

Logan County Board of DD reviews Disability Rights Ohio Landmark Decision in Seneca County

The Logan County Board of Developmental Disabilities reviewed Disability Rights Ohio (DRO) decision in Seneca County at their meeting on Thursday February 18, 2016.

Superintendent Saul Bauer explained that this decision could have an impact on sheltered workshops. In an opinion issued by the administrative law judge from the U.S. Department of Labor (USDOL) three clients have been awarded minimum wage going forward and back pay from Seneca Re-Ad, a sheltered workshop run by the Seneca County Board of Developmental Disabilities.

“The opinion highlights that each of our clients bring valuable employment skills to the Seneca Re-Ad facility, and their value as workers should be respected,” says DRO attorney Barbara Corner. “People with disabilities are full and equal members of society and should be paid fairly.”

Board member Art Harper explained, “When I first heard that individuals served in a workshop were not making minimum wage I was not interested in sending work from my previous employer to them. I was appalled that they were not being paid minimum wage. But then, when it was explained to me how the workshops operates, I changed my mind.” Extensive time studies are done on the work and a piece rate is determined. The individuals are paid a piece rate in accordance to their abilities. Individuals attending sheltered workshops are excited that they are able to work, earn a paycheck and gain new skills. They set goals to improve and work hard to improve. If they didn’t have the workshop they would be sitting at home with nothing to do.

Superintendent Bauer said, “We have individuals that make above minimum wage and individuals who make below based on their productivity.” The individuals that are at the upper spectrum of pay are working on skills to assist them in being gainfully employed in the community. That is our goal whenever possible. Not all of the individuals we serve are at the same level. The workshop provides them the opportunity to have a meaningful day, learn new skills and have pride in the work they complete. Individuals with disabilities have many of the same aspirations and goals as we do. The sheltered workshop provides them the opportunity to fulfill some of their goals.

Board President, Bonnie Versele, spoke about a meeting she attended last year in Cincinnati. Many parents expressed concern regarding the direction DRO wanted for Ohio. Several parents voiced concern that DRO was **not** the voice of most people with disabilities in Ohio. DRO did not speak for everyone. Most individuals and parents want the option of sheltered workshops to remain in Ohio.

A recent article published in the Journal News by Denise Callahan, titled “Developmental Disabilities Work Rule Debated,” speaks to the impact of the Center for Medicare and Medicaid (CMS) redefined rules. CMS has issued rules that require people with developmental disabilities to either work or volunteer, and Gov. John Kasich issued an executive order a few years ago that encourages the same.

This article points out that the directives aren't as dire as they might appear. "The heart of the matter is the concern about the civil rights of these citizens who have historically been kept in isolation. We are under the watchful eye of the Department of Justice and we need to make changes to help people become more integrated in their communities. You will hear some passionate people at DRO say every person can work, but we out here in the local communities, the boards of DD, we challenge that. We say that's not an accurate statement; it's different for everybody. There are even people in the general population who are on disability, so let's not brush it with a broad stroke and say we're all going out to work now. We have developed plans for our individuals based on their interests, abilities and wishes. Sometimes it means a job, sometimes it means volunteering, sometimes it's just about getting them out in the community." It is always about having meaningful daily activities.

With all of the rule changes and directives there are people behind the scenes trying to get some clarity. Mike Odioso, an attorney whose own daughter had autism before she died of a heart problem last summer, is part of the Ohio Coalition for Person Centered planning. They have been working to save shelter workshops and other day services. They have successfully lobbied state legislators and Congress on a number of issues, and they are still fighting because they don't believe they have been considered in all of the changes. As published, the rule does not holistically attend to the intellectually developmentally disabled population, many of whom are not capable of community employment even with specialized job training and supported job coaching due to their intense needs. The overriding concern is that prioritizing community employment without also considering a person's individual circumstances, needs and preferences may pose a health and safety risk either due to these individuals' unique challenges or by subjecting them to an environment that may not be in their best interest.

In other board business, the board reviewed and approved the Strategic Action Plan Progress report and a new Employee Policy Manual. A contract with Net Gains was approved with a few noted changes effective April 1, 2016 and a Memorandum of Understanding for 211 was approved.

The board will meet again on Thursday March 17, 2016 at 5:30 pm at the Logan County Board of DD office. The public is welcome to attend.

Deb Morrison
Human Resources/Executive Secretary