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PORTLAND, ORE. – Sept. 8 -- Under a proposed Settlement Agreement of a federal class action law suit announced today, thousands of individuals with intellectual and developmental disabilities (I/DD) will have more opportunities to work in competitive employment instead of being segregated in sheltered workshops where they earn sub-minimum wages for performing mundane tasks. The proposed Settlement Agreement is subject to review and approval by U.S. District Court Magistrate Judge Janice M. Stewart.

The proposed settlement impacts an estimated 7,000 Oregonians who have been or are at risk of being segregated in sheltered workshops. Sheltered workshops are facilities that pay workers with I/DD pennies per hour for jobs that offer no training, skills or advancement, such as folding bags and placing labels on envelopes.

The proposed Settlement Agreement, negotiated by state officials, the U. S. Department of Justice and attorneys for individuals with developmental disabilities, stems from a class action lawsuit, *Lane v. Brown*, that charged Oregon with violating the Americans with Disabilities Act, the Rehabilitation Act, and the U.S. Supreme Court's landmark decision in *Olmstead v. L.C.* by segregating individuals with disabilities in settings where they have little to no interaction with non-disabled peers.

Lead plaintiff Paula Lane, who made a high of 66 cents an hour packaging gloves on a sheltered workshop assembly line over a 12-month period in 2010-11, recently started a community-based job that pays minimum wage. She said her new job is “good,” and said, “I can make more money this way.”

The lawsuit was filed in U.S. District Court in Portland on Jan. 26, 2012. The U.S. DOJ intervened on March 27, 2013, to enforce the federal interest in the full enforcement of the ADA.

The proposed Settlement Agreement, which obligates the State to expand community integrated employment and employment services in integrated settings, acknowledges that Oregon has made progress providing employment services to and improving employment outcomes for individuals with I/DD. After the lawsuit was filed, then-Gov. John Kitzhaber signed two Executive Orders to reduce the number of individuals with I/DD relegated to sheltered workshops. As of July 1st, Oregon stopped purchasing or funding sheltered workshop placements for specific groups of individuals, such as youths transitioning from school into the workforce.

Executive Orders 15-01 and 13-04, the Oregon Department of Human Services’ (DHS) Integrated Employment Plan (Revised July 2015), the DHS Employment First Quality Assurance and Quality Improvement Plan, the DHS Employment First Communication, Outreach, and Awareness Plan, the Oregon Office of Developmental Disability Services’ Training and Capacity Plan, and the Oregon Office of Vocational Rehabilitation Services’ (OVR) Provider Transformation Grant Program together represent a commitment by the State of Oregon to reform its employment service system for individuals with I/DD. The proposed Settlement Agreement builds upon these plans and commitments, and incorporates many of their provisions.

The Executive Orders, plans and commitments alone do not require the achievement of competitive employment or real jobs for anyone, and are not legally enforceable. The proposed Settlement Agreement, on the other hand, requires the State to ensure that over 1,000 individuals will be provided competitive employment and 4,900 youth will be provided with vocational services that should lead to integrated employment. "The proposed Agreement will ensure that thousands of persons with intellectual disabilities can work in real jobs for real pay," said lead plaintiff attorney Steven Schwartz of the Center for Public Representation.

Under the proposed Agreement:

- By June 30, 2017, Oregon will reduce the number of individuals with I/DD in sheltered workshops from approximately 1,925 to 1,530 and decrease the total time that adults with I/DD spend in sheltered workshops from approximately 93,530 to 66,100 hours a year;
- The state will ensure that 1,115 working-age individuals currently in sheltered workshops obtain competitive integrated employment by June 30, 2022;

- Supported employment services shall be based on an individual’s capabilities, choices, and strengths. People who receive supported employment services in an integrated employment setting under this proposed Agreement will have a goal of working the maximum number of hours consistent with their abilities and preferences, without regard to the availability of employment opportunities;
- By July 1, 2022, Oregon will ensure that at least 4,900 people between the ages of 14 and 24 receive state employment services and at least half will receive, at a minimum, an individualized employment plan through OVRs that should lead to competitive employment;
- The State will establish a goal that individuals with I/DD who receive supported employment services under the Agreement work in an integrated employment setting at least 20 hours per week;
- Local educational agencies may not include sheltered workshops in the continuum of alternative placements and supplementary aids and services provided to students and school instructional curricula shall not include activities similar to sheltered workshops;
- A neutral Independent reviewer shall be selected by the parties or the Court to assess the state’s compliance; and
- Oregon shall substantially implement and maintain the terms and systemic improvements of Executive Order 15-01 that enhance employment services for individuals with I/DD with the goal of competitive, integrated employment.

Ann Coffey, executive director of United Cerebral Palsy of Oregon and Southwest Washington (UCP), the organizational plaintiff in the lawsuit, applauded the proposed settlement. “I am confident the case will resolve in a positive and productive manner. Oregonians experiencing I/DD will have greater opportunity to work, to reach economic independence, and contribute to their communities.”

One of the named plaintiffs, Andres Paniagua, 35, of Beaverton, said of the proposed Settlement: “It’s going to help me get a job in the community.” Mr. Paniagua, who travels two hours each way to a sheltered workshop where he works with 66 other individuals with disabilities cutting steel, added: “I’d like to work hourly and [in a job] that pays more.”

In addition to CPR, the plaintiffs are represented by Disability Rights Oregon (DRO), Miller Nash Graham & Dunn, and Perkins Coie. Bruce Rubin, attorney at Miller Nash, referenced the sheltered workshop tours conducted since the case started and said, “Visiting the sheltered workshops and getting to meet the clients that we are helping to move out of them made all the work on this case as gratifying as anything I have done.” Added Tom Johnson, attorney at Perkins Coie: “We were privileged to play a role in benefiting the lives of people wanting only to make greater contributions in the workplace.”

“This case has been so important because it has moved the discussion of what people with intellectual disabilities can do with their lives into a whole other realm,” said Kathy Wilde, DRO legal director. “The worlds of work, and of belonging to the larger community, are now open to them.” DRO Executive Director Bob Joondeph agreed: “This proposed settlement came about because everyone involved, from the Governor to providers, families and self-advocates want the lives of individuals with I/DD to be richer and more fulfilling.”