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Introduction

The state of Washington should not employ people with developmental disabilities in segregated settings at less than minimum wage, but that is exactly what Washington is doing in its state-run institutions. Washington State’s Developmental Disabilities Administration (DDA) holds itself out as a national leader in supporting individuals with developmental disabilities living in the community to work in integrated settings and earn minimum wage or better. DDA sets policies and provides funding to private companies to deliver a variety of employment supports that help people with developmental disabilities secure and maintain good jobs. In a few state-run facilities, DDA delivers employment support directly, not through these private employment support providers. In these state-run facilities, DDA does not offer the same services to their clients that similarly situated clients living in the community would get.

This report provides a summary of Disability Rights Washington’s investigation into the employment services at one such facility, Rainier located in Buckley, Washington. The report compares the services at Rainier to services that are successfully used in the community for people with the same type of employment support needs.

The report shows that despite being well aware that people with developmental disabilities can and deserve to be employed in community...
settings,\textsuperscript{8} in highly rewarding jobs of their choosing, making at least minimum wages, the state does not deliver supports to make that a reality for the people who are in their custody and directly employed by them. Instead, residents of state facilities are relegated to work in isolated locations, doing a limited number of tasks that are not individualized to their needs or interests, earning less than minimum wage. Washington knows it can do better to support and pay its workers with developmental disabilities because it knows how to achieve those outcomes for people with developmental disabilities in the community receiving state funded employment supports from private companies and employed by private employers at minimum wage or more. There is no excuse for excluding people with developmental disabilities from adequate support and pay.

\section*{Background}

\textbf{Disability Rights Washington}

Each state and territory has an independent advocacy organization with a federal mandate to ensure the rights of people with disabilities are protected and they are not abused or neglected. In Washington, Disability Rights Washington is that organization as it has been designated as the state’s Protection and Advocacy System by the governor.\textsuperscript{9}

\textbf{Rainier}

The Washington State Department of Social and Health Services’ (DSHS) Developmental Disabilities Administration (DDA) oversees the operation of services to meet the needs of people with developmental disabilities. This includes privately and publicly run, institutional and community based services for people with developmental disabilities. The Developmental
Disabilities Administration directly runs intermediate care facilities, including Rainier.  

**Scope and Methodology**

As the state’s designated protection and advocacy system, one of the responsibilities of Disability Rights Washington is to meet individuals with developmental disabilities where they are receiving “services, support and other assistance” to share information about Disability Rights Washington’s services and conduct monitoring regarding the individuals’ “Rights and safety.”

During August and September of 2018, Disability Rights Washington conducted three onsite visits to Rainier to speak to residents about work and the support they are receiving for work. Disability Rights Washington spoke with or observed over forty residents working in different jobs offered by Rainier. Seventeen residents answered a series of short answer questions focused on work through an interview with Disability Rights Washington staff. Observations of work sites on the campus of Rainier and at the Rainier Thrift and Gift store located in Buckley are also reflected in this report. Residents who chose to participate were interviewed in a variety of locations from their work sites to their residences. Residents were not offered compensation of any kind to take part in the interviews and could choose to not talk or end their participation at any time.
DDA and Employment Support: Community versus Rainier

DDA prioritizes employment support as the first type of service that should be tried when supporting an individual to find meaningful activities to fill their days. There are various employment supports paid for by DDA. These supports are provided through contract by numerous employment support companies who serve individuals with developmental disabilities in their local community. The services are to be individually customized to fit the particular needs of each person. This means that each individual receives personalized support. There is a variety of support that can be offered, such as job coaching from an employee support staff or skill building training to help individuals increase their capacity to work longer or in new positions.
DDA funded community-based employment support is offered in various integrated settings. An integrated setting is an employment setting that resembles what most people think of when they think of an employment setting. It is an employment location that does not segregate its employees with disabilities from the rest of the workforce. This is in contrast to sheltered workshops, which are settings that segregate people with disabilities and limit their access to interactions with co-workers and business patrons who do not have disabilities. Integrated settings ensure that the individuals DDA serve are not spending all of their work hours with only paid support or other individuals with disabilities. Integrated employment settings provide opportunities to integrate into the community in other ways, through fostering relationships, skill building, and providing the chance for individuals to meet like-minded co-workers and grow their non-paid support network. This type of support can also result in more opportunities for individuals to earn at least minimum wage or better, as DDA strives to ensure individuals in the community are earning a living wage. The key aspects of DDA’s community-based employment support system is that all services strive to be integrated in a community setting, individualized, and result in individuals earning at least minimum wage. All of this is in keeping with current federal civil rights laws that promote integration of people with developmental disabilities into the community at large and prohibit unnecessarily segregated employment services.

