



July 11, 2019

Dear Representative:

The undersigned organizations understand that the Raise the Wage Act of 2019 will soon come up for a vote before the full House. We unequivocally believe that any minimum wage bill must include ALL people, including people with disabilities. We strongly support the inclusion of the phase out of subminimum wages to people with disabilities, currently legal under Section 14(c) of the Fair Labor Standards Act (FLSA), in the Raise the Wage Act and urge you to vote against any amendments that would leave people with disabilities out of this important bill.

Employment of people with disabilities has long been a bi-partisan national goal. The Workforce Innovation and Opportunity Act (WIOA) of 2014 established as a priority competitive integrated employment, where people with disabilities work in mainstream jobs alongside, and are paid comparable wages to, co-workers without disabilities. WIOA furthers the goal of the Americans with Disabilities Act (ADA) to advance the economic self-sufficiency of people with disabilities.

Yet, despite the clear national priority for competitive integrated employment, nearly 230,000 people with disabilities are legally paid sub-minimum wages under Section 14(c) of FLSA, largely in settings where they are segregated from their nondisabled peers and broader society. The subminimum wage creates and reinforces a life of poverty and dependency on public support. In hearings before this Congress, expert witnesses have testified that ending subminimum wages is a civil rights issue and that phasing out Section 14(c) is a critical component of any federal minimum wage bill.

As the Congressionally-created federal Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities ("the Committee") described in its report to Congress and the Labor Secretary:

[There is an] underlying need to amend Section 14(c) of the FLSA so that it reflects and aligns with modern federal disability policy and laws, which are based on the assumption that all individuals with disabilities are capable of, and have a right to, [competitive integrated employment]. The current widespread practice of paying workers subminimum wages, based on assumptions that people with disabilities

cannot work in typical jobs, or on assumptions about the unavailability of alternative work opportunities, is antithetical to the intent of modern federal policy and law.ⁱ

The National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding policies that impact people with disabilities, has repeatedly called for the elimination of sub-minimum wages under Section 14(c), including in its recent report, “National Disability Employment Policy, From the New Deal to the Real Deal: Joining the Industries of the Future.”ⁱⁱ

The inclusion of the 14(c) phase out in the Raise the Wage Act sends a clear message to the public that it is no longer acceptable to pay individuals with disabilities less than the minimum wage. The undersigned organizations stress again the necessity that the Raise the Wage Act of 2019 retain the phase out of the use of 14(c) certificates and bring an end to this blatantly discriminatory practice which allows for the payment of subminimum wages to people with disabilities.

Please contact Alison Barkoff, Policy Advisor to the Collaboration to Promote Self Determination (abarkoff@cpr-us.org or 202-854-1270) or Amanda Lowe, Senior Policy Analyst at the National Disability Rights Network (amanda.lowe@ndrn.org or 202-408-9514 ext. 101) if you have any questions or to follow up on this letter.

Sincerely,

American Association of People with Disabilities
Association of People Supporting Employment First
Association of University Centers on Disabilities
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Center for Public Representation
Collaboration to Promote Self Determination
Disability Rights Education and Defense Fund
National Association of Councils on Developmental Disabilities
National Association for Rights Protection and Advocacy
National Council on Independent Living
National Disability Institute
National Disability Rights Network
National Down Syndrome Congress
National Organization on Disability
TASH

ⁱ https://www.dol.gov/odep/topics/pdf/ACICIEID_Final_Report_9-8-16.pdf

ⁱⁱ <https://ncd.gov/publications/2018/new-deal-real-deal>