered by DEED. People receiving EE have a disability diagnosis that might, or might not, include I/DD. Over the past few years EE has transitioned away from center-based services and all the people receiving EE are working in the general workforce.

Prevocational Services (Prevoc): develop essential work skills and strengthen work capacity to meet the challenging task-demands of work through meaningful work experiences and vocational training that advances people toward competitively paid employment in community jobs. Prevoc teaches general work skills and concepts rather than specific work skills for a particular job. Prevoc can teach:

- 1) punctual work attendance;
- 2) increased attention to work tasks;
- 3) work capacity strengthening;
- 4) work completion;
- 5) increased work production;
- 6) improved work performance quality;
- 7) following work instructions;
- 8) following work schedules and routines;
- 9) self-direction and time management;
- 10) worksite transportation, mobility, safety and street safety skills;
- 11) workplace personal self-care (proper hygiene, grooming, physical appearance, and dress/attire);
- 12) on-the-job problem solving;
- 13) effective workplace communication, social skills, personal relationship development and positive behavior/mental health support; and
- 14) relevant work-related educational development

While not an absolute element of prevoc, on a practical level any client earning a 14(c) wage at a day program will be funded by prevoc (exceptions are CSSA and ICF/DD clients who will still be funded by DT&H). DHS intended to require that to receive prevoc one had to also be receiving either DSS or EWS

and this was not permitted by CMS because, according to the CMS technical guide, the state may not require the use of one service in order to utilize another service. Except for those enrolled by 1/1/21, DHS has imposed, over the objections of most stakeholders, a 36-month lifetime limit (one 12-month extension possible due to exceptional circumstances) to receive prevoc services effectively eliminating this choice for people with I/DD.

DWRS – 2020 DHS Report to the Legislature

A survey of Disability Waiver Rates System (DWRS) providers in 2019 about their direct support employees (DSE) found that:

- Of all DSE workers, 58 percent in this market work full time, while 42 percent work part time. The total employment of DSE's in Minnesota is over 90,000 people.
- The statewide, median starting wage for full-time workers is \$12.82 and \$12.62 for part-time workers.
- 92 percent of full-time DSE make less than a \$15 wage and 72 percent of part-time workers make less than a \$13 wage.
- Benefits are disproportionately available to full-time workers. 94 percent of full-time workers were offered health insurance from their employer, while only 2 percent of part-time workers were offered.
- Annual turnover of DSE was 48%, while there is a job vacancy rate of just under 20%.

Minnesota Legislation 2020

Legislation related to the special minimum wage provision was introduced in the 2020 Legislative Session as HF 3433 and SF 3561. Both were described as – “Subminimum wage eliminated, task force on subminimum wage elimination created, statutes and rules allowing payment to employees with disabilities repealed, and money appropriated”. The bills did not move through the 2020 Legislative process. Bills containing the same content may be introduced in the 2021 Legislative Session.

States Ending 14(c) Certification Services

As a way to collect and examine existing data, MNFAC outlined questions related to information it wanted to examine from states that have ended 14(c) center-based programs for people with I/DD. The states include Vermont, Maine, New Hampshire, and Rhode Island.

The Civil Rights Commission Report discusses these states and provided limited data in its report. Report data and information did not provide answers to MNFAC questions. MNFAC wanted to dig deeper into the commission report discussion using MNFAC outlined questions.

The Civil Rights Commission Report states that:

- Estimates of the number of people with disabilities earning a subminimum wage vary widely, as there is no reliable, national census of the exact number of people with disabilities working in 14(c) employment settings including community-based employment settings.
- Failure to collect sufficient data about employment outcomes for people with disabilities is a persistent issue across federal and state government agencies.
- Employment rates can vary depending on the type of disability

MNFAC was unable to obtain complete information and data to examine relative to MNFAC questions.

This coincides with the above statements from the Civil Rights Commission Report.

The following are MNFAC Questions:

1. How many individuals with Intellectual and Developmental Disabilities (I/DD) are receiving MA funded services under the 14(c) wage provision prior to elimination of the services? If available, attempt to get the average wage paid by all 14(c) holders and the average hours worked per week in the last year.
2. When (in what year) did the state formally eliminate the 14(c) work option? How was it eliminated? In the absence of 14(c) how is the state monitoring compliance to its related state statute and its related state agency rules/regulations?
3. When using the minimum wage as a benchmark for individuals with I/DD, is the state using the federal or state minimum and if the state, what is that wage?
4. What program options remained for those displaced? What process was/is used to determine or to choose their employment services?
5. How many individuals who previously received 14(c) services moved into community-based employment options? The assumptions here is that these individuals moved to minimum wage or higher but continued to receive employment services.
6. How many individuals who previously received 14(c) services became successfully employed in the community making at least minimum wage and what are their average hours worked per week? The assumptions here is that individuals no longer received employment services.
7. How many individuals previously received 14(c) services moved to non-work day services? From VOR, we know that in Maine, enrollment in non-work day programs went from 550 in 2008 to 3,178 in 2015, after they closed center-based work programs.
8. How many individuals who previously received 14(c) services no longer receive any services?
9. Did the state need to restructure funding to support these shifts? Describe how it was structured. Was funding increased, decreased or remain the same? What was/is the state response to identified funding needs: increase, decreases or neutral as it relates to the elimination of 14(c)?
10. How many providers existed before the elimination of 14(c) and how many providers exist today?

Current Types of Residential living Choices – Minnesota

Residential living choices is not the focus of this MNFAC report. It is listed here as an example of choice policies. Residential living is related to the DHS DWRS 2020 Report. MNFAC did not search for data related to residential living at this time.

- Home and community-based services (HCBS) waivers
- Home care services
- Intermediate Care Facilities for developmental disabilities
- Long-term care consultation
- Self-directed service options
- Semi-independent living services



MNFAC Findings & Recommendations

MNFAC Findings

Movement for CHOICE

- The brief history section in the MNFAC paper demonstrates a policy and advocacy movement of CHOICE on the part of the individual with I/DD and in many cases with the guidance of parents, family members and/or legal guardians.
- The history of education and day/employment services for people with I/DD establishes a policy movement in the general direction toward integration into community-based living and employment where and when it is determined to be preferred and appropriate.
- DHS 2019 Report to the Legislature states that its goal is CHOICE for people with disabilities.
- Existing work, day programs, integrated employment including 14(c) employment settings offer a variety of choices. An individual with I/DD can choose what he/she desires and what is most integrated and most appropriate per his/her person-centered planning.
- MNFAC paper provides evidence that people with I/DD as described by CDC, WHO, medical, educational and I/DD service providers is tremendously diverse in terms of the range of developmental cognitive abilities and in terms of added forms of disabilities. There is no one kind of program that fits all. Choices provide options.
- Parents and families of people with I/DD have firsthand knowledge and broad experience about the realistic potential abilities of their adult child with I/DD. They understand the multiple disabilities within an individual and how to best influence them with a measure of success. They understand they have to live with decisions made with and/or on behalf of their adult child. They seek advice of a variety of professionals. They feel a substantial responsibility that is not being acknowledged by those seeking to reduce service options.
- The Employment First Policy has been exaggerated to the point that it is more like “Employment Only.” It is not realistic that every individual with Intellectual and Developmental Disabilities wants to work, can work, and can earn competitive wages.
- DSP – Direct Support Staff. These are employees hired to give support to I/DD individuals in work related and day program activities as well as group homes and other residential setting requiring support. The 2020 DHS DWRS report concludes that the labor market has notably low wages, lacks access to affordable benefits, and is highly unstable due to turnover.
 - 2020 was a year of a national and international pandemic that forced several reductions in work environments for non-disabled and certainly for disabled persons and in particular I/DD. The reality of state budget reductions is unknown for the future.
 - With the increase of minimum wage to \$15/hour, we are concerned about the effects of that increase on employment opportunities and the success of people with I/DD in integrated employment.

