

U.S. Rep. Grothman: “He’s crushed because he doesn’t have a job”

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Washington, D.C. – Today, at a House Education and Labor Committee hearing, Congressman Glenn Grothman (R-Glenbeulah) questioned experts about barriers to employment for individuals with disabilities. Recent efforts to eliminate Section 14(c) of the Fair Labor Standards Act has put employment opportunities for individuals with disabilities at risk. Testimony from one of the witnesses, Mr. Shayne Roos, demonstrates how the elimination of the use of 14(c) certificates leads to job loss for individuals with disabilities.

Witnesses Included:

Ms. Laurie McCann, J.D.

Senior Attorney for the AARP Foundation

Mr. Shayne Roos

Senior VP of ACHIEVA Support at ACHIEVA

Mr. Daniel Pianko

Managing Director at University Ventures

Ms. Kisha Bird, M.S.S./M.S.L.P.

Director of Youth Policy at the Center for Law and Social Policy (CLASP)

Excerpts of Grothman’s questioning

Congressman Glenn Grothman: “I’d like to thank you for this hearing. I wish I had five minutes for each one of the four of them, but I have to pick. As the chairmen knows I have a special interest in Dr. Roos’ area of expertise. I’m a little concerned about some of the things he said. You say at one time you had over 500 people with

special needs working for you and things have shifted, you still have 65 working for you and 100 in other places and other people are still looking. I have a lot of people who are very happy working in the sheltered workshops in my area, and they're very concerned. I'd like to know if we follow through on what the bill you support says, what becomes of these folks? I'm very concerned that in your testimony you say that all too many current certificate holders "will not take that approach under their own volition." So, in other words, you believe the people with special needs have to be forced somewhere they wouldn't naturally want to go, which I find kind of discriminatory and offensive. I'd like to know if out of the 500 people you used to have working for you, when you decided to kind of shut down your work floor, where are they all? You have 65 working for you and 100 in other places. The 100 in other places, how many have a work coach?"

Mr. Shayne Roos: "Out of the 100 that became employed competitively, probably the majority, if not all, have received some level of job coaching. Supported unemployment through the Office of Vocational Rehabilitation or through the home and community-based waivers is a great service for people looking to get into the community between community-based assessments, job development, job coaching placement follow along, that's really been the key to success with those 100 people and almost all of them accessed that service."

Grothman: "You mention you have 100 working outside of your facility. Of those 100 how many are working, say, at least 30 hours a week?"

Roos: "Very few. We probably average about 18-20 hours a week across those 100 people."

Grothman: "Out of the 65 who are still working at ACHIEVA how many are working what I'd call full-time or what you'd call full-time?"

Roos: "From that 65 we are probably in the same range, although a little higher, about 20-25 hours a week for that 65."

Grothman: "Ok so you really have very few people who are now working let's say at least 30 hours a week?"

Roos: "That's correct."

Grothman: "So, if I have somebody who is right now happy in a work center and is

working 30-35 hours and is proud to be like so many people in society, so many people like siblings in society - when we pass this bill a very tiny percent are still going to have the satisfaction of working 30-35 hours a week and kind of being like everyone else. Is that true?"

Roos: "When you say working in a facility like that, that number of hours a week, I would argue that in essence they are not working. They might be attending. They might be physically present 30, 35, 40 hours a week, but they're not working. I discussed in my testimony, there's a lot of down time that occurs in those workshops. Work is not always available. I still see people prior to our closure people were doing work sampling where one person would put together a widget and the guy across the table from him would take it apart. So, attendance vs. working are two different things."

Grothman: "Let me ask you another question. I have 10 work centers in my district. I have a very high opinion of all of them. Right now, there are people who work part time in a work center and part time out in the community. Some of these people are very proud to work in the community and wish they could work more hours out in the community. Other people prefer to work in the work center for a variety of reasons and they are very adamant in that, that they prefer to work in the work center. Why would we vote for a bill in which people who are happy working in the work center no longer have that right? Or as you say here, in essence, pushing them out of their work center because, "all too many current certificate holders will not take that approach under their own volition." In other words, they don't want to, but the government has to force them out of a job they currently like."

Roos: "Elimination of the 14c doesn't force people out of a work shop necessarily. I would challenge those workshops that if they support their business model and they have a happy workforce they should find a way to pay minimum wage. Just as we have done in our business operation successfully."

Grothman: "I don't know what your average employee is like. But the work centers I deal with, there are a lot of people who, fairly obviously, cannot produce at a minimum wage, say \$7.50 and there's a bill we heard hear that going up to \$15. I would think it is somewhat obvious that it is hard to put together a work plan in which you can take someone like that and make money while paying them \$400-500 a week. You could wind up with some very unhappy people. Do you agree?"

Roos: "I agree that you need to look at your workforce in terms of their ability to contribute and produce, but I would argue that if you have people in a work center that clearly are not showing those abilities or showing advancement to competitive employment then I'd question as to why they are in a work center when there are other home community based services available to them that would provide them with fulfilling community life."

Grothman: "I'll give you an example and you can tell me what I should tell him. I ran into a guy in my district recently who is 34 or 35 years old. He is severely physically handicapped. He gets paid well under minimum wage because he is incredibly physically handicapped - very sharp though, very bright. He was laid off for whatever reason because the government said this is not ok. His dad tells me he's crushed. They put him in day services that his dad and him describe as babysitting. So, he has gone from making maybe eighty cents or a dollar an hour but is so proud of making that paycheck he earns to going into day services. Babysitting. So, this 33 or 34 year old sharp guy, he's crushed. What should I tell his dad?"

Roos: "I don't promote segregated day services either and I don't think that's the right solution for that gentleman you just described. The Center for Medicaid Services is looking at something called community participation supports as a way of getting out in the community short of having to rely on a facility."

Grothman: "He's crushed because he doesn't have a job, he's not earning a paycheck. Not because he wants better day services."