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Testimony on NYS Employment Systems Supports for People with Disabilities

May 4, 2026

To the Committees on Disability and Labor:

My name is Molly Senack, and I am testifying today on behalf of the Center for Independence of the Disabled, New York (CIDNY) as their Education and Employment Community Organizer. This testimony is supported by Sharon McLennon Wier, Ph.D., MSEd., CRC, LMHC, Executive Director of CIDNY.

As an Independent Living Center, CIDNY has provided critical services to people with disabilities in NYC since its founding in 1978. By providing services that address the social determinants of physical health, mental health, education, employment, housing, and transportation, as well as providing support for the development of independent living skills, CIDNY helps people with disabilities navigate the ever-changing service system, and enables them to live independent, fully integrated lives in the community. Obtaining and maintaining gainful employment is a critical component of this endeavor, and ensuring positive outcomes for employees with disabilities in NYS is a cornerstone of CIDNY's mission.

In 2024, according to the Bureau of Labor Statistics, only 37.4% of disabled people between the ages of 16 and 64 were employed in the United States. According to the same report, employees with a disability were almost twice as likely to work only part time as people without a disability (31% vs 17%), and less likely to work in traditionally higher paid managerial or professional positions than people without disabilities (37.9% compared to 44.1% respectively). The American Community Survey reported that even when people with disabilities did work fulltime, their median salary was more than \$9,000 lower than the median salary of people without disabilities (\$48,937 vs \$58,113); and among working-age people between the ages of 16 and 64, poverty was more than twice as prevalent in the disabled community as in the non-disabled community (24.2% vs 9.9%). People with disabilities seeking gainful employment face gaps in hiring, advancement, and wage parity.

In April of 2026, CIDNY hosted a two-part event exploring these gaps, and the barriers faced by the disability community in New York. Part I of the event was a virtual forum where members of the disability community discussed the obstacles they encounter in all different areas of their lives (employment, transportation, housing, education, healthcare, etc.) and the improvements they would like to see. The takeaways from those discussions were highlighted in Part II of the event, which nearly 400 people attended both virtually and in-person (recording [available here](#)). Regarding employment, the most common barriers community members reported facing were:

- **Structural issues with employment programs** (ACCES-VR, 55-a/b/c, etc.), including overly complex application processes, inconsistent follow-through from case managers, long wait times for responses, and an overall lack of results.
- **Lack of counseling on navigating “The Benefits Trap,”** where taking a job can mean losing benefits (Supplemental Security Income/Social Security Disability Insurance/Medicaid/Medicare, etc.) that are worth more than the income the job provides.
- **Continued stigmatization** of having a disability in the workforce, with community members citing a lack of flexible roles, jobs being withheld when accommodations were requested, and the continued existence of the subminimum wage.

To address these barriers, the community recommended several systemic improvements they would like to see made, including:

- **The integration of mandatory benefits counseling and retirement planning** into all employment programs before and during job placement.
- **Funding to sufficiently staff employment programs** to ensure a streamlined intake process and consistent follow-through.
- **Work with the NYS Legislature to address systemic barriers**, including eliminating the subminimum wage and passing legislation to make workplace accommodations more accessible.

Acknowledging the relationship between systemic accessibility and workforce development is critical. Therefore, **in addition to supporting the above recommendations, CIDNY would like to expand on the last point, and recommend several other improvements to address various systemic barriers in NYS** that prevent people with disabilities from obtaining and maintaining gainful employment:

- **Expand Employment First (E1stNY)**

Over the course of the last few years, significant efforts have been made in NYS to increase the hiring and workplace retention rates of people with disabilities. These include an expansion of the 55-b/c program as well as the 2024 signing of Executive Order 40, which established New York as an Employment First state. **CIDNY strongly supports an increased investment in Employment First (E1stNY)**, to continue the hiring and promotion of people with disabilities across NYS, particularly within State agencies.

- **Waive NYS right to sovereign immunity to liability under the Americans with Disabilities Act (ADA) by passing S726A, Sanders/A2589, Kelles.**

Though NYS has made a significant push to see more people with disabilities employed by the State, both through the establishment of E1stNY and the expansion of the 55-b/c program, there is currently no legal recourse for those who get hired, should their rights under the ADA be violated. Employees in the private sector who face discriminatory practices or are denied accommodations at work have a legal right to sue their employer under the ADA. State

employees with disabilities have no such rights. To encourage people with disabilities to apply for State jobs while simultaneously denying protection for those jobs creates an environment where employees with disabilities are not set up to thrive in the positions they've earned.

- **Eliminate the subminimum wage by passing S28, Skoufis/A1006, Steck.**

14(c) programs, which allow people with disabilities to be employed for subminimum wages, were first established in 1938. The programs and the lower wages associated with them are a relic of a time when segregation was still enforceable, homosexuality was still prosecutable, and people with disabilities were still considered un-hireable. What began as an incentive for employers to hire people with disabilities has mutated into an impediment to financial, employment, and societal equity for the disabled community.

Despite the assertion that 14(c) programs and the payment of a subminimum wage address the issues at the root of many barriers to employment by providing people with certain disabilities access to initial employment and then opportunities for advancement to competitive integrated employment (CIE), studies have consistently found the opposite to be true. A series of articles by *The Washington Post* in 2024 amplified the same findings as the U.S. Government Accountability Office (GAO) and the National Council on Disability (NCD): very few disabled employees working under 14(c) ever make the transition to CIE (in 2022, just 0.5 percent of 14(c) workers were referred by their employers to vocational rehabilitation service), and in states where 14(c) programs were eliminated, overall employment of adults with cognitive disabilities (who make up about 91% of the people with disabilities earning a subminimum wage) actually increased.

These studies make it clear that 14(c) programs and the payment of a subminimum wage not only contribute directly to the increased likelihood of people with disabilities living below the poverty line by paying often only pennies on the dollar for labor, but also indirectly, by restricting the ability of the workers employed under them to explore other options. Eliminating this outdated practice is a critical step in establishing employment equity for people with disabilities.

- **Establish a reasonable accommodation grant program by passing A9151, Bronson.**

If passed, eligible employers could request a grant for reimbursement of expenses made for reasonable accommodations for applicants or employees with a disability. This \$5 million grant program would address a significant contributing factor to the underemployment of people with disabilities: the stigma surrounding asking for accommodations, and the (unfortunately, sometimes justified) belief that employers will deem their accommodation requests too expensive and "unreasonable" and therefore deny them. This funding would help ensure not only that critical accommodations are provided to employees who are entitled to them, but that those employees feel encouraged to make those requests in the first place.

- **Create legislation to address the bias against people with disabilities caused by the use of Artificial Intelligence in employment processes.**

While there are many systemic barriers that have caused these gaps in hiring, advancement, and wage parity for people with disabilities- including, but not limited to, implicit and explicit bias, income and asset limits, and lack of workplace accessibility- the use of artificial intelligence has already begun to exacerbate them. AI is inherently designed to uphold certain systemic biases: the technology works by drawing from existing (systemic) information, and the results it produces are thereby confined by limitations (biases) of that information. The [University of Washington](#), the [United Nations](#), the [National Academy of Social Insurance](#), the [International Labour Organization](#), the [Human Rights Law Review](#), and [several other research groups](#) have all reported that AI usage in employment processes poses a significant threat to the disabled community by inadvertently filtering out job applications that mention disability or anything disability related. In many cases, employers do not know that the software they are using might default to filtering out applicants, and because they are unaware, are denied the opportunity to address it. Disability compounds bias in the existing system, and it will be compounded further unless active measures are taken to address the issue.

- **Protect both indoor and outdoor workers against the dangers of climate change by passing S3412, Ramos/A3527, Bronson.**

As NYS continues to see an increase in days that break records- record heat, record cold, record flooding, record smoke- it is critical to consider protections for employees whose jobs make them more vulnerable to the health impacts of climate change. Based on an analysis of claims filed with the New York State Workers' Compensation Board between May and September from 2002-2022, the construction industry sees a 20% increased likelihood of workplace injury on days over 85 degrees. The other industries most likely to be impacted by extreme heat are warehousing, waste management, manufacturing, and food services: industries are notorious for hazards exacerbated by extreme weather and poor air quality. These hazards include poor air circulation, lack of reliable temperature control, and, in the case of many food service locations, the presence of additional heat sources. On days over 85 degrees, each of these industries see a 13-18% increased likelihood of workplace injury. These conditions are included in the [August 2025 report](#) published by the World Health Organization and the World Meteorological Organization. The report stresses that it is a matter of public safety to protect both outdoor and indoor workers.

It is also a matter of public safety that disproportionately impacts the disabled community: jobs in the aforementioned sectors are in total more prevalent in disabled community than in nondisabled community: according to [a 2025 report](#) published by the Bureau of Labor Statistics, approximately 32% of employed people with disabilities work in what are considered the highest risk sectors (including construction), compared to 29.7% of people without disabilities.

It is critical to ensure a safe workplace for these employees, to protect both their health and their source of income.

These recommendations reflect the many interconnected barriers that impact access to gainful employment for people with disabilities. To ensure people with disabilities are able to fully participate in competitive, integrated employment, it is necessary to not only make improvements to the programs that are specifically designed to provide access, but also to the systems that prevent access in the first place.

Thank you for your time and for your continued effort to ensure that people with disabilities have equitable access to gainful employment in NYS.

Sincerely,

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