

Judge Approves Shift Away From Sheltered Workshops

by Shaun Heasley | January 6, 2016

A settlement in a first-of-its-kind lawsuit is set to reshape a state-run employment program for people with disabilities that has been heavily dependent on sheltered workshops.

Under an agreement finalized just before the new year, 1,115 Oregon residents with disabilities who are employed in sheltered workshops will receive jobs in the community that pay at least minimum wage over the next seven years.

An additional 7,000 individuals with disabilities in the state – including 4,900 between the ages of 14 and 24 – will receive employment services so that they will have an opportunity to obtain traditional jobs.

The settlement approved by the U.S. District Court for the District of Oregon comes roughly four years after residents with developmental disabilities and advocates first filed suit accusing the state of Oregon of violating the Americans with Disabilities Act by failing to provide supported employment services.

The class-action suit charged that individuals with developmental disabilities who wanted to work in community-based settings were instead stuck in jobs at sheltered workshops earning less than minimum wage. Plaintiffs in the case included people with disabilities who had previously worked at McDonald's, Safeway and other businesses.

Known as Lane v. Brown, the case is the first in the nation to challenge a state employment program over the right of those with disabilities to receive services in the most integrated setting possible.

“People with disabilities deserve opportunities to work alongside their friends, peers and neighbors without disabilities and to earn fair wages, access equal opportunities for advancement and to achieve social and economic independence,” said Vanita Gupta, head of the Civil Rights Division at the U.S. Department of Justice, which intervened in the case in 2013 and helped broker the recent deal.

“We are pleased that the state of Oregon has fully embraced integrated employment services for people with disabilities, and we look forward to seeing the ways in which thousands of Oregonians with intellectual and developmental disabilities will contribute, grow and advance in typical workplaces throughout the state,” Gupta said.

At present, about 1,900 Oregon residents are employed in sheltered workshops, according to the Justice Department. Under the court-approved plan, that number is expected to decline, though the settlement does not call for the segregated placements to close.

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