

August 15, 2022

Thank you for the opportunity to share some personal comments regarding employment and residential recommendations regarding people with disabilities.

Our 30-year-old daughter, Laura Kovacovich, was a 27-week premature twin born with multiple disabilities. Her sister did not survive. They were born with congenital cataracts in both eyes, respiratory distress syndrome, neurological issues related to seizure disorder, kyphosis of the spine, one ear canal, and several other sensory, cognitive, and physical conditions. Laura's most limiting disability, however, is her inability to control explosive outbursts and impulses. This is attributed to severe Obsessive Compulsive Disorder, secondary to Autism.

As a Special Education teacher myself, I made sure that Laura received every opportunity to reach her full potential in school. She received 1:1 paraprofessional support, attended mainstreamed classes as much as possible, and qualified for accommodations that made it possible for her to successfully learn to read, write, draw, learn basic math skills, and even some foreign language. Like most people, her skills and abilities are scattered.

Laura's behavioral issues are developmental, pervasive, and are not something that can be controlled or exterminated with medications or other treatments. Extreme behaviors happen without warning, typically when unexpected changes occur or when Laura is unusually agitated due to PMS or other reasons. She can become violent, hurt people, or destroy property. Her social skills are also extremely limited, with obsessive interests in topics and events that are more typical for a young child. She loves Disney princesses, fairy tales, and believes in Santa Claus. She is happiest when mixed with other adults who share similar interests and who also have limited social/emotional and cognitive abilities.

Laura has been fortunate to have had the opportunity to reach her full potential in the workplace because of the wage accommodations possible through Section 14C of the Fair Labor Standards Act. This provision has allowed her to be hired in a fully supported work setting with trained staff who have been able to slowly and gradually introduce job skills at a pace and with the years of repeated practice she has needed to gain proficiency and appropriate working behavior. Over the course of several years, as Laura's skills as a rug weaver have improved, her salary has increased – commensurate with her ability. She is now earning minimum wage at this particular job.

Wages are not a concern for Laura since she has qualified for HCBS services, requiring constant supervision. She waited seven years for an opening at the group home where she lives, during which time her parents transported her 25 miles twice a day, to and from a rural bus route so she could attend her work center. Laura's concern isn't money for living expenses: it is continuing to have the right to work in an accommodated setting. Work centers cannot feasibly pay people minimum wage unless their employees are capable of working at an average capacity. The only alternatives are to severely cut back hours and/or close the centers. Laura has absolutely thrived and blossomed in her work center, where she has made friends, has a predictable routine, and has consistent, trained staff who know how to manage her behaviors. She is also able to continue to strive toward full potential, by working at other jobs, like pricing and shelving items at the work center's thrift store. She is much less efficient at this job, so her wage is below the prevailing minimum wage for our state. But to be clear – this is not a "subminimum" wage. It is a **commensurate wage accommodation** which allows people who would NEVER be employable under the same circumstances to learn valuable job skills and enjoy the productivity and self-esteem that comes with having the choice to work. The provisions of special wages under Section 14c need to be preserved to allow these people equal opportunity for meaningful employment.

I think it is also important to point out that working for commensurate wages and in a supported work center is always a choice. Alternatives for competitive employment and day activities are also available but working for accommodated wages in a supported setting has been the best fit for Laura's unique needs. She becomes agitated and overwhelmed in environments that are unpredictable and enjoys repetitive, productive activity. She does not socially fit in with peer groups in the greater community and will withdraw from her normally outgoing personality.

As most people are aware, the spectrum of disabilities encompasses an extremely broad range of people, from minimally limited to severely impaired. While it is important to reduce employment barriers for people with disabilities who are able to function well in competitive work, we cannot forget that this population also includes people who have severe cognitive disabilities and those who are medically fragile, mentally ill, and/or behaviorally challenged. In the recent drive toward "inclusion", many of the people with the highest needs are left out of the conversation. The goal for every one of these people should be to help them reach full potential while retaining the right to choose the setting, support systems, and social environment that best fits their needs.

Dawn Kovacovich, Parent/guardian of Laura Kovacovich