

Oregon's sheltered workshops for the disabled to be phased out under terms of settlement



Former U.S. Attorney Amanda Marshall, joined by Bob Joondeph, executive director of Disability Rights Oregon, announced in 2013 that the U.S. Department of Justice had joined a federal lawsuit that accuses Oregon of violating the Americans with Disabilities Act. *(Brent Wojhan/The Oregonian)*



By **Bryan Denson | The Oregonian/OregonLive**

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More than 1,100 severely disabled Oregonians who now labor in **sheltered workshops**, often earning pennies an hour, will get a chance in the next seven years to take jobs in the general workforce that pay a living wage.

The U.S. Department of Justice announced Tuesday that parties to a 2012 lawsuit against the state of Oregon have reached a proposed settlement that paves the way for people with intellectual or developmental disabilities to migrate from the workshops to mainstream jobs.

The Justice Department estimates that the lives of roughly 7,000 people 14 years and older will be enriched by the settlement, which will give them chances to become gainfully employed in the open marketplace.

"People with disabilities deserve opportunities to work alongside their friends, peers and neighbors without disabilities and to earn fair wages," **Vanita Gupta**, the head of the Justice Department's Civil Rights Division, said in a news release.

The United Cerebral Palsy Association of Oregon and Southwest Washington, along with eight individuals, sued Gov. John Kitzhaber and top Department of Human Resources managers with the aim of putting an end to sheltered workshops.

The proposed settlement resolves what the government characterizes as the nation's first lawsuit to challenge a state-funded and administered employment service system, including sheltered workshops, which officials allege was a violation of the **Americans with Disability Act of 1990**.

Justice Department officials alleged that Oregon violated the landmark law by unnecessarily segregating adults with severe disabilities in sheltered workshops and by placing disabled youths at risk of following in their footsteps.

Parties to the suit, which the Justice Department joined in 2013, worked for years to reach a settlement. They expect to file their agreement in Portland in the next few weeks, but it must be approved by U.S. Magistrate Judge Janice M. Stewart.

"This is a big win for Oregonians, [Gov. Kate Brown said](#) in a news release. "We are already on track to provide integrated employment opportunities for people with intellectual and developmental disabilities. This settlement continues our commitment to ensure that all Oregonians are part of the economic recovery."

[Eve Hill](#), a deputy assistant attorney general for civil rights, said the defendants in the lawsuit took the issue head on.

"During the course of this litigation, Oregon decided to own this issue," Hill said. "They stopped thinking that the federal government was forcing them to do something they didn't want to do. They realized this is an approach that serves all Oregonians, including those with disabilities."

Hill noted that big corporations have already come to realize the value of having people with severe disabilities on the payroll.

For example, she said, 40 percent of the employees at [Walgreens' distribution centers](#) have serious disabilities. They must meet the same company standards and earn the same wages. Hill noted that job accidents are down and so is absenteeism.

For generations, people with severe disabilities who sought work were often steered into sheltered workshops, where they almost always labored in menial and repetitive jobs - such a putting stickers on record album covers or sorting nuts and bolts. Caregivers for many of them found the places safe harbor. Many still do.

Jobs in the cloistered settings typically pay less than the minimum wage. A federal law allows the nonprofits to pay [piecework wages](#) that often amount to pennies an hour, which meant that few workers could ever learn a living wage.

Many progressives began to see this as a new form of segregation.

Oregon in the 1990s became a national leader in finding innovative ways to integrate workers with even the most severe disabilities - such as cerebral palsy, mental retardation and spinal injuries - into the general workforce. Nonprofits provided coaching and supports for the workers and helped get them jobs such as sacking groceries, watering plants or cleaning tables.

But by early 2013, according to a Justice Department study, 2,600 people were working in Oregon's sheltered workshops - more than twice the number from a decade earlier. More than 60 percent of working Oregonians with severe disabilities worked in the shops, while just 16 percent found work in the general public.

The settlement seeks to reverse that trend.

"As a result of the proposed settlement, over the next seven years, 1,115 working-age adults with (severe disabilities) who are currently being served in segregated sheltered workshops will have opportunities to work in real jobs at competitive wages," the Justice Department said.

"Additionally, at least 4,900 youth ages 14 to 24 years old will receive supported employment services designed to assist them to choose, prepare for, get and keep work in a typical work setting."

Half of the youths now receiving employment services will get, at a minimum, an individual plan for their employment through Oregon's [Office of Vocational Rehabilitation Services](#).

The state of Oregon has already helped to move 1,000 people out of sheltered workshops into jobs in the public midst. Add to that the 1,115 workers expected to make the same move, and the 4,900 youths who will be prepared for work, roughly 7,000 workers will benefit from the settlement agreement, Hill said.

A little more than a week after the Justice Department joined in the class-action lawsuit against Kitzhaber, the governor announced a plan to move more Oregonians with severe disabilities into the general workforce and gradually decrease funding to nonprofit sheltered workshops.

Then in a landmark Americans with Disabilities ruling in April 2014, state officials in Rhode Island announced that they had entered an agreement with the Justice Department to move people out of low-paying sheltered workshop jobs into the general workforce. Top lawyers in the Justice Department hailed this as a blueprint for the nation - including Oregon.

Early last February, Kitzhaber issued an executive order intended to guide people with severe disabilities into jobs in the general workforce. The order set up a plan to provide job training, internships and work experience to high school special education students so that when they left school they could join the workforce instead of being segregated in sheltered workshops.

Bob Joondeph, the longtime executive director of [Disability Rights Oregon](#), said the settlement will open doors for people and show that Oregon can return to being a leader in employing people with disabilities.

"There's a history of excluding people with disabilities in society," he said, "and the damage that's inflicted over the years is tremendous. ... This is another step in changing society's direction."

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