

## LABOR

# Pay rate for disabled workers stirs debate



David Jones of Green Bay sews elastic on a coverall he is helping to assemble Wednesday while working at ASPIRO Inc., a Green Bay nonprofit that employs disabled workers in the community and in a sheltered workshop. Photos by Jim Matthews/Press-Gazette

## 10,000 in state earn less than minimum wage

By Alex Morrell » Green Bay Press-Gazette

**A**bout 10,000 disabled people are paid below the minimum wage in Wisconsin. Their jobs are generally menial — assembly and packaging tasks performed in workshops with dozens of others — and sometimes the pay is as little as a penny per hour. And it's perfectly legal.

State and federal laws allow employers to pay disabled workers according to their productivity. Those regulations, which dictate pay down to the penny, were created for workers' protection, and many say they continue to help disabled workers.

Hourly wages ranged from 2 cents to \$8.08 per hour in 2009, according to records provided to the Green Bay Press-Gazette by the state Department of Workforce Development, which approves licenses for organizations and businesses

that allow them to pay less than minimum wage. State and federal minimum wage is \$7.25 an hour.

Some advocacy groups want to see a base rate set for disabled workers.

Equally important to some is making sure those individuals are provided opportunities to work alongside those without a disability for a competitive wage. It's an area in which other states have excelled faster than Wisconsin.

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### » PRESS-GAZETTE EXCLUSIVE

#### DISABLED WORKERS

About 600,000 disabled people live in Wisconsin. Beginning today, the Green Bay Press-Gazette will take a closer look at those in the work force.

Over the coming months, Press-Gazette reporter Alex Morrell will explore what role disabled employees play in the state's overall work force, and the evolution of that role.

He also will explain the process set up to license and regulate the businesses and nonprofits that employ these individuals, as well as the services and funding available to them.

If you have story suggestions or insights, you can call Morrell at (920) 431-8359 or email him at [awmorrell@greenbaypressgazette.com](mailto:awmorrell@greenbaypressgazette.com). He will host an online chat on this issue at [www.greenbaypressgazette.com](http://www.greenbaypressgazette.com) at 11:30 a.m. Monday.



Nicholas Bauer of Green Bay sews pant legs on a government coverall he is helping to assemble at ASPIRO.

#### ON A-7

Disabled worker pay programs vary by state.

# Pay/Advocates say protection laws outdated

» From A-1

Many people endorse the practice of paying disabled workers at a lower rate as a way to encourage businesses to employ those individuals and give those employees valuable rehabilitative services and training. Some disability rights advocates, however, say the laws intended to protect these individuals are outdated.

Now those groups are calling for Wisconsin, once considered a leader in protecting disabled workers, to improve the opportunities and wages for disabled workers.

## A local story

In the Green Bay area, ASPIRO Inc. employs 457 disabled workers, 96 percent of whom earn below minimum wage, according to organization president Michael Duschene.

The nonprofit manufactures a variety of products for government contracts and about 30 commercial businesses. It endorses integrating disabled workers into the community to earn a competitive wage. But Duschene notes that the decision on whether to work in the community or in a sheltered workshop should be left to the disabled person or his or her guardian.

"Our priority is for that to happen. But it shouldn't be un rebuttable, it shouldn't be absolute," he said. "ASPIRO and our board of directors ... still strongly believe in choices. One size does not fit all."

ASPIRO offers people with disabilities the opportunity to work in the community, in the ASPIRO facilities or in a combination of the two, with in-house jobs ranging from sewing to assembly to cleaning to cooking. Duschene said the company's disabled workers combined earned more than \$465,000 last year.

"We want our clientele to make as much money as they can. It's a good selling point," Duschene said.

Duschene bemoans the negative stereotypes about sheltered workshops, which mostly provide a rehabilitation program, therapeutics services and employment or job training to disabled people. The stereotypes — including sweatshop-like conditions — "just aren't true," he said, pointing to ASPIRO's openness, clean working conditions and the fact that many employees have chosen to continue working for the organization for decades. "ASPIRO is open to the public any time. We wel-



Laurie Koltz, left, of De Pere and Tom Murray of Green Bay sew government coveralls they are helping to assemble Wednesday while working at ASPIRO Inc in Green Bay. **Jim Matthews/Press-Gazette**

come tours. We have a very strong reputation for what we do," Duschene said. "We have nothing to hide here, but we are being criticized, along with other rehab centers across the state and the country, to say, 'Why isn't everybody working in the community?'"

## The wages

Some disability rights advocacy groups say the wage scale, which pays as little as a penny an hour, set up for disabled workers should be abolished.

"There's literally no floor right now. ... It's just absurd," said Mary Clare Carlson, executive director of People First Wisconsin, an advocacy group lobbying against paying disabled individuals below the minimum wage.

But eliminating the subminimum wage could end up hurting disabled workers if businesses no longer can afford to employ this work force, said John Conway, administrator for the state Department of Workforce Development Equal Rights Division, which administers the licenses.