“Integrated settings ensure that the individuals DDA serve are not spending all of their work hours with only paid support or other individuals with disabilities.”
Working at Rainier: Segregation of Resident Workers

On-campus Sheltered Workshops

In contrast, at Rainier, the state employs workers with disabilities in sheltered workshops.\textsuperscript{22} Disability Rights Washington visited two of these workshops. In one workshop on the Rainier campus, resident workers prepare donated goods to be sold at a thrift store operated by the state off-site from the Rainier campus. The work observed in this workshop consisted of residents loading items in an industrial washer and sorting goods at a table. The second workshop on the campus of Rainier that Disability Rights Washington visited is separated into three different work areas, where workshop employees were observed feeding paper into a shredder, unfolding and stacking newspapers, and bending wire to form closed end loops. Like all sheltered workshops,\textsuperscript{23} Rainier’s sheltered workshops place individuals with developmental disabilities in segregated group locations where they only work with other residents and are supervised by Rainier staff members. Disability Rights Washington did not observe any resident worker receiving one-on-one training. Instead, one Rainier staff member supervised four to six resident workers as they performed their assigned tasks.

“...where workshop employees were observed feeding paper into a shredder, unfolding and stacking newspapers, and bending wire to form closed end loops.”
Off the grounds of Rainier, the state runs the thrift store located in Buckley, Washington. The store purports to offer work in a community setting learning retail skills, such as operating a cash register, assisting customers, stocking shelves, and organizing displays. However, the actual location of the thrift store can make it feel just as segregated as the grounds of Rainier. The thrift store is located in the Buckley Business Park, a group of industrial garages and businesses, primarily used by manufacturers and automobile mechanics. The thrift store is located in the far back corner of the Business Park, hidden from sight by the activity of the other businesses. Unless an individual is already familiar with the thrift store’s location, they would easily miss the store. Furthermore, unless a person is inclined to travel to
an industrial park to shop for clothes and other donated household items, they will choose to go elsewhere even if they are aware of its existence.

While Disability Rights Washington spent time at the thrift store, barely any work was observed being completed by resident workers. Individuals are assigned tasks that they do not even take part in. Instead they are left to wander around the store or just sit in a chair during their work shift, gaining no skills and no sense of purpose that work provides for many people. Of the three resident workers observed, only one was actively
involved in a task that consisted of arranging clothes on a rack or straightening a display end.

One resident worker sat with their head on a table in the backroom of the store. Another resident worker was slouched in a chair near the register, with an expression of boredom on their face. They told Disability Rights Washington they were assigned the task of working the cash register. Upon returning to the store later that same day, the individual was found sitting in the same spot while a staff member assisted a customer at the register. When asked how often they work the cash register, they replied, “I don’t.” When asked what they do all day, they replied, “I sit here.”

**“When asked what they do all day, they replied, ‘I sit here.’”**

**Truck-based Mobile Crews**

There are also mobile crews operated by Rainier that could provide some community integration, but the amount of integration is limited. First, the composition of the crew is segregated, as the mobile crews consist of at least one staff member and three to four residents. The crews travel by truck to pick up recyclables from locations in Sumner, Buckley, and around the Rainier campus. They also pick up donated goods at the thrift store and at community drop offs to take back to Rainier, where the goods are sorted and cleaned by workers in the on-campus sheltered workshop. The mobile crews then take the cleaned and sorted donations back to the thrift store.
This provides only a partially integrated work experience because the mobile crews have limited opportunities to interact with community members at the points of picking up and dropping off items. The job is primarily segregated, as most of the time in each shift is spent traveling between sites, and during this time, all interactions are with coworkers with disabilities and Rainier staff. Additionally, not all pick-ups are in the community, as some of the places they pick up items are on the campus of Rainier. Furthermore, most of the drop offs are segregated either on the campus of Rainier or the thrift shop and would involve interactions with only workers with disabilities and Rainier staff. Even in those instances where a pick up or drop off is in the community, the work of loading or unloading the truck is done with co-workers with disabilities and Rainier staff. The mobile crews’ mobility does provide one significant advantage over the other completely or primarily segregated work opportunities. It provides a good opportunity to get off the grounds and drive around, as
alluded to by one interviewee who responded when asked about what they like best about working on the mobile crews stated, “I like going to town.”

