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CONNECTICUT

32 years after ADA, disabled people face barriers to employment, fair wage

By Stephen Underwood
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Thirty-two years after the signing of the Americans with Disabilities Act, many barriers still exist for people with physical, mental health and intellectual disabilities in finding employment and a fair wage.

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The [CDC estimates](#) one in five adults in Connecticut (598,002) or 21% of the state's residents have a disability.

Of that group, the number of people with disabilities in Connecticut who struggle to afford the basic necessities is far higher than federal poverty data indicates — 48% compared to 16% — according to a new report from United Way of Connecticut and its research partner United

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In 2019, while 16% of Connecticut residents with disabilities were deemed in poverty, another 32% were ALICE (Asset Limited, Income Constrained, Employed) or around 193,000 people. With income above the Federal Poverty Level but below a basic survival threshold — defined as the ALICE Threshold — ALICE households earn too much to qualify as “poor” but are still unable to make ends meet.

Combined, 48% of Connecticut residents living with disabilities were below the ALICE Threshold. The average ALICE Household Survival Budget in Connecticut was \$28,908 for a single adult, \$31,752 for a single senior, and \$90,660 for a family of four in 2018 — significantly more than the Federal Poverty Level of \$12,140 for a single adult and \$25,100 for a family of four.

The other 52% of people living with a disability in the state are either making more than the ALICE threshold or were not counted because they live in census-defined “group quarters” which includes 38,250 residents in nursing homes or correctional facilities and over 13,000 in “non-institutional group quarters” like group homes, college dormitories, or military barracks. Some 171,000 people with disabilities in the state live in households considered above the ALICE Threshold. However, over 40% of those considered to be in households above the ALICE Threshold live in a home with another adult who works.

“On the 32nd anniversary of the Americans with Disabilities Act, we see that residents with physical, mental or emotional conditions who are struggling financially are not only being undercounted but underserved,” said United For ALICE national Director Stephanie Hoopes, Ph.D. “There is still work to do, as having a disability puts individuals at substantial risk for financial instability, more than many other factors. Daily, and even more so during the COVID-19 pandemic, these individuals face barriers to accessing a quality education, secure jobs and critical supports.”

In addition, Black and Hispanic residents with disabilities — 62% and 74% respectively — disproportionately experienced financial hardship compared to 40% of white people with disabilities, according to United for ALICE.

Deborah Dorfman, executive director of Disability Rights Connecticut, is a legal advocate for people with disabilities.

“People with disabilities have been living in financial hardship for many years,” Dorfman said. “I’ve been doing this work for over three decades, and we’ve always known the numbers were much higher for people with disabilities.

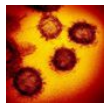
“There are many barriers people with disabilities face including discrimination and earning subminimum wage pay. Sub-minimum wage pay is particularly a problem we see for people with intellectual disabilities. The other issue is that employers who do pay disabled employees more than minimum wage are often hesitant to hire on more than one or two people who are disabled.”

The Fair Labor Standards Act provides for the employment of certain individuals at wage rates below the minimum wage. These individuals include student-learners, as well as full-time students employed by retail or service establishments, agriculture or institutions of higher education. Also included are individuals whose earning or productive capacity is impaired by a physical or mental disability.

“You have some people making just a few dollars an hour,” Dorfman said. “They’re doing the same work as everyone else, and many are working very hard. But you can’t live independently making a few dollars an hour.”

The National Down Syndrome Society and other advocacy groups have called for phasing out subminimum wages to help pave the way for equality in the workplace for people with intellectual disabilities. So far, several states including Maine and New Hampshire have passed bills to phase out the payment of subminimum wage under Section 14(c) of the Fair Labor Standards Act.

The Connecticut Department of Developmental Services proposed HB 6739 in 2019. That bill, which would have prohibited employers from paying disabled employees less than the state-prescribed minimum wage, ultimately died in committee.



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The new research also shows that outdated federal guidelines prevent the majority of residents with disabilities who are living in financial hardship from accessing critical public assistance. According to the ALICE report, 82% of residents with disabilities below the ALICE Threshold did not receive Supplemental Security Income (SSI). The program requires that recipients have income below the poverty level, be unable to work, have a “severe” impairment and have less than \$2,000 in their bank accounts, \$3,000 if they are a married couple.

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Under Title I of the ADA, a reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things are usually done during the hiring process. These modifications enable an individual with a disability to have an equal opportunity not only to get a job, but successfully perform their job tasks to the same extent as people without disabilities.

“It can be very difficult for an employee to get the reasonable accommodations they need to do their jobs,” Dorfman said. “A lot of employers don’t understand that they can’t just deny every accommodation they receive even if they deem it unreasonable or undue burden. If the accommodation being requested is deemed unreasonable there has to be an interactive process to try to come up with a reasonable accommodation that will work for the employee or applicant.”

Dorfman said that since the passage of the ADA, she has seen many cases of reasonable accommodation requests denied or challenged. Often, employers don’t want to shoulder the costs of making the accommodation so try to find ways around the request.

“We have a long way to go,” Dorfman said. “Many people with disabilities are afraid to speak up in fear of losing their jobs or for fear of retaliation. But it’s important to remember that people with disabilities have rights. They have a voice.”

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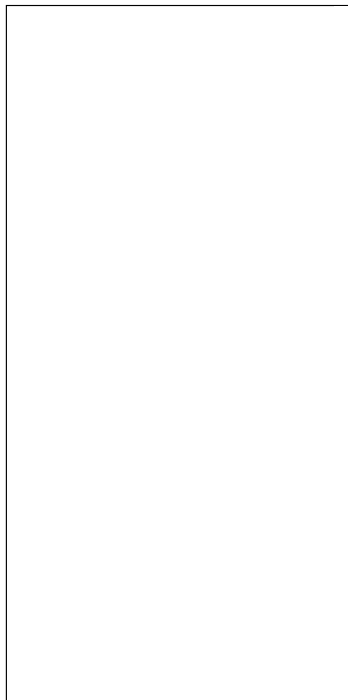
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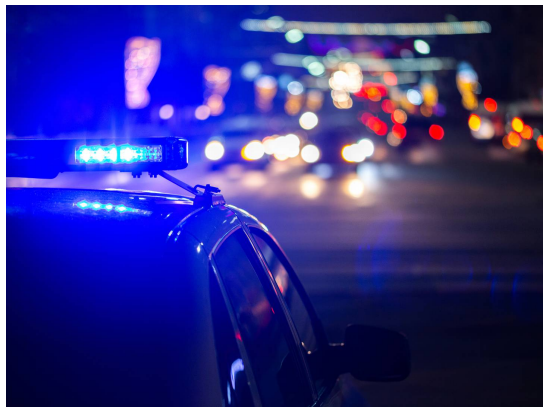
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