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June 4, 2019

The Honorable Bobby Scott
U.S. Representative and Chairman
House Education and Labor Committee
2176 Rayburn House Office Building
Washington DC 20515

The Honorable Virginia Foxx
U.S. Representative and Ranking Member
House Education and Labor Committee - Republicans
2101 Rayburn House Office Building
Washington, DC 20515

**In Re: Submission to the Congressional Record, May 21 Full Committee Hearing,
Eliminating Barriers to Employment: Opening Doors to Opportunity**

Dear Chairman Scott and Ranking Member Foxx:

Thank you for the opportunity to submit this letter to the Record in relation to the House Education and Labor Committee's May 21 hearing on Eliminating Barriers to Employment: Opening Doors to Opportunity.

ACCSES is a national disability policy organization that represents community-based disability service providers across the country and the individuals with disabilities they serve. Guided by federal policy, including the Americans with Disabilities Act, the Olmstead Decision, the Workforce Innovation and Opportunity Act, the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, and other federal and state laws, ACCSES stands with over three million people with disabilities and over 1,200 community rehabilitation providers across the country in supporting maintaining a full array of options and opportunities for ALL people with disabilities. As part of that mission, ACCSES represents and stands with the individuals who would be affected if the right to be paid special minimum wage under 14(c) certificates were eliminated.

We are disappointed that the Education and Labor Committee conducted its May 21 hearing without a witness to tell the Committee about the positive impact that having a full array of options has on the lives of people with the most significant disabilities. We appreciate the

comments of Congressman Glenn Grothman of Wisconsin. Congressman Grothman understands the important role that community rehabilitation providers (CRPs) play in their communities. The politically manufactured idea that CRPs providing people with significant opportunities at work centers and elsewhere are not "in the community" is an absurdity that is placing good jobs – and the people who are working at them – at risk.

The value of a job in or through CRP-run work centers that provide employment opportunities and training cannot be overstated. In short, if CRPs and the jobs they provide were eliminated, they would have to be reinvented. CRPs have played the primary role in disability employment for decades. The network of CRPs across this country, staffed by people with substantial knowledge and extensive experience, are a vital component of providing and maintaining work opportunities for people with the most significant disabilities. CRPs will play a major role in future disability policy, too, because there can be no growth without them. CRPs not only provide training, work opportunities, transportation, and job supports, they also work with the people they serve to provide supported employment and job coaches in competitive jobs.

In some places in this country, jobs in which people were thriving were eliminated in favor of day programs or as some advocates call it, a "meaningful day." What is more patronizing or discriminatory to a person with a disability than telling them their job is going to be replaced with day activities so they can have a "meaningful day"? What is meaningful for most American adults is having a job and having the dignity of work. Every person working in or through a work center under a 14(c) certificate has chosen the dignity of work. Each person could participate in a full-time day program right now. In fact, many people choose an option that allows the flexibility of working part of the day under a certificate and spending part of the day in day activities. Other people work part of the day in a competitive job, often with job coaches or other job supports, and spend part of the day at a work center. In other words, a meaningful day at or through a CRP offers many options, including options that make competitive employment possible. Competitive jobs frequently provide a person with a significant disability only a few hours of work per week – a subject that Congressman Grothman touched on during the Committee hearing. This can leave people with too many empty days. Going from a 30 hour per week job to two four-hour shifts does not benefit an individual who does not do it by choice.

ACCSES is not suggesting that there should not be additional options. To the contrary, we champion expanding choices. We appreciate and promote apprenticeships, job sharing, job coaching, entrepreneurship, and increasing competitive opportunities. Where we draw a line, is taking a valuable and important tool out of the employment toolbox and with it, the jobs that provide great satisfaction to so many people. A lot of people who would not be affected support eliminating 14(c) certificates. They are **not** the ones to whom this Committee should be listening. This Committee needs to hear from individuals who want to keep their jobs. This Committee also needs to hear from CRPs on the important role they play in their communities.

If there are a lot of misconceptions about CRPs, there are even more about 14(c) certificates. Let us look at some truths:

1. Section 14(c) requires an application and regular renewals through the U.S. Department of Labor. The Department of Labor has strict enforcement measures.

2. The certificates are heavily regulated. Even though they are issued by the Department of Labor, they cannