

HB 225 - Phase out of 14(c)
House Commerce and Labor Committee
21 May 2025

Chair Johnson, Vice Chair Lear, Ranking Member McNally and members of the House Commerce and Labor Committee, I would like to thank you for this opportunity to offer testimony regarding HB 225.

My name is Joe Moore and I'm the proud father of a son with developmental disabilities.

While eliminating 14(c) may offer a brighter future to many individuals with disabilities, I would like to call your attention to a subgroup of the DD population that is sometimes overlooked—people with complex needs. In many cases these individuals are unable to advocate for themselves. They can't write you a letter, send you an email, speak with you on the phone or offer in-person testimony. As family members, friends and their legislative representatives in Columbus, it's our responsibility to listen to what they cannot tell us.

After finishing their education, most people with more severe disabilities have limited options as to how to spend their days. Depending on their personal preferences and influenced by the type and severity of their disabilities, they may choose among the following options.

- Competitive community employment
- Sheltered employment
- Day services (day habilitation)
- Staying at home

Unless HB 225 is changed, eliminating 14(c) could have a direct effect on one of these four options and the fact that the certificate will be phased out over a 5-year period won't diminish the impact. As it is currently structured, sheltered employment is unlikely to remain a viable option when 14(c) is eliminated and folks who thrive in that environment will be forced to select from among the three remaining choices.

Since life has already restricted some options for individuals with disabilities, we should be focused on expanding their opportunities rather than limiting them. It's not our role to make decisions for them, but to offer an array of options that invite them to select what best suits their needs and goals.

Sheltered workshops serve a variety of functions. They can be a safe haven for individuals who are unsuccessful in finding or keeping a job in the community. And while competitive employment opportunities may pay minimum wage or higher, some folks simply prefer the environment of a sheltered workshop. As difficult as it may be

for us to understand, not everyone defines success and happiness in terms of dollars and cents.

And in addition to serving the aforementioned group, sheltered employment can also serve as a safety net for those who have a job in the community. When a person loses their competitive job due to poor performance, economic downturn, supply chain issues, etc., they can seek work in a sheltered workshop during the time it may take to find a new job or until the economy picks up and they can return to their previous employer.

Workshops can also be helpful in situations when an individual is under-employed. For example, he/she does have a community job, but it's only for 10-15 hours per week. To fill the remaining hours in their day, rather than sitting at home, some folks might opt to enroll in day services, but other's would prefer to supplement their income by working in a sheltered workshop.

For the most part workshops seek to create jobs by contracting with businesses in their area for tasks that the company is willing to subcontract out. At the end of the phase out period in 2030, if a workshop has to factor in minimum wage rates when they quote a contract, three possible outcomes have been suggested by supervisors with whom I have spoken. The best outcome would be that the partnering company will absorb the wage increase or pass it along to their end consumer. Unfortunately, this is the least likely response.

The second scenario is that the local company will accept the contract, but with the stipulation that they will only work with a team of individuals who are capable of achieving a specified rate of productivity. Work will continue for some individuals, but not for others.

The worst outcome would be that the corporate entity cannot accept the contract, is unable to continue its collaboration with the workshop and work stops.

It has been said that HB 225 is not aimed at ending sheltered employment and that workshops can continue to operate, but they will have to pay minimum wage. However, the way that workshops are currently structured, that simply isn't feasible. Unless the state can offer a way to supplement the wages, it's unlikely that the workshop can continue to operate.

Despite that gloomy forecast, there is still hope. The easiest way to preserve sheltered workshops as an option for people with complex needs would be for HB 225 to include a "carve out."

If sheltered workshops are allowed to disappear, we will have removed one more option from an already meager menu of choices. And we will have denied a group of about 3,500 Ohio citizens the opportunity to feel that they are contributing to their community, and that, like workers everywhere, they are doing something meaningful.