

# The Modesto Bee



DJ Yarborough works in the kitchen doing dishes and other cleaning tasks at Howard Prep in Ceres, Calif., on Feb. 22

## COMMENTARY

# California law could backfire, hurting disabled workers

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A California law meant to lift disabled workers could end up hurting them.

The premise of Senate Bill 639, which by 2025 will phase out so-called sheltered workshops, is noble: All people have a right to minimum wage and must not be exploited.

It's a worthwhile aim in theory, but it's a lot more complicated in practice.

That was evident in a visit to Howard Prep, Modesto's premier nonprofit employer of the disabled for more than 60 years, formerly known as the Howard Training Center. Its kitchen and warehouse hum with happy, busy, productive workers making substantial wages.

Bustling between huge stacks and drying racks was DJ Yarborough. He started 18 years ago, when California's minimum wage was \$6.75 an hour, and he was paid \$2. No one — not his parents, not his employer, not even DJ — considered



Eric Hawkins, right, and Charles Conser fold body bags at Howard Prep in Ceres, Calif., on Feb. 22

that disrespectful. Everyone saw him walk a little taller. He had gained purpose, friends and a paycheck.

DJ, 40, has Fragile X syndrome, which causes intellectual disability. He is kind and has a great memory, while he's not good with stress, public transportation or money. He would rather have five \$1 bills than two \$20 bills, for

example. But boy, can he wash dishes.

The 1,000-square-foot commercial kitchen at Howard Prep provides a sense of self-worth more than income. The sheltered workshop is a big, big part of DJ's life.

"It's the same to him if he makes \$1 an hour or \$7.50 an hour," said his father, David. "He doesn't care. He doesn't

need to bring home any money. He needs to be happy."

Ashley Montezi, 30, says she's over the moon cooking and baking on the other side of the kitchen at Howard Prep. Thirty disabled workers like her chum out three meals a day for four mental health facilities.

"I'm a very hard worker," Ashley said. "I do whatever my job coach wants. No arguments from me! I have coming to see all my coworkers. It's like a big family."

In the adjacent warehouse, workers cut zippers and install pulps for body bags used in coroner offices. Others remove crooked labels from wine bottles for local wineries. On other lines, workers — some in wheelchairs — affix reflective material to highway markers, or sort linen going to a thrift store that benefits a local hospital.

Some of Howard Prep's 70 workers have cerebral palsy, Down syndrome or an autism disorder. Some high-functioning workers do tricky jobs; others thrive in tedious but predictable routine.

"I wouldn't trade this for anything," said Raquelina Rios, 52, who cleans bathrooms and does laundry.

Still others venture to Turlock and Westley, where they maintain freeway rest areas in two shifts, seven days a week.



Bryan Nunley works filling food trays at Howard Prep in Ceres, Calif., on Feb. 22

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## CALIFORNIA LAW

### BUSY, PRODUCTIVE -- AND HAPPY

This isn't a galaxy away shop with underage workers, or undocumented laborers paying off debts to coyotes. This is a thriving community of people building skills, friendships and respect under the practiced eye of job coaches who know a task might take two or four or eight times longer than someone without mental or physical limitations.

"All these happy, busy people are going to be challenged to no end" in January 2025, said Carol Stamp, Howard Prep's executive director. That's when SB 639 takes effect, outlawing the compensation structure currently paying 6,087 disabled people working for 80 entities throughout California.

Proponents framed the bill as a civil rights issue. Why would a progressive state like California allow employers with no examples to take advantage of workers without the acumen to stand up for themselves? Doesn't everyone deserve to be treated as equals? And what screams inequality louder than the same work for less pay?

Yes, but,

What might happen to these people you're trying to help if their employers cannot afford to pay them a higher wage? What if they end up without a job and lose all the side benefits: socialization, learning new skills, pride?

SB 639 was hotly debated a couple of years ago by legislators, many of whom had personal experience with disabled family members and did not agree on the best pay approach. Experts also were divided: Disability Rights California lobbied for the bill, while the National Council on Severe Autism fought against it.

In the end, a majority voted for change and Gov. Gavin Newsom signed the bill in 2021 along with 17 others in a worker protection package.

A 48-page transition plan came out a few weeks ago, produced by the State Council on Developmental Disabilities. Honestly, it doesn't fill me with optimism. The plan acknowledges "contentious and strong feelings" in an unresolved debate over whether this really is best for all involved, or a disaster masquerading as feigned progress.

### 'HOWARD PREP IS WONDERFUL'

DJ's parents, David and Melba Yarbrough, would rather not take chances.

"Howard Prep is wonderful for DJ -- and wonderful for us," Melba said. "He's safe here. He has purpose."

DJ's pay, by the way, adjusts every six months after reassessment of skills and according to a regulated formula. In October, his hourly wage increased from \$7.22 to \$7.76. It's a lot less than the current \$18.50 minimum wage, but it's also nearly quadruple his pay from 18 years ago.

"He doesn't work for the money," Melba said. David added, "Otherwise, he'd be home watching TV all day long, and that's not a good thing."

Absent a course correction, Howard Prep's payroll will skyrocket in 2025, forcing the nonprofit to charge more for work orders. Administrators fear losing contracts; why would a winery, for example, continue using Howard Prep's services if the winery can get more work out of minimum-wage earners without disabilities who get more done in the same amount of time?

Howard Prep theoretically could continue paying workers a similar amount of money for much shorter workdays and keep them busy the rest of the time in adult day programs, sort of like classroom settings. But that would dramatically drop the nonprofit's production -- and income.

SB 639's many supporters downplay fears of employers suffering because they're forced to pay a higher wage. That's just propaganda designed to maintain the status quo, says a list of myths put forward by those pushing the change, who add that 10 other states have made the transition.

### CHANGE ISN'T ALWAYS BETTER

Others dispute that.

According to the National Council on Severe Autism, which in 2018 studied states that did away with sheltered workshops:

- Two-thirds of disabled employees in Maine ended up out of work, and those still employed were working only 12 hours a week
- More than 80% of those with severe cognitive impairments remained unemployed in Washington state
- Vermont's disabled also lost out after its celebrated switch in 2002.

"In short, when sheltered workshops close, participants often end up idle at home -- not in competitive, minimum-wage jobs," the autism council concluded.

I hope those in charge of California's transition have learned in the intervening years how to avoid such minefields, really? No. The goal of every worker on equal footing is ending.

Not every worker starts at the same place. Some need the best that only Howard Prep, and others like it, can provide.

Long before state government regulated sheltered workshops, Modesto found a workable solution for our disabled, with substantial support from the likes of Galka, Mage's Branch, the Mary Stuart Rogers Foundation, Boyett, DoubleTree, JS West, Steve Mart and many others.

Turning that on its head because other regions of California haven't figured it out is just fixing something that isn't broken.

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