

**STATEMENT OF KAREN KIGHT
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HOT SPRINGS, ARKANSAS
TO
THE JOINT ECONOMIC COMMITTEE
UNITED STATES CONGRESS**

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Introduction

Chairman Coates, Ranking Member Maloney, Senator Cotton, and members of the Committee, my name is Karen Kight, I am the Executive Director of Abilities Unlimited in Hot Springs, Arkansas.

Abilities Unlimited of Hot Springs, Arkansas Inc. is a 501(c)(3) nonprofit. As provided for under the Fair Labor Standards Act, Abilities Unlimited is a Section 14(c) certificate holder, which permits people with significant disabilities to work under a special wage. Abilities Unlimited is governed by eighteen volunteer board members who are leaders in the community. It is the mission of Abilities Unlimited to assist individuals with disabilities in identifying their needs and developing goals as well as providing choices, supports, and training in the skills that will enable them to reach their highest potential.

It is an honor and a privilege to offer this statement in support of the people that Abilities Unlimited serves every day, and of each of those individuals' right to choose the employment that best fits their respective needs.

On behalf of Abilities Unlimited and the people we serve, I am submitting this statement to emphasize the importance of focusing disabilities policy on increasing employment opportunities without taking away the dignity of work from people who choose to work under a Section 14(c) certificate.

The Importance of Continuing Section 14(c)

For decades, Section 14(c) certificate holders have worked hard to benefit the people with disabilities whom they serve. Suddenly, in just the past couple of years, there has been a movement to suggest that Section 14(c) is no longer needed because there are so many other options available to citizens with disabilities. While we are delighted there are an ever-growing number of opportunities for people with disabilities, the idea that Section 14(c) is no longer needed has no factual basis. Another myth is the idea that Section 14(c) is antiquated and keeps individuals in a segregated setting. The truth is much easier to understand: The individuals with significant disabilities that we serve choose to work under a Section 14(c) certificate because it makes the most sense for them.

People with disabilities deserve the right to select their employment path just like any other citizen of the United States. They have a right to choose the type of job they want, and should be permitted to feel confident about their choices. Section 14(c) allows individuals with disabilities to work at their own pace within a supported environment and to take pride in their work. There is an assumption under new regulations supporting the Workforce Innovation and Opportunity Act (WIOA) that every person with a disability working under a Section 14(c) certificate should give up their current job and instead go to daycare, or be tasked with involuntary volunteer work in what the regulations refer to as the "community," or work as little as a few hours per week as part of "community integrated employment," if a job is available to them. Respectfully, Abilities Unlimited *is a part of the community*. Moreover, the people who choose to work at Abilities Unlimited are provided the necessary services and supports to assist them in their jobs. This is not

to suggest that Abilities Unlimited or any other Community Rehabilitation Provider is the right option for all people with disabilities. Obviously, it would not be. But for some people, working under a Section 14(c) certificate is absolutely the right match. Eliminating Section 14(c) as an option, would have dire consequences for the individuals working under it. Many of the people affected would be left without jobs, without support, would be separated from friends and colleagues, and, if forced to return home, would require daytime assistance, which would have a devastating economic impact on the family. This is real life for a lot of very nice people, and I want you to know them and know they exist and that they make a significant contribution to the world around them.

History of Abilities Unlimited

In 1961, a group of family members advocating for their adult children with disabilities, sought out like families in an effort to form a community organization that would provide meaningful work, learning, and social experiences for their adult children. The individuals served at the time were comprised of adults that the educational system was neither equipped for nor, at the time, mandated to serve.

Abilities Unlimited of Hot Springs was one of the first “sheltered workshops” within the state of Arkansas. For 55 years, Abilities Unlimited has played an important role in the city of Hot Springs and the surrounding communities, providing high-quality, individualized services to individuals with disabilities.

This past year, Abilities Unlimited served close to 170 individuals with developmental disabilities. The term “developmental disability” is used to describe a long-term disability that begins any time from conception through age twenty-one (21) and is attributed to mental or physical impairments or a combination of physical and mental impairments. Common developmental disabilities include intellectual disabilities, cerebral palsy, Down Syndrome, epilepsy, and Autism Spectrum Disorder.

A person with a developmental disability generally has a less-than-average ability to function in at least three of the following major life activities: self-care, self-direction, communication, mobility, learning, capacity for independent living, and economic self-sufficiency. The range of services and supports needed by individuals with developmental disabilities varies widely from one person to another.

