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Interested Party Testimony on House Bill 225
House Commerce & Labor Committee
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Chair Johnson, Vice Chair Lear, Ranking Member McNally, and members of the House Commerce and Labor Committee, thank you for the opportunity to provide written-only interested party testimony on House Bill (HB) 225, Employment Opportunities for people with disabilities. Disability Rights Ohio (DRO) is the state's protection and advocacy (P&A) system that advocates for people with disabilities in Ohio.

DRO would like to recognize the years long work of advocates, family members, and individuals to ensure people with disabilities have access to competitive and integrated employment throughout our communities. This legislation is an important step to acknowledge the contributions people with disabilities have and will make to the communities in Ohio and to recognize that people with and without disabilities should be adequately compensated for the work they provide.

This testimony will focus on:

- 1. History of 14c – Subminimum Wage;**
- 2. The Americans with Disabilities Act (ADA) and it's application to employment for people with disabilities;**
- 3. The importance of phasing out subminimum wage practices in Ohio.**

History of Subminimum Wage and 14c Certificates

Section 14c programs and the practice of subminimum wage were first introduced under the Fair Labor Standards Act (FLSA). Enacted in 1938, it allowed a carve out or exemption to minimum wage practices for people with disabilities by allowing employers to pay individuals with disabilities a subminimum wage. The original intent was to create employment opportunities for people with disabilities in a time where they were often viewed as unemployable. However, society has significantly changed along with increased economic pressures.

The 14c subminimum wage exemption is simply a manifestation of society's low expectations and false assumptions regarding the capacity of workers with disabilities.

With the evolution in disability rights law, modernization of the business marketplace, and advances in available community support, the 14c provision is no longer necessary nor equitable.

The ADA and Employment

The Americans with Disabilities Act (ADA) is a civil rights law that was passed in 1990 that protects people with disabilities from discrimination in employment, transportation, places of public accommodation, etc. This legislation protects the right for people with disabilities to have access to employment by removing barriers and providing accommodations to disabled employees.

Such accommodations may include things like technology, job restructuring, or providing supports like screen readers and interpreters. Employees and employers both have requirements and expectations when it comes to employment and any accommodations; however, added supports allow for qualified employees to perform their essential functions of the job just as their peers.

The importance to phasing out subminimum wage

The practice of paying people with disabilities subminimum wage assumes people are incapable of being fully integrated in the workforce. Often the places that have 14c certificates are not preparing individuals for gainful employment. The individuals do not have access to career advancement, skill building, and advanced opportunities. Individuals who start working in a job that pays subminimum wage tend to stay at that job, working for the same low wage their entire career.

Increasing pay to at least minimum wage, moves Ohio out of the practice of labor exploitation. Increased wages allow individuals the opportunity to be independent, gain confidence, be a tax paying member of society, learn new skills, and continue to add value to our societies. The elimination of subminimum wage does not force individuals into a situation they do not choose. HB 225 outlines provisions for providers and employees to ensure equitable pay for people with disabilities.

Conclusion

The intentions behind 14(c) were based on the medical model of disability. Since 14(c)'s passage in 1938, our society has been, and continues to, evolve toward the social model of disability where higher expectations are embraced. A multitude of Federal and State programs now encourage Competitive Integrated Employment that does not rely on the payment of subminimum wages to workers. The resources available today to employers and employees is far greater than those in 1938 when 14c was adopted. The right for people with disabilities to be fully integrated into their communities, a right established by the ADA and affirmed by the Supreme Court in *Olmstead v L.C.*, is only possible if that integration includes access to equal wages.

DRO appreciates your time and consideration of this written-only interested party testimony for HB 225. If you have any questions or wish to discuss these issues further, do not hesitate to reach out to Kerstin Sjoberg, President and CEO at **ksjoberg@disabilityrightsohio.org** or **(614) 466-7264 ext. 114**.

