

Center for Disability Rights, Inc.

January 25, 2017

Re: Written Testimony to the Joint Budget Committee on Workforce Development

Thank you to the Joint Committee for this opportunity to comment on the 2015-2016 Executive Budget. My name is Adam Prizio and I am the Manager of Government Affairs at the Center for Disability Rights. The Center for Disability Rights (CDR) is a disability led, not-for-profit organization headquartered in Rochester, New York. CDR advocates for the full integration, independence, and civil rights of people with disabilities. CDR provides services to people with disabilities and seniors within the framework of an Independent Living Model, which promotes independence of people with all types of disabilities, enabling choice in living setting, full access to the community, and control of their life. CDR works for national, state, and local systemic change to advance the rights of people with disabilities by supporting direct action, coalition building, community organizing, policy analysis, litigation, training for advocates, and community education.

The Legislature Must Do for Disabled New Yorkers what the Governor Has Failed to Do

In the Fall of 2016, the Center for Disability Rights and other disability advocacy organizations created an agenda of outstanding policy priorities, which we communicated to the Governor in advance of the budget making process.¹ Working-age people with disabilities who are seeking employment have a 10.2% unemployment rate, more than double the 4.7% unemployment rate of non-disabled people seeking employment.² Our Community's labor force participation rate is 20.1%, compared with a workforce participation rate of 68.1% for nondisabled people.³ We urged the Governor to address the lack of employment opportunities for disabled people. He did not.

For this reason, we ask the New York State Legislature to represent the Disability Community and to create laws and policies that will ensure increased workforce participation for disabled New Yorkers. We look to your leadership to enact these proposals:

End Subminimum Wages for Disabled New Yorkers

For many years, CDR and many other disability-led organizations have called for an end to the discriminatory practice of paying disabled workers less than the minimum wage through certifications allowed by section 14(c) of the Fair Labor Standards Act, passed into law in 1938. Disabled workers in New York have made as little as \$0.85 per hour according to the most recent FOIL data CDR has

¹ This document, the 2017 Disability Integration Agenda, is available online at <http://cdrnys.org/wp-content/uploads/2017/01/2017-Disability-Integration-Agenda.pdf> (last accessed January 23, 2017)

² Bureau of Labor Statistics, Table A-6, last modified January 6, 2017, available at <https://www.bls.gov/news.release/empsit.t06.htm>, (last accessed January 25, 2017)

³ *Id.*

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received. Our neighboring state, Vermont, closed its last sheltered workshops in 2003, and in 2012 its integrated employment rate for people with developmental disabilities was twice the national average.⁴ The Governor and the Legislature saw fit last year to pass a minimum wage increase which did not include disabled workers paid under FLSA section 14(c). We again call on the State to end this discrimination and exclusion and to require that all disabled workers receive at least the minimum wage applicable to nondisabled workers.

Include All Disability-Owned Businesses in the Definition of Minority and Women-owned Business Enterprises

The Governor has called for the inclusion of service-disabled veteran owned businesses in Minority and Women-owned Business Enterprises (MWBEs) contracting under Articles 15-A and 17-B of the Executive Law.⁵ CDR urges the legislature to include business enterprises owned by people with disabilities more generally in MWBE contracting. The purpose of the MWBE program is to improve the economic prospects and entrepreneurship opportunities of people who have historically been excluded from these things. It is well documented that people with disabilities experience poverty at much higher rates than non-disabled people, and that we are the targets of discrimination. Including people with disabilities in the MWBE program will create incentives for us to start our own businesses and participate more fully in the economic life of the State.

Including only businesses owned by veterans with service-related disabilities excludes businesses owned by people who acquired their disabilities while working as members of police and fire departments, as well as people who were born with disabilities, and the rest of our community. We urge the Legislature to include our community as a whole, rather than only a subset of our community, in this economic opportunity.

If the State will not include businesses owned by disabled people in the MWBE definition, it must at least include people with disabilities in the feasibility study that the Department of Economic Development is conducting to study the economic disparity effects of the MWBE program. The effects of including people with disabilities in the MWBE program have never, to our knowledge, been studied. New York has an opportunity to again be a leader in improving the lives of its disabled citizens by looking at the feasibility of including us in this program.

Hire a 55 b/c Statewide Coordinator to assist candidates to participate in the NYS Department of Civil Service's Section 55-b and 55-c programs

Under the 55-b and 55-c programs, people with disabilities can qualify for State positions without taking the civil service test. These programs have been underutilized and misunderstood for too long. To promote cultural modelling within the State, the Governor should include the position of 55-b/c Coordinator in this year's Budget proposal. The coordinator of the program should be a qualified person with a disability. The reinstatement of the 55-b/c Coordinator will help to ensure that State agencies are implementing this appropriately and hiring people who qualify for 55-b/c.

The State Procurement Process should require State Contractors to recruit, hire, promote, and retain people with disabilities in all roles within their organization

⁴ *Subminimum Wage and Supported Employment*, National Council on Disability, August 23, 2012, available at: <http://www.ncd.gov/publications/2012/August232012/>

⁵ Governor's Public Protection & Good Government Article VII, Part X.

We repeat our call for the State to implement a policy requiring all State contractors, as a condition of their contract, to take affirmative action to recruit, hire, promote, and retain qualified individuals with disabilities in all roles including leadership roles within their organizations.

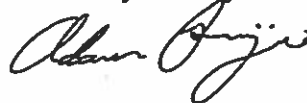
The U.S. Department of Labor's Office of Disability Employment Policy has found that people with disabilities are underrepresented in management, technical, and professional roles, and are overrepresented in service, production, and transportation roles.⁶ The State, as a model employer, should use its procurement process to require contractors to address this disparity by recruiting, hiring, promoting, and retaining hire people with disabilities in all roles including leadership roles within their organizations.

Increase utilization of the Medicaid Buy-In for Working People with Disabilities (MBI-WPD).

This program allows working people with disabilities to qualify for Medicaid with higher income and asset limits. Implementation of MBI-WPD through local departments of social services has resulted in underutilization of the program. By standardizing eligibility and incorporating it into the New York State of Health online application portal, the State will promote awareness and utilization, removing another barrier between people with disabilities and gainful employment.

We call on the Joint Committee, and the Legislature, to address the ongoing underemployment, unemployment, and discrimination which our community experiences. I thank the Committee for its attention to these important issues, and I look forward to working with you to create a New York in which disabled workers are paid equally, treated as equals, and share equally in the opportunities that all New Yorkers enjoy.

Thank you for your time,



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⁶ *Economic Picture of the Disability Community Project; Key points on Disability and Occupational Projections Tables*, U.S. Department of Labor, available at <http://www.dol.gov/odep/topics/DisabilityEmploymentStatistics.htm>