Without appropriate services and supports, the choices open to people with developmental disabilities, including where they live and work, would be more limited. Abilities Unlimited offers Developmental Day Treatment Clinical Services (DDTCS), where an individual can participate in life skills classes such as Exercise and Nutrition, Computer Skills, Fundamental Skills, Interpersonal Social Skills, Cooking/Kitchen Skills with additional individualized courses to meet that person’s needs. Prevocational Skills teaches the basics about how to get a job and keep a job while earning commensurate wages. Work Activity allows the individual to work and learn skills associated with employer expectations. Supported Employment, provides job development, interest inventories, and job coaches for individuals. Pathways2Employment provides Career Exploration/Planning, Pre-vocational Employment, Self-Advocacy/Self-Determination, Job Development/Placement Services and Successful Competitive Integrated Employment

opportunities for an individual who needs additional time and skills to develop a successful path to employment. Section 14(c) programs often provide an important “bridge” to gain necessary skills to be successful within the community.

Abilities Unlimited has contracts with the private sector that provides real work to those who choose to participate in the work component within Abilities Unlimited. Work stations are set up to accommodate each individual’s specific needs. Tasks are broken down into varying degrees of steps to ensure that the individual can perform the task. We also have two resale stores where we accept donations to generate revenues for our programming.

Please let me share a little bit about some of the people Abilities Unlimited serves:

- “Donna” is 35 years old. She is diagnosed with Mild Intellectual Disability. She had a stroke in her mother’s womb, and the family was told by doctors that she would never walk or talk. Boy can she talk; she leads us in calling the Hogs (Arkansas Razorbacks) every Friday before a game. Donna is an average 32% producer of the standard (it takes her over 3 times as long to complete the same task of a worker that’s nondisabled). Her family says they are so very grateful for her program at Abilities Unlimited because it allows Donna to have a place to work and learn life skills!
- “Bob” is 24 years old. He is diagnosed Autism. He is an average 42% producer of the standard. Initially, he had many social anxieties, covered his head with a jacket, and isolated himself during breaks. Today, he places his jacket on his shoulder, and enjoys his breaks with friends. He has some technical computer ability and assists others in his computer class. He is now considering supported employment.
- “Jean” is 64 years old and is diagnosed with Severe Intellectual Disability. She functions at 15 % producer of the standard. Jean was abandoned at an early age and sent to a number of foster homes. She has found community and friendship at Abilities Unlimited and says all she wants to do is come to work.
- “Don” is 29 years old, with Cerebral Palsy. He works at 20% productivity. His family moved to Hot Springs to be near Abilities Unlimited because after visiting several times over the years, this is where Don and his family decided he would find the best fit. Don will tell you that his favorite thing to do is WORK.
- “Tom” is a 46 years old with Down Syndrome. He works at 15% productivity. Tom and his family visited Abilities Unlimited many times to ensure that this was the right program for Tom. They are all highly satisfied.
- “Joe” is a 19-year-old with Autism. He works at 34 % productivity. He remained at home after high school, had social phobias, and was involved in no social activity outside of his family. He now displays confidence, has made numerous friends at work, and is more comfortable in social settings.

These are real people with real jobs and real families who would be affected were Section 14(c) to be eliminated.

The Impact of Eliminating Section 14(c) on Families

I want to digress for a moment and tell you something about my background. I am one of four siblings. My father was a veteran with a disability and my oldest brother was born with a birth defect causing blindness. My mother often worked two jobs and took care of the kids and my elderly grandparents. I have seen firsthand the challenges that individuals encounter while living with a disability. I remember my mother and father looking at options for my brother, Gary, at the age of 14 when his vision had declined to the point that the teachers told them that public school was no longer a viable option. There were few options for Gary, which caused a lot of anguish in the family. In fact, the only option would have been to send Gary to Little Rock – more than 50 miles away – to The Arkansas School for the Blind. Neither Gary nor my parents wanted him to be that far from home and so they kept him at home. I remember getting on the school bus and seeing him being left behind to endure the long days by himself. He had no purpose, no reason to get up. I remember those years being difficult for all of us. When Gary was approximately 18 years old, one of our neighbors who was a brick mason offered Gary a job mixing mortar. He did that for approximately four years until his employer said that because Gary's vision was failing, it was no longer safe for him to be at the work sites. So once again, Gary had to weigh his options. Gary loved his job, he liked his paycheck and missed the camaraderie that he had experienced working beside his co-workers. It was a devastating time for him.

