

Myths and Facts on the Section 14(c) Special Wage Certificate Program

MYTH: Section 14(c) of the Fair Labor Standards Act (FLSA) applies to all people with disabilities.

FACT: Section 14(c) applies only to people with significant disabilities who have challenges that directly impact their performance in a job. Section 14(c) enables more than 3,400 employers nationwide to provide job opportunities for approximately 420,000 people with significant disabilities nationwide who otherwise might not be a part of the workforce, even with reasonable accommodations.

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 aren't 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) 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, 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: People with significant disabilities must be funneled into competitive employment.

FACT: Consistent with the right of all individuals to make informed choices, a full array of community-based employment opportunities for persons with the most significant disabilities must be made available. Federal policy facilitates and recognizes employment options for all individuals, including those who do not meet competitive employers' productivity standards, without or without reasonable accommodations. These employment options include supported employment and customized employment opportunities provided in competitive, integrated settings; self-employment; and employment opportunities through Section 14(c).