

The following shortened testimony is respectfully submitted, in OPPOSITION of HB 225:

This weekend, I took time to view the 9 testimonies provided on May 14th to the **House Commerce and Labor Committee**, Representative Johnson, Chair. Following that viewing, I analyzed what was said and wrote a point-by-point rebuttal of most of the assertions made against this very important program. Of that complete rebuttal, of **proponents only** who were allowed to testify on the 14th, I will provide a short rebuttal of some of those statements until I have time to prepare for the Senate "hearings" on the bill. That said, I believe the following is very significant to you:

Rebuttal of 14 May testimonies to HB 225:

A. **No one is kept captive to any "Sheltered Workshop"...** 14c encourages persons who are ready for competitive employment to leave with supports following with them. Many opponents of removing the 14c Program cite The Supreme Court's Olmstead decision BUT often leave out one key requirement: The individual must be allowed freedom of **choice** (of employment, residence type, etc.).

B. Over the years, the Fair Labor Standards Act (FLSA) Sec. 14c, "subminimum wage" program has been largely modernized and has **realigned** its population to mostly serve persons with **severe-to-profound Intellectual and Developmental Disabilities (IDD)** versus people who are intellectually high functioning. Many Workshop employees have Court-appointed guardians because they lack the capacity to make decisions in their best interests. And all of the witnesses in the 14 May 2025 of the House Commerce and Labor Committee Hearing of HB 225 would likely not even be considered for Sheltered Workshop programs. This should put to rest the ill-informed and misguided statements, such as "the 14c is an antiquated program".

C. Of the proponent testimonies, 5 of 9 persons were blind, but high functioning - not severely intellectually disabled. One witness said HB 225 has protections in place to make sure no disabled Workshop employee would be left behind. Similarly, one witness said It is unlawful for an employer to refuse to hire or fire someone with a disability. This is misleading. It implies that disabled workers cannot be fired or hired. **NOT TRUE!** Federal Law indicates that any employer who documents that a disabled person would present an

“undue hardship” on the company is not entitled to a job and can be fired for demonstrating that undue hardship.

D. Of the proponents, one witness said there was a misperception that they would be losing jobs... (note the next related point/paragraph!), However one witness said DATA supports change. No!...When a **GAO study** cited what happened in Maine when they thought all Workshop employees would get better jobs... most persons with developmental disabilities moved to non-paying “Day Programs”. **Day Program populations rose by 500%!**

E. One witness proclaimed, “Workshops have an artificially low wage ceiling” ... “Equal Work for Equal Pay”. This is an **inaccurate assertion** describing the FLSA sec 14c Sheltered Workshop program which has a strict policy on how pay is determined. This starts with a time and motion study to determine a productivity level that is then applied to the community's prevailing wage. It is readily apparent that most, if not all of the witnesses do not have a basic understanding of the fair wage process. Without this process, not only would severe-to-profoundly disabled persons not achieve "competitive" employment, but those types of job contracts would go overseas to a country that pays pennies on the dollar for the work.

Please understand, that on short notice, this type of abbreviated rebuttal is necessary to meet the deadline.

Thank You,

Harris

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Major, USAF, Retired

Current Member of "**The Coalition to Preserve Employment Choice**"

Recent **Past President of a National Disability Organization** for loved ones with severe IDD.

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