Ultimately, Gary received training as Vending Facility Provider. Was it a glamorous job? Not to some, but it was a job in which he took great pride. He took his job very seriously and for him, it was a life line to society. Upon his unexpected death three years ago, we heard many stories of how Gary impacted others' lives. He was a man of great faith, a person of integrity, full of humor, compassion and was an encouragement to the many students and faculty that he encountered. Many students, looked to Gary as an example of perseverance and determination. Gary was in this line of work for over 31 years. We are thankful that he had options available to him. His job provided him with a wonderful purpose.

If Gary had not had an option that worked for him, he might very well have remained at home. That level of isolation is a serious concern with respect to people who work under Section 14(c) certificates were the certificate to be eliminated. Let me be frank: Eliminating Section 14(c) as an option only accomplishes taking an option off the table. It does not benefit people with disabilities. Rather, many individuals with disabilities and their families would bear a tremendous burden as a result.

Section 14(c) jobs offer a consistent schedule, supports and services, and staff who really know the individual. People working at Abilities Unlimited find a very caring environment. But if that job were suddenly gone, many families would either have to arrange for one parent to give up their job to stay home with the person with a disability or would have to hire a caregiver. This would be financially devastating.

Section 14(c) Certificates Are Subject to Department of Labor Enforcement

The U.S. has made major advances in providing options, accommodations and opportunities for its citizens with disabilities. Section 14(c) allows an individual to have a job, be a productive part of society, and to have the dignity of work and a paycheck. No one is required to work under Section 14(c); it is a choice. And the United States Department of Labor (DOL) closely monitors that choice. The DOL has strict requirements that must be met in order to obtain and renew a Section 14(c) certificate. The DOL requires the certificate and all relevant documentation to be reviewed every two years. In addition, each year a prevailing wage survey must be conducted and the pay adjusted. If there are any inaccuracies found, back wages are paid. Today, there are an increasing number of employment opportunities for people with disabilities, but not nearly enough, particularly for people with the most significant disabilities. Even with technological advances, there is still a need for some individuals to be able to work at their own pace and earn a paycheck that is commensurate with their ability. There is no shame; the individuals working under Section 14(c) certificates come to the program determined to do well and are very dedicated. It might take some individuals much longer to complete a task than a person without a disability, but there is no pressure on them. Each person is able to take pride in what they do and to do it in an environment they enjoy.

Day Programs Are Not the Right Option for Many People

It is unlikely anyone on this Committee would ever tell a colleague or a friend they must quit a job they like and replace it with daycare or involuntary volunteer work or, where possible, a different job, just to satisfy someone else. But that's what many advocates insist a person who chooses to work under Section 14(c) should do or even must do. But what happens when the advocates win, as has happened in some states?

Due to the movement to eliminate Section 14(c), some individuals who once had a job under a Section 14(c) certificate and who have been unsuccessful in finding employment elsewhere, are left without the option of work. Or, in many cases, individuals who worked 30 hours a week under a Section 14(c) certificate have transitioned to a job in competitive integrated employment or supported employment but are only working a few hours a week. So, they may spend the remaining time in daycare or being bused to a museum or a mall or given the opportunity to do "volunteer work," sometimes including "volunteer" manual labor. Many others have just gone home. Giving up a good job in exchange for day care or unpaid work is not a trade we ask anyone else to make. Why are people with disabilities being treated differently?

The people Abilities Unlimited serves choose to work under a Section 14(c) certificate. We must keep a full array of options on the table, so that they will be able to have a choice as to where they want to work.

We are grateful to Senator Cotton for visiting Abilities Unlimited and other Community Rehabilitation Providers in Arkansas and learning the truth about how Section 14(c) certificates work in practice, and what it means to the people who work under them. I encourage everyone on this Committee to visit a CRP in your states. I know you will be impressed by how much a part of the community we are.

In closing, let me add that I have one motto I live by: ***Success needs to be measured by our own set of standards and not by what others think success is for us.*** I am blessed each and every day to see the successes of the citizens we serve. Thank you for your continued support of Section 14(c) as an option.