

May 19, 2025

Dear Commerce and Labor Committee,

Thank you for the opportunity provide testimony on **Ohio House Bill 225: Fair Pay for People with Disabilities in Workshops**. My name is Dr. Laura C. Hoffman. I am an Assistant Professor of Law at Cleveland State University College of Law where I also serve as Co-Director of the Center for Health Law and Policy. I am an Ohio licensed attorney. My primary legal expertise are in the areas of Health Law generally and Disability Law specifically. I am also a nationally recognized and respected Disability Law legal scholar who has written numerous law review and journal articles on legal issues impacting the legal rights and protections for people with disabilities. These have included issues involving education, employment, and healthcare access. I have previously served as a Senior Research Fellow at Yale Law School's Solomon Center for Health Law and Policy due to my expertise on Disability Law issues. Finally, I am an Ohioan with a disability. I take great pride in my state and I am proud that it has been a leader in using law and policy to improve the lives of people with disabilities. All of these experiences demand that I write to most respectfully urge your **support for Ohio House Bill 225**, which would require that people with disabilities working in workshops be paid at least the state minimum wage as opposed to a sub-minimum wage.

My testimony today represents my personal opinions and not the opinions of Cleveland State University College of Law, Cleveland State University, or any other organization with which I am affiliated.

In 1999 at age 17, I was an inaugural delegate to the first ever Ohio Governor's Council on People with Disabilities Ohio Youth Leadership Forum (YLF), a state leadership program for high school students with disabilities. It was at YLF that I met national disability rights attorney Ted Kennedy, Jr., the Keynote Speaker that year. This was my first genuine opportunity to learn about the importance of my legal rights as a person with a disability but also the need for people with disabilities to become involved in advocacy, particularly, for those who may be unable to communicate their needs. I am here today as a result of a passion that was fueled in me by this experience and understanding that not only did my voice matter as person with a disability, but that it was needed in a career in which I would be able to make my voice a force for legal changes necessary to enable and empower people with disabilities to thrive in society. Because it's not that our disabilities are a "problem" (a medical model of disability), it is that societal structures and conditions (a social model of disability), such as antiquated employment practices like a sub-minimum wage, are allowed to continue to be entrenched systemically that actually work to keep people with disabilities in a state of poverty. Further, an individual's employment and the benefits' received has a direct impact on an individual's health as a social determinant of health that can have lifelong consequences (SDoH). *See* <https://odphp.health.gov/healthypeople/priority-areas/social-determinants-health/literature-summaries/employment>.

## **Background & Recent Legislative Developments**

At the federal level, the Fair Labor Standards Act (FLSA) was originally passed in the late 1930s at a time when major disability laws did not exist in the U.S. The practice of allowing people with disabilities to receive sub-minimum wages under Section 14(c) of the FLSA was at that time a means of trying to help people with disabilities have employment by providing employers an incentive to hire the disabled in the absence of any other federal legal protections involving employment. Other groups also were subjected to sub-minimum wages under FLSA. However, amendments occurred eliminating the use of sub-minimum wages for these other groups leaving people with disabilities as the last excluded group to equity in wages in the employment context federally. See <https://time.com/7171382/disabled-americans-section-14c-subminimum-wage/>. In December 2024, the U.S. Department of Labor proposed a Final Rule to eliminate the 14(c) program federally that permits the use of the sub-minimum wage. See <https://www.dol.gov/newsroom/releases/whd/whd20241203>.

The disability rights movement has significantly changed with numerous laws enacted at the federal level to provide legal protections for people with disabilities for employment rights through federal laws including the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Americans with Disabilities Amendment Act of 2008 to name a few. See <https://www.dol.gov/agencies/odep/publications/fact-sheets/employment-laws-disability-and-discrimination>.

This is all to say that on the federal level, there has been immense changes in the expansion of legal rights of people with disabilities in employment and eliminating practices that present barriers to true equality. While the federal government has not yet eliminated the sub-minimum wage, progress is moving in that direction and this should not serve as an indication for states to idly stand by and wait to improve the employment situation for the disabled on the state level. Instead, it's an opportunity for states and a direct call to take action.

Specific to the issue of the sub-minimum wage at the state level, a national legal trend is notably developing of numerous states passing legislation to phase out the sub-minimum wage over the past several years. As of January 2025, 18 states have enacted legislation to end/phase out the use of sub-minimum wages for people with disabilities. See [https://www.urban.org/urban-wire/its-legal-some-employers-pay-disabled-workers-less-minimum-wage-ending-practice-just#:~:text=As%20of%20January%201%2C%202025%2C%2018%20states,no%20active%2014\(c\)%20programs%20in%20the%20state](https://www.urban.org/urban-wire/its-legal-some-employers-pay-disabled-workers-less-minimum-wage-ending-practice-just#:~:text=As%20of%20January%201%2C%202025%2C%2018%20states,no%20active%2014(c)%20programs%20in%20the%20state).

Changes have been seen for employment of people with disabilities at the state level here in Ohio already. Ohio itself has been a leader in this respect, for example, by adopting the Employment First model to promote the employment of people with disabilities in community settings: <https://ohioemploymentfirst.org/>. The phasing out of the sub-minimum wage further advances the employment position of people with disabilities in the State of Ohio.

**Ohio House Bill 225** addresses only the issue of fair wages. It does not require the closure of any workshops or facilities, nor does it eliminate services. Instead, it ensures that people with disabilities receive equitable pay for their labor—just like any other worker.

Currently, many people in workshop settings are paid sub-minimum wages, sometimes amounting to only a few cents per hour. This outdated practice does not reflect the value of their work and is inconsistent with our state's commitment to equality and opportunity for all Ohioans, including Ohioans with disabilities.

By **supporting Ohio House Bill 225**, you are helping to create a more inclusive and respectful workforce where every person is compensated fairly, regardless of disability. Work gives people worth. But the fullness of that does not end just by having work per se. It means having employment that includes having access to being paid equally for that work. There is no other group of people in this country that makes less than minimum wage because of a "status" or membership of a particular group than people with disabilities which not only demeans their work/value, but sends the message they are somehow less or sub-human. Ohio can and should continue to be a leader in protecting the legal rights and inevitably, the value, of people with disabilities by successful passing and enacting **Ohio House Bill 225: Fair Pay for People with Disabilities in Workshops**.

Thank you for your attention to this important issue and for your service to our state.

Very truly yours,

A handwritten signature in black ink that reads "Dr. Laura C. Hoffman". The signature is written in a cursive, flowing style.

Dr. Laura C. Hoffman

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