

January 27, 2012

Senator Christopher W. Rector, Chair
Representative Kerri L. Prescott, Chair
Committee on Labor, Commerce, Research and Economic Development
100 State House Station
Augusta, ME 04333

Dear Chairs Rector and Prescott and Distinguished Members of the Labor,
Commerce, Research and Economic Development Committee,

Re: LD 1729 An Act to Clarify the Minimum Wage Law as it Relates to People with Disabilities

Thank you for the opportunity to present to you today. My name is Debbie Gilmer and today I represent two organizations. I am the president of the Maine Chapter of APSE, the only national organization with an exclusive focus on employment for individuals with disabilities. I am also a member of the Autism Society of Maine Board of Directors and co-chair of their Legislative Committee.

I am here to testify **neither for nor against** LD 1729.

Having said that, however, I would like to call the Committee's attention to a national movement to eliminate the use of subminimum wage for individuals with disabilities.

To quote from APSE's Subminimum Wage Statement, "In examining the issue of subminimum wage, the Executive Board of APSE has determined that that while the subminimum wage may have at one time been a valid and effective strategy for enhancing employment of people with disabilities, the evolution in disability rights and community employment makes the sub-minimum wage no longer necessary or acceptable."

APSE articulated the following reasons for this call for the elimination of the use of 14c certificates (I have attached a copy of APSE's position statement):

- Individuals don't need sub-minimum wage for employment success;
- Service providers don't need subminimum wage for employment success;
- States don't need sub-minimum wage for employment success;
- Bad job matches are the real issue;
- Productivity rate is not a fair basis for wages;
- The productivity standard is discriminatory towards people with disabilities;
- Use of sub-minimum wage conflicts with self-determination and choice;
- People with disabilities want to work in the community;
- Sub-minimum wage is at odds with national disability policy; and,
- Sub-minimum wage is being used to support a more costly service delivery model.

Dr. Rob Cimera, a researcher from Kent State University and a well respected expert on supported employment reports that individuals with disabilities fare better financially from working in the community, regardless of the severity of their disability; that wages earned in the community have increased 31% since the 1980s while those wages earned by individuals in sheltered workshops decreased 40% during this same period; and, supported employment is more cost-effective than sheltered employment over the “employment cycle” and returns a net benefit to taxpayers.

The Autism Society of Maine is also committed to realizing positive and meaningful outcomes for individuals in Maine on the autism spectrum including employment in integrated settings at or above the minimum wage.

At this point in time, there appears no reason why the use of subminimum wage has a place in our public policy. There is also proposed legislation in the U.S. Senate, sponsored by the Honorable Senator Tom Harkins, to eliminate the use of subminimum wage. While the federal legislation proposes a three year phase out, you will see that APSE’s statement proposes a five year phase out in recognition that it will take time to “re-tool” the rehabilitation community to utilize the best of what we have all learned about customized and supported employment strategies to support employment outcomes for everyone.

On behalf of Maine APSE and the Autism Society of Maine, we look forward to working with you to assure that individuals with disabilities in Maine have the opportunity to be fully integrated and valued members of Maine’s workforce and economic development efforts.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Gilmer', with a stylized flourish at the end.

Deborah Gilmer, President
Maine APSE
Co-Chair, Legislative Committee
Autism Society of Maine Board of Directors