



A-Team U.S.A. Comments on HR 2373, Transformation to Competitive Integrated Employment

1. We believe that the individuals supporting this legislation are well intentioned but unrealistic. In general, these individuals adhere to the following concepts:

a. All people with disabilities are capable, with the proper supports, of working in Competitive Integrated Employment (CIE). This is obviously a false premise, as anyone who has worked with significantly disabled individuals (including those with severe and profound disabilities) well knows.

b. All individuals with disabilities can be just as productive as non-disabled individuals when matched with the proper job. If this is true, then why do we have a Social Security Disability Program, which includes the description of disability as inability to perform gainful economic activity.

c. All individuals with disabilities prefer to work in Competitive Integrated Employment. Again, more care should be exercised when making pronouncements about “all individuals with disabilities.”

d. Desires of family members, guardians and caregivers often are discounted or ignored. Family members who support 14(c) are accused of having low expectations, needing education as to the benefits of CIE, or worst of all, allowing their loved ones to be exploited and discriminated against.

2. We believe the real agenda of those supporting this legislation is to eliminate work centers. In the Education and Labor Committee Press Release on HR 2373 of April 6, 2021, are these telling words regarding the purpose of the bill: “help workers with disabilities transitions away from sheltered workshops.” The overwhelming majority of 14(c) certificate holders are Community Rehabilitation Programs (CRPs) that operate prevocational work centers governed under Medicaid Waiver provisions in law and in Department of Health and Human Services Regulations and technical documents. Nowhere in these documents appears “sheltered workshops” - it is an obsolete term used by those opposed to 14(c) and prevocational work centers.

3. We believe the proponents of this legislation have not considered the impact on Community Rehabilitation Programs (CRP) of eliminating 14(c). Workers are paid through income received from contracts obtained with other companies. Can CRPs continue to be competitive in winning contract awards without 14(c)? Can CRPs continue to be financially viable without 14(c)? These questions never seem to be answered, perhaps because supporters of this legislation don’t care.



4. We believe that if individuals take the time to visit a CRP and observe and speak with the workers with disabilities, they will come away with a positive feeling about these programs. Anecdotally, we know of many legislators who have visited CRPs and come away with very positive impressions. We also know that there are some who refuse to visit. However, we know of no legislators who have visited and come away with a more negative view than they had before visiting. We highly recommend that the sponsors and co-signers of this legislation visit one or more of their state's CRPs.
5. We believe that no adequate analysis has been performed on what happens to individuals when work centers go away. Several states have closed work centers and/or prohibited 14(c). There is evidence that this has resulted in some small increase in CIE, but also a very large increase in non-work activity. The general trend observed since the National Disability Rights Network and others began advocating against work centers has been a significant increase in non-work activity. (See key chart that was included in U.S. Commission on Civil Rights Report on 14(), attached.) We fail to understand why some advocates seem to prefer non-work activity to 14(c) work for those who want to work.
6. We believe Individuals working under 14(c) and their families, guardians and caregivers strongly support maintaining the choice for 14(c) employment. On occasions when the government has solicited public comment on 14(c), such as the Department of Labor Office of Disability Employment Policy On-line Dialogue on 14(c), and the U.S. Commission on Civil Rights public comment period on 14(c), workers and their families have flooded the internet with supportive comments on 14(c) and work centers, often expressing in heartfelt terms how much these programs mean to them. When individuals freely choose to work under 14(c), and love working in their work centers, why would we want to take this choice away?
7. We believe the authors of this legislation inaccurately bring in the Olmstead decision in their effort to eliminate 14(c) and work centers. The Olmstead decision did not eliminate informed choice. In fact, it stated that individuals with disabilities should not be given a setting placement that they oppose. Further, Olmstead does not dictate placement in the least restrictive setting, but rather placement in the least restrictive setting that is appropriate. Surely, we can agree that a setting that is appropriate for one may not be appropriate for another.
8. We fully support CIE for those who desire it and are capable of achieving it. We recommend that this legislation be rewritten to focus solely on developing initiatives to increase employment opportunities for individuals with disabilities, perhaps by offering more incentives to employers to hire the disabled, rather than incentives to CRPs to put their own work centers out of business. The individuals that would be directly affected by this legislation, i.e., those individuals working under 14(c) and their families, do not want 14(c) eliminated. Please listen to them.