"When you're talking about extremely, severely disabled people, without almost complete subsidizing of their pay by government, you're not going to have private entities being able to provide jobs to these people who are not able to produce at normal levels," Conway said.

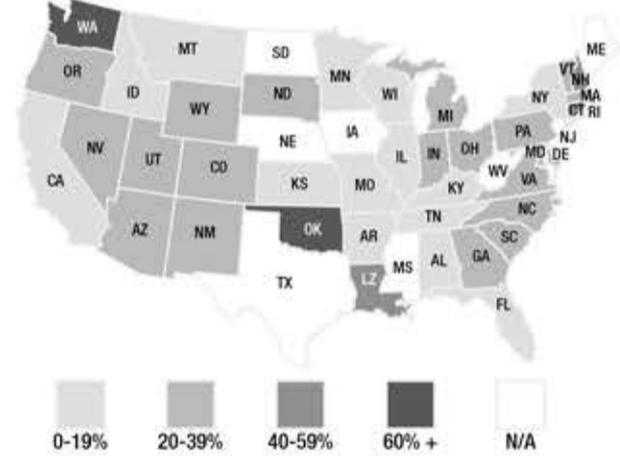
Carlson's organization is lobbying for gradual change and is focused initially on establishing a \$1-per-hour pay floor.

"We wouldn't oppose eliminating it tomorrow ... but we see it as much more of a process," Carlson said.

An important step to boosting disabled workers' pay is increasing the number who work in the

## Integrated employment

All states offer integrated employment services to intellectually and developmentally disabled adults usually between ages 18-64. Forty-one states reported data regarding their community integrated employment services. According to the study's methodology, some states percentage of paid integrated workers may vary based on whether their data includes only individuals in paid positions or also includes individuals using community integrated services but are not currently employed in a paid position. All individuals from Wisconsin data were in paid positions. Nationally, 20.3 percent of individuals are in integrated employment services.



Source: University of Massachusetts Boston, Institute for Community Inclusion

community at competitive wages, said Jodi Hanna, supervising attorney with Disability Rights Wisconsin, a nonprofit organization that advocates for people with disabilities.

"It's really important that if we don't want to rely on the subminimum wage that we make sure it's a really good fit — that the person has the skills that they need for the position. We certainly wouldn't want someone to be set up to fail," Hanna said.

## In Wisconsin

For years, Wisconsin was viewed as progressive in its policies for disabled workers in the 1970s, Hanna said.

"We were on the forefront of the movement of understanding that people with disabilities can work. With the right support anyone can work," Hanna said. "We were on the forefront of thinking that

people with disabilities shouldn't be hidden from sight or living in someone's home, but with support can have a fuller life."

But many advocates for people with disabilities believe the state's system has become flawed, keeping disabled people in workshops at low wages indefinitely rather than preparing them for competitive work in community settings. They are now lobbying for state and federal funding for the disabled to better focus on helping disabled employees work alongside others in the community and earn a competitive wage.

"Comparing us to other states, we're becoming a kind of a lagger in that we have almost 10,000 people working under these subminimum wage licenses around the state," said Hanna, who noted that states such as Washing-

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John Conway, administrator for the state Department of Workforce Development Equal Rights Division

ton, Georgia, Oregon and Vermont are now leaders on integration and competitive-wage policies.

A study by the University of Massachusetts Boston and funded by the U.S. Department of Health and Human Services found that nationally, an estimated 20.3 percent of intellectually and developmentally disabled individuals receiving daytime care and employment services were receiving community integrated employment services. In that data, 12,404 disabled people in Wisconsin were served by state employment and daytime care services in 2009. An estimated 18 percent of them, which is less than the national average, were working in the community — individuals with disabilities working paid jobs alongside people without disabilities, according to the study.

Having policies in place

## ONLINE TODAY

Click on this story at [www.greenbaypressgazette.com](http://www.greenbaypressgazette.com) to see information provided by facilities regarding specific wages paid to disabled workers.

that prioritize employment in the community are essential to improving integration, Hanna said.

"That will drive what happens out in the community," Hanna said. "We need to make some changes, we need to make them deliberately and we need to do it in a transitioned sort of way."

Conway, of the state work force development department, worked for years as a counselor at a rehabilitation center in Milwaukee. He said the programs in Wisconsin provide a continuum that aims to place disabled individuals in the most productive setting, up to complete community integration.

Conway acknowledged that if other states and programs are outperforming Wisconsin in integrating and rehabilitating the disabled, the state should examine what's working in other places.

"We have to always be trying to improve on moving people into a less-restrictive environment. I'm sure we can find people who could be doing better than what they're doing. So we should be looking for those folks and trying to help them move along, and I think we are trying in Wisconsin."

"The idea is to try to promote independence, self-sufficiency, unrestricted community involvement to the greatest extent possible. And I think we have a pretty good record in Wisconsin," Conway said.

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