The work of the mobile crew involved a single staff member directing four resident workers in how to load recycle bins onto a truck bed lift that was operated by another resident in the back of the truck that would then move the bins onto the bed. The skills individuals are learning are limited, as they are not based on each individual’s personal employment goals and interests. One Rainier staff informed Disability Rights Washington that a particular resident “has been with [Rainier] the longest and knows every aspect of the job, they could probably even drive the truck if [they] taught them.” This statement by staff shows that the individual has a greater capacity for skill building, yet they are in a position that they have mastered sometime in the past, and there was no reference to a plan to build additional skills so the individual can be competitively employed in the community, or seek such a job now if the resident already has sufficient skills to make that transition.

**Limited Job Options for Resident Workers**

In the community, DDA provides support to help individuals seek jobs in any setting they choose and even supports people to start their own small businesses that fits well with their personal interests and strengths. Resident workers’ experiences at Rainier did not reflect similar individualization and choice. When residents were asked about the choices they had when it came to work options they indicated they lacked meaningful choices.
One resident had lived in the community, worked at different businesses in the past, and had walked from their home to work. That person had no opportunities to choose what type of business they worked for or maintain the skills of selecting a job and getting to work on their own each day. There is a significant difference between working in a job that someone else chose for you, on the grounds of where you live, and the freedom that comes from walking the path of your choosing and interacting with the people of your choosing while on the way to the job of your choice.

When asked how they enjoyed their work, many responded that it was “okay.” One individual stressed that their current job is too hard for them, and that they would rather be working on the mobile crews, while another resident worker who had a job on the mobile crew said the skills involved in that job, such as loading and unloading trucks, were not relevant to the types of jobs they actually wanted. Another resident worker also had clear
aspirations of working in the community and knew exactly the field they wanted to work in, but it was not clear that the current job was building skills to land a job in that field or whether anyone was actually working on that goal with the individual. Another resident stated that they “would like to work in the coffee shop, because I think I could make more money there.” This individual reported that they currently only make $15 a month.

Several people said they were interested in working in auto shops in the future. While some jobs had allowed people to build customer service or cleaning skills that could theoretically be transferred to a job outside of Rainier, no one had a specific plan in place to do so and Disability Rights Washington was not informed of any success stories in which someone transitioned from a Rainier-based job to an individualized job of their choosing in the community. There is a significant difference in personal satisfaction and motivation between cleaning a generic building or performing other job skills in a setting someone else selects for you, and getting to work with particular people and products you choose and value as an individual.

Individuals expressed interest in working in a variety of different fields such as retail, food service, automotive, warehouse work and construction. Each of these individuals needs personalized support so that they can attain their employment goals. Moreover, some individuals had prior work experience, and could be building upon those skills they already have to help them earn jobs in the state’s growing fields, but the jobs available at Rainier do not always provide those opportunities.
Limited Work Hours and Subminimum Wages for Residential Workers

In addition to being segregated from the community, and having limited options for work sites and job tasks, resident workers have limited work hours and pay. Resident workers reported a variety of hours they worked during the week. Individuals reported working as little as one and a half hours a week, to working five days a week for four hours a day. Residents that reported working four hours a day were for the most part members of the mobile crews. Workers attributed the longer hours on the mobile crews to the time necessary to travel between pick up and drop off locations, meaning the job performance and skill building aspect of the job is a small portion of the overall work time. Despite the large number of people employed by Rainier as fulltime Rainier staff and as resident workers, the availability of hours to work is not necessarily dependable for resident workers. One individual who reported working only one and a half hours a week stated they were not working that day because Rainier staff “canceled work.” Few residents knew what their wages were hourly or monthly, and few kept track of their earnings. One resident worker stated that they work two different jobs at Rainier, but they did not know how much they made monthly and could only guess at what the amount could be. Another resident worker who was a member of a mobile crew said they usually work four hour shifts, but they were not sure how much they made a day

“One individual who reported working only one and a half hours a week stated they were not working that day because Rainier staff ‘canceled work.’”
or a month. According to a Rainier staff member, “I believe that they (residents) get a copy of their paystubs and the original is kept with payroll.” Only one resident stated that they had copies of their paystubs to help them keep track of their wages.

