



# The Ability Center

## Testimony to the House Commerce and Labor

House Bill 225

May 14, 2025

Thank you Chairman Johnson, Vice Chair Lear, Ranking Member McNally, and members of the House Commerce and Labor Committee for the opportunity to testify on House Bill 225. My name is Katie Hunt Thomas and I am the Director of Advocacy and Disability Rights Attorney for The Ability Center, a Center for Independent Living covering 13 counties in NW Ohio. Personally, I am also the sister of a 37 year old woman who has Down syndrome, Maggie. As both a lawyer and sibling, I believe this bill is vital to modernizing our disability system and fixes an inequity – the fact that many workers with disabilities in Ohio are permitted to receive less than minimum wage for their work. We should join the other states who have taken action on this issue.

Sub-minimum wage is an outdated legal provision that was once intended to uplift workers with disabilities but is no longer necessary. Ohio no longer needs subminimum wage to help people with disabilities find work. In 1938, the US Congress passed the Fair Labor Standards Act (FLSA) to help people get to work. FLSA contains an exception that permits an employer to pay people with disabilities less than minimum wage as a work training incentive. Yet the landscape of policy for people with disabilities, and for workers in general, back then, was very different. The idea of a minimum wage itself was radical, and there was opposition to passing FLSA at all. More relevantly, at the time, the federal government still had a policy of institutionalization for people with disabilities – people with disabilities were shut away in institutions, often from birth, and were not permitted in the community. There was little other job training available, and people with disabilities were not permitted to be educated. They were turned away from schools as uneducable. We, as a country, have come so far since then.

In the next 87 years, policies and laws surrounding disability have changed drastically. The 1960s and 1970s brought the de-institutionalization movement and the civil rights movement. The Education for All Handicapped Children Act of 1975, now the IDEA, made it unlawful for schools to refuse to educate people with disabilities. This led to people with disabilities being able to graduate from high school and college. Laws like as Section 504 of the Rehabilitation Act and Americans with Disabilities Act opened the community up to folks with disabilities. They also prohibited employers from refusing to hire a person solely because of their disability and required them to provide reasonable accommodations in the workplace. With the change in U.S. laws, workers with disabilities can now grow up in the community, get an education, get job training, and also get a job. The idea that the work of people with disabilities is worth less than that of someone else may have, at one time, been helpful, but it is no longer needed.



# The Ability Center

The landscape of disability services in Ohio has also changed since 1938 to support workers with disabilities in community jobs. Ohio's unique system of 88 County Boards of Developmental Disabilities were established in 1967 by Governor James Rhodes. Our County Boards of DD, among other things, help provide case management for people with developmental disabilities in Ohio including help with employment. Ohio has a vocational rehabilitation agency, the OOD, which helps workers with disabilities find employment. Finally, in 2012, Governor Kasich issued an Executive Order declaring Ohio an Employment First state, an initiative to create better opportunities for working people with disabilities. The Employment First initiative made community employment the first choice for people with disabilities in Ohio. Since the beginning of Employment First, subminimum wage positions have dropped by 80%, and as of 2016, approximately 29% of workers with disabilities were in integrated, community-based employment. Employment First also dedicated more resources to the OOD.

My sister, Maggie, is one personal example. Maggie has Down syndrome. Yet she has never worked in a sheltered setting or workshop and has always worked in the community. She attended the local public schools in our area. After graduating, she entered a program called Project Search, which placed her in four community job placements and then helped her pick one for her job. She worked at a hospital, in a day care, in a food court, and in her last placement, at the Carranor Club in Perrysburg, Ohio. She worked at the Carranor Club for ten years. There, she laid table cloths and set the tables for fancy lunches, did the dishes, and did whatever else was needed. When she needed help on the job, the County Board set her up with a job coach that helped her. She got to know the owner of the club, the staff, and the regulars that came in. The Kiwanas Club would give her a Christmas bonus every year. A few years ago, she moved to Steubenville, Ohio, where she now works in the food court at the Franciscan University of Steubenville.

Through her work, Maggie has gotten to know a wide variety of people, and they have gotten to know her. She has also learned a wide variety of valuable skills. For example, at our family get-togethers, she knows how to set the table, folding napkins in a fancy, accordion-style way. No one else can do this. She is proud of the way that she can help, and she likes getting her paycheck too.

Because of her disability, Maggie works part time -- she doesn't have the stamina to work full time. When she isn't working, over the years, she has spent time in Day Habilitation settings, camps, and volunteering. In her off time, sometimes she stays home, and sometimes she takes the bus to see friends or get a pedicure. Maggie's entire work life has been at minimum wage. All of the businesses she has worked for have valued her skills, her work ethic, and her attitude. She knows that she is contributing in a way that is different from her volunteer activities, and she is proud of herself. She utilizes Ohio's Medicaid Buy-In Program. Because she is working, she pays a premium to have access to Medicaid services.



# The Ability Center

In sum, the federal law that permits employers to pay workers with disabilities less than minimum wage may have been a work incentive at one time, but our laws and our disability systems have moved past that. There are now federal laws that have made our community more accessible and that protect workers with disabilities. Our disability system in Ohio has a bevy of supports available to people with disabilities to help them get education and work. If there are those who may not be able to work, or work full time, there is a system of supports in place that is not going away.

Our bill is a well thought out, reasoned bill, that tries to meet everyone's needs. It phases out subminimum wage over a five year period, the longest phase out in the country, and offers supports to people currently earning less than minimum wage and businesses who operate on that model. Now is the time for us to join other states in phasing out subminimum wage.

Thank you this committee for the opportunity to testify today. I hope you will join us in our excitement that Ohio is prepared to take this step towards prioritizing employment opportunities for people with disabilities.