Civil Rights Commission Report Findings

- The September 2020 Civil Rights Commission Report (“Report”) and some advocates that provided testimony state that: All people with I/DD should be integrated into competitive minimum wage employment and that they are not categorically different in level of disability from people with I/DD currently working in competitive integrated employment. They lack evidence to support this statement. The Report does not delve into describing and defining the range of disabilities. Their interviews focused on individuals at a higher range of cognition within I/DD definition.
- The Report findings point out persistent failures in regulations and oversight of 14(c) programs by government as a reason to eliminate this choice for people with I/DD instead of the harder option to better regulate.
- The Report recommends the repeal of section 14(c) of the Fair Labor Standards Act and elimination of congregate types of employment for people with I/DD through a phased process. The Report lacks credible evidence to support this recommendation.
- The Report notes that the amount of public comment received during its hearings and receipt of public comments is the largest it has seen in 13 years at 9,700 submissions and that 98% of comments received - support the continuation of Section 14(c). The Report recommendations ignore these public comments.
- The Report recommendations do not include CHOICE. Its recommendation eliminates a choice of employment that is proven successful for people with I/DD for whom a congregate setting provides appropriate supports for identified disabilities, a predictable activity with a financial reward, and a feeling of safety.
- The Report does not address the competition for federal and state dollars that provides housing, medical and employment and other support services for people with I/DD. The Report states that integrated employment supports add costs but does not calculate a projection of costs to federal and state funding sources.
- Report data and analysis of the states that eliminated 14(c) services is very limited and lacks consistency. The Commission made only one site visit for this report – Vermont.
- Data and Analysis does not support Commission recommendations. The Report states: “Failure to collect sufficient data about employment outcomes for people with disabilities is a persistent issue across federal and state government agencies. Estimates of the number of people with disabilities earning a subminimum wage vary widely, as there is no reliable, national census of the exact number of people with disabilities working in 14(c) workshops. Employment rates can vary depending on the type of disability. “
- MNFAC was not able to locate available data to answer its questions about the states that eliminated 14(c) services. That said, it appears all 4 states that eliminated the 14(c) option did so as part of a court settlement and not because of an ethical or moral philosophy.

MNFAC Recommendations

- CHOICE. Section 14(c) is proven to meet the employment choice for a significant portion of the population with I/DD.
- Do not eliminate Section 14(c) as a choice for those who need those opportunities to feel safe and a productive worker in their community.

- Elimination of Section 14(c) services will have the effect of violating the civil rights of individuals with I/DD.
- As the only option for people with I/DD to earn wages in a center-based setting, there should not be a life-time limit on being eligible for prevoc services
- Refocus the Employment First Policy to keep employment as the first and default direction for services and supports, but remove the language that does not apply to the more severely disabled individuals.
- Thorough data collection and analysis of the data from states that eliminated 14(c) services, must be conducted before making decisions about the future of Section 14(c). Take time to study the outcomes and any unintended consequence.
- MNFAC recommends adding its list of research questions to the collection and analysis.
- Conduct thorough data collection and analysis of current Minnesota 14(c) services to individuals with I/DD. Include information related to a range of cognitive functioning abilities and range of multiple disabilities.
- Conduct cost analysis of 14(c) services in Minnesota. Conduct total cost of services of Minnesota I/DD population – housing, medical, day program and employment services, etc.
- Use a business approach to services for I/DD individuals.
- Develop a business plan that outlines goals, a market analysis and a plan of services for I/DD populations that includes a financial analysis of costs related to implementation of the business plan. In addition, the sources of funding the plan should be clearly identified.
- Build an infrastructure of appropriate supports before making new and expanded policies intended to serve adults with I/DD.
- Infrastructure includes developing education and training requirements within state post-secondary vocational certification and college degree programs for people to be hired to provide support to people with I/DD. There are currently no such programs that provide a quality and standard for education and training. DHS in partnership with the U of M offers some online classes through College of Employment Services.
- Increase financial supports dedicated to increasing salary and benefits of DSP's.
- Federal government must conduct an operations review of federal agencies to identify persistent failures in regulations and oversight of 14(c) and to identify corrective actions.
- Federal government agencies must collaborate in an effort to collect consistent and reliable state by state data related to employment of people with disabilities. It must collect and sort the data according to separately defined disability categories to make it useful to policymakers, service providers, and families of people with I/DD.
- MNFAC supports written statements of dissention by Civil Rights Commissioners Gail Heriot and Peter Kirsanow. See these in the MNFAC paper.
- The state best serves its citizens with disabilities through efforts to make services uniformly available across the state.

