



# The Ability Center

All Testimony on HB 225

May 21<sup>st</sup>, 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 once again on House Bill 225. My name is Dr. Jules Patalita and I am a Disability Rights Advocate for The Ability Center of Greater Toledo. We are a Center for Independent Living that has worked for the last century towards our mission, to make our community the most disability friendly in the nation by increasing independence for people with disabilities, discovering true passions, and changing the community's perception of disability. In fulfillment of that mission, to increase the independence of those with disabilities, and to fight for the dignity of fellow Ohioans, I come today to speak in favor of HB 225. While I focused my proponent testimony on the economic benefits of phasing out subminimum wage, and the way that HB 225 functions as a work incentive, I will speak today on the ethical argument for paying all Ohioans a fair wage for their labor.

I want to begin today by pointing out how 14(c) does nothing to reflect the culture around disability in 2025. As is a creed for Centers of Independent Living, it is not the disability that stops someone from integrating with society, but society that stops a person with a disability from integrating. It does strike me as ironic that the origins of subminimum wage came from the Fair Labor Standards Act of 1938. Not only is subminimum wage not a fair standard for labor, but it was signed into law by President Franklin Delano Roosevelt, one of the most famous examples of an American with a disability. Yet we know that that President Roosevelt hid his disability from the public, fearing that the sight of him using a wheelchair would make him appear weak and unfit to lead. Can you imagine if the president who helped America escape the Great Depression and lead us during WWII was told he wasn't worthy of his position because of his illness? We can tally this up to the prejudice and bias of our society from 80 years ago, but is this so different from the culture at play in our state today? How is that case so far removed from the reality of 2025 for more than 13,000 Ohioans?<sup>i</sup>

Another issue is that subminimum wage does not reward fair work with fair pay, while those benefiting from the services are not the workers themselves. It's important to understand the full scope of this inequity in pay, as the Ohio Employment First Task Force



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reported in 2023 that more than 50% of those in facility-based work earned less than \$5 an hour.<sup>ii</sup> One of the biggest 14(c) employers in Ohio is Fairhaven Industries, Inc., who employees almost 600 people for less than subminimum wage, while their CEO reported making more than \$100,000.<sup>iii</sup> For a nonprofit to show this level of disparity between their CEO and the 600 people being paid a subminimum wage because of their disability is condemnable. The ability to pay any citizens less than the minimum wage is a statement that their efforts are lesser than others, that their contributions to our state are lesser, on account of their disability.

The simple fact is that the conditions that caused the creation of 14(c) are nonfactors in Ohio today, hampering instead of assisting. The state of Ohio is fully equipped to integrate 14(c) workers into society, but this change will not fully occur until employers lose financial incentive to underpay the workers they have taken advantage of for decades. In 1938, when the Fair Labor Standards Act was passed, common positions included day laborers and factory workers. These positions do not have to disfranchise workers with disabilities if provided reasonable accommodations, but that was not the mindset in the 30s. Rather than providing the means for all Americans to contribute equally to the economy, legislation deemed certain workers as less equal than others. In 2025, however, the job market has never been more diverse in regard to what positions one can hold. The Americans with Disabilities Act also serves as a federal civil rights law to defend against employer discrimination, while state agencies offer job coaching and vocational supports that ensure those with disabilities can find success working within the community for a competitive wage. The Ohio Association of County Boards signed a resolution this year supporting the phase out of subminimum wage. They believe that this change is good for the independence of Ohioans with disabilities, and that they can assist those transitioning to community employment, a function they already serve and will continue to serve during the five-year transition.

In summary, Ohio must provide equal rights to all of its citizens, including those with disabilities, by guaranteeing fair wages for all. The presence of a disability does not make an American any less American, so why are they protected any less in regard to wages? It saddens me that in 2025, the main groups that the law allows to be paid less than the minimum wage are people with disabilities and prison inmates. One group has seen certain protections taken away in an attempt to punish within the justice system, the other makes up one in every four Ohioans. What we ask for is fair wages for fair labor. Regardless of background, ability, or identity, Americans have been guaranteed a minimum wage that fairly compensates the work and time they put into their role. People with disabilities are a quarter of our state's population and are responsible for some of our nation's greatest moments. President Roosevelt was one of the most impactful men to hold his position and

his disability did nothing to lower the quality of his contributions. Unless we assume that Ohioans with disabilities are not equally up to the task, I ask that you side with this legislation and work towards the passing of HB 225.

Thank you for the opportunity to provide testimony today, please let me know if you have any additional questions or concerns.

Sincerely,

Jules Patalita, PhD

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<sup>i</sup> 14(c) *Certificate Holders*. US Department of Labor. (2025, May 1).

<https://www.dol.gov/agencies/whd/workers-with-disabilities/section-14c/certificate-holders>

<sup>ii</sup> *Facility-based Employment*. Ohio Employment First. <https://ots.ohioemploymentfirst.org/facility-based-employment>

<sup>iii</sup> ProPublica. (n.d.). *Fairhaven Industries Inc*. ProPublica.

<https://projects.propublica.org/nonprofits/organizations/341023491>