One resident worker told Disability Rights Washington that they had previously had a couple of jobs in the community before moving to Rainier, but now they worked for much less money an hour. They reported that despite working a significant number of hours, their pay at Rainier worked out to only about a dollar an hour. When asked if this was fair, the individual stated that they felt they should be getting more. Another resident worker had lived at Rainier much longer and worked only an hour or two once each week. When asked how much they believe they make; they responded “...I make $15.90 a month, sometimes earning $2-3 dollars a day.” 27
Conclusion

The services DDA provides at Rainier are inferior to the services provided in the community. At Rainier, the employment supports are inconsistent to the goals, values and principles that DDA holds out for people living in the community. The residents of Rainier who are supported to get a job by the state and who also work directly for the state are told they must work in segregated settings, have a limited number of job options, and work few hours for less than minimum wage. In short, when Washington State’s DDA directly supports and employs workers with disabilities it does the exact opposite of what it expects from private companies when they provide employment supports or employ workers with disabilities in the community.

“...I make $15.90 a month, sometimes earning $2-3 dollars a day.”

The state of Washington should stop providing services to residents at Rainier in a way that is counter to their own guidelines and goals for the state. In the community, DDA is capable of designing and running a statewide system of individualized employment supports for individuals with developmental disabilities to ensure that they are working in integrated settings, in jobs that are individualized to their personal needs and interests, and earning at least minimum wage. The facilities that DDA is in charge of overseeing and administering should provide resident workers the same services. The state should stop employing people in sheltered workshop settings, move away from group support employment to individualized employment, prepare resident workers for entry into the larger workforce in the community, and never pay a state worker less than the state minimum wage. No resident worker should be left to work in the
same position for years without gaining additional skills, especially when their support staff already recognize they have capacity to learn additional skills.

This report highlights the on-going failures to prepare residents of Rainier for independence and life in the community. DDA appropriately places great value on supporting the people they serve as they pursue opportunities for work, build relationships with non-staff individuals, and choose who supports them in their pursuits. Many residents of Rainier are not benefiting from these values, as they are only working with paid staff and other residents in a limited number of segregated work environments. Furthermore, the isolation of the work offered at Rainier is not lost on the residents, as the most sought after job is the mobile crews. Individuals that are already working on the mobile crews state that going to town is one of the best parts of the job. This suggests that it is not just the type of work being offered that is enticing, it is the fringe benefit of leaving Rainier.
This report adds to the desolate picture painted by other recent reports by Disability Rights Washington. Rainier has serious life or death health and safety issues and a significant lack of habilitative, skill building treatment. This has resulted in the federal government repeatedly citing Rainier for violating the law and taking progressive corrective action against the state for these failures. To these failures can be added one more. Rainier does not support employment for its residents that includes them in the community or fairly compensate them for their labor.
About the author

Brian McQuay is an investigator for Disability Rights Washington’s Rights Investigation and Accountability Program. The program investigates the extent to which individuals with disabilities retain their basic rights to make personal and financial decisions and how people in positions to assist them in exercising those rights respect, protect, and facilitate the individual’s expressed interests.
End notes


3 See WAC § 388-845-0600 (defining community access services as “(1) provided in typical, integrated settings; (2) are individualized that promote skill development, independent living, and community integration for learning how to actively and independently engage in their community; and (3) provide opportunities for individuals to develop relationships and increase independence.”). For more information on the type of services offered by DDA to support employment for people with developmental disabilities, see also WASH. STATE DEP’T OF SOC. & HEALTH SERVS., DEVELOPMENTAL DISABILITIES ADMIN., SERVICES AND PROGRAMS (NONRESIDENTIAL) [hereinafter DDA Services and Programs], https://www.dshs.wa.gov/dda/consumers-and-families/services-and-programs-non-residential (last visited Oct. 18, 2018).


5 DDA Services and Programs, supra note 3.

6 The DDA has developed “guiding values” to assisting individuals with developmental disabilities as inclusion, status and contribution, relationships, power and choice, health and safety, and competence. DDA further defines each of these values with a subset of items important to the value. DDA defines inclusion as having choice in where a person lives, and having a good job with equal pay; status and contribution as having a respected job with a living wage; and power and choice as personal risk in pursuit of dreams and goals. See WASH. STATE DEP’T. OF SOC. & HEALTH SERVS., DEVELOPMENTAL DISABILITIES ADMINISTRATION GUIDING VALUES (June 27, 2016) [hereinafter DDA GUIDING VALUES], 
Rainier is a state-run Residential Habilitation Center (RHC). The Washington state Department of Social and Health Services’ (DSHS) Developmental Disabilities Administration (DDA) oversees the operation of services to meet the needs of people with developmental disabilities. Rainier provides vocational training and employment by employing some residents. See WASH. STATE DEP’T OF SOC. & HEALTH SERVS., DEVELOPMENTAL DISABILITIES ADMIN, RAINIER SCHOOL [hereinafter DDA RAINIER SCHOOL], https://www.dshs.wa.gov/dda/consumers-and-families/rainier-school (last visited Oct. 3, 2018). Rainier operates sheltered workshops as one of the employment options for residents. See RCW § 43.20A.445 (1983).


DDA RAINIER SCHOOL, supra note 7.


Hereinafter referred to as “the thrift store”.


DDA Services and Programs, supra note 3.

Individuals and their families are able to locate employment support providers near them via a web search. Currently there are six providers within twenty miles of the city where Rainier is located in Buckley. See Washington Employment Provider Search: Results, https://www.statedata.info/washington/result/Buckley/20 (last visited Oct. 12, 2018).

WAC § 388-845-0600.

DDA Services and Programs, supra note 3.

Sheltered workshops are worksites that segregate employees with disabilities from non-disabled coworkers by placing individuals in work locations where they are only working with
other employees with disabilities and support staff. A sheltered workshop is meant to provide training for individuals in order to transition to a job in the community. See WAC § 458-16-330; see also Wash. State Dep’t of Soc. & Health Servs., Developmental Disabilities Admin., Services and Programs (residential), https://www.dshs.wa.gov/dda/consumers-and-families/residential-services (last visited Oct. 19, 2018) (stating that “Pre-Vocational services (often called sheltered workshops because of the segregated setting in which the work takes place) generally provide training and skill development for groups of workers with disabilities in the same setting.”).

20 DDA Services and Programs, supra note 3.

21 In 2012, Disability Rights Oregon filed a class action lawsuit to challenge Oregon’s failure to provide supported employment services to more than 2,300 state residents who were segregated in sheltered workshops, based on Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-34, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a), and Olmstead v. L.C. ex rel. Zimring, 527 U.S. 581 (1999). A settlement agreement was approved in 2015 and called for 1,115 people in sheltered workshops to receive jobs in the community at competitive wages over seven years. 7,000 people would receive employment services to afford them the opportunity to work in the community. See Lane v. Brown, No. 3:12-CV-00138-ST, 2016 WL 589684 (D. Or. Feb. 11, 2016).

22 See the definition of a sheltered workshop, supra note 19.

23 See supra note 19.

24 See, e.g., WASH. INITIATIVE FOR SUPPORTED EMP’T., supra note 2, at 16 (“There are currently more than 40 people [with developmental disabilities] statewide who have established themselves as ‘entrepreneurs’ in their communities, involved in the making, promotion, and selling of products they have created or in the promotion and selling of their services.”); People with disabilities who receive Social Security can benefit from the Ticket to Work program, a national program that helps individuals determine the best employment path for them, including self-employment. See SOCIAL SECURITY ADMIN., TICKET TO WORK, https://choosework.ssa.gov/al get-started-today.html (last visited Oct. 17, 2018).

25 Several Rainier residents expressed an interest in working at the coffee shop located on campus, but when Disability Rights Washington visited the coffee shop, no resident was observed working there.

26 Washington State designated high growth industries such as Aerospace, Clean Technology and Forest Products as key industries for the growth of employment in the state. The limited options of choices and employment for residents of Rainier do not provide the necessary skills for individuals to join these growing markets. See WASH. STATE DEP’T. OF COMMERCE, KEY INDUSTRIES IN WASHINGTON, https://www.commerce.wa.gov/growing-the-economy/key-sectors/ (last visited Oct. 3, 2018).

27 Currently, the minimum wage in Washington State is $11.50 and will see annual increases until 2020 when it will reach $13.50. See WASH. STATE DEP’T. OF LABOR & INDUS., MINIMUM WAGE, https://www.lni.wa.gov/WorkplaceRights/Wages/Minimum/ (last visited Oct. 9, 2018).

28 See DDA STRATEGIC PLAN, supra note 8; See DDA GUIDING VALUES, supra note 6.
29 For more information about the unsafe conditions at Rainier, see Disability Rights Washington, No More Excuses: Shining a spotlight on abuse and neglect of people with developmental disabilities living at Rainier (2018), https://www.disabilityrightswa.org/reports/no-more-excuses/.

30 Id.

The Social Security Administration (SSA) provided federal funding for the cost of producing this publication (Award #6 PAB13020299-01-06). The contents are the sole responsibility of Disability Rights Washington and do not necessarily represent the official views of SSA.