

## ACCSES Opposes H.R. 831 a Bill that Restricts Employment Options for People with Significant Disabilities

ACCSES, a national organization consisting of non-profit organizations and disability-focused non-profit businesses serving individuals with significant disabilities, strongly opposes H.R. 831. This bill, if passed, would have the unintended consequence of putting the jobs of hundreds of thousands of people with significant disabilities at risk. Without their jobs, these individuals would not enjoy the same quality of life and would be more reliant on the Social Security system.

Last year, ACCSES released our position paper on [\*The Array of Approaches for Enhancing Employment Opportunities for Persons with Significant Disabilities: Principles, Positions, and Recommendations.\*](#) ACCSES endorses a full array of meaningful employment-related opportunities, options, and choices for individuals with the most significant disabilities, including enhanced opportunities to work in competitive integrated employment (at or above the minimum or prevailing wage), self-employment, and employment opportunities in skill development centers and disability-focused non-profit businesses.

ACCSES recognizes that some individuals with significant disabilities may not be able to meet standards and perform the essential functions of a job (with or without reasonable accommodation) and as a result are not currently employable at the federal or state minimum wage or prevailing wage. In order to enable such individuals to work and receive the benefits of working, ACCSES supports the continuation of Section 14(c) of the Fair Labor Standards Act, which allows the payment of skills-based wages that are commensurate with their level of productivity. [Click here](#) to view an instructional video on Section 14(c) of the Fair Labor Standards Act.

A lot of misinformation has been shared on the 14(c) program and how H.R. 831 will be a universal “fix.” Here are some examples of the Myths that have been articulated on the Hill by advocates who are not providing the employment services.

**MYTH – Section 14(c) applies only to people with significant disabilities who have challenges that directly impact their performance in a job.**

Fact – Section 14(c) provides job opportunities for hundreds of thousands of people with significant disabilities nationwide. These people otherwise might not be a part of the workforce, even with reasonable accommodations called for by the Americans with Disabilities Act (ADA).

**MYTH – Eliminating Section 14(C) ensures that ALL employees formerly working in this capacity will be paid the minimum wage.**

FACT – The American workforce, including those working under Section 14(c), are paid wages based on the skill set they bring to their employer. Skills drive wage—this is the reality. This reality should not, however, exclude people who cannot meet employer qualifications from enjoying the benefits of employment—pride, purpose, and a paycheck. If employers were required to pay the minimum wage to all, some individuals with significant disabilities may have their opportunity to work eliminated if it is determined that they are not qualified for the job, even with accommodation.

Without Section 14(c), these individuals with the most significant disabilities may be forced to stay at home, enter day habilitation centers (if a space were available) or live in an institution. In short, eliminating or phasing out Section 14(c) will likely replace a skills-based wage with **no wage at all** for hundreds of thousands of individuals with significant disabilities, denying them the tangible and intangible benefits of work.

**MYTH – Section 14(c) is a barrier to competitive employment in the community.**

FACT – All people with disabilities should be encouraged to explore and discover competitive job opportunities that may be available to them prior to thinking about using Section 14(c) based on their individual preferences, strengths, needs, abilities, and capabilities. When competitive job placements are not successful, even with the right accommodations and supports, Section 14(c) was created so that a job can still be available. Even when working under Section 14(c), continual encouragement to enter the competitive workforce should be a priority.

**MYTH – Eliminating Section 14(c) is an engine for the advancement of civil rights.**

FACT – Section 14(c) enables some individuals with the most significant disabilities to enjoy the many personal, social and economic benefits of work, in the setting they choose and feel most comfortable. Eliminating it is counter-productive because it replaces a skills-based wage with no wage at all. Its elimination would force employers to favor employees with more moderate disabilities over those with more significant disabilities, narrowing the spectrum of personal choice by removing options and not replacing them.

We encourage your office to work with ACCSES to ensure that a full array of employment options stays on the table for people with the most significant disabilities. In these economic times, now is not the time to start taking jobs away from American citizens.

Sincerely,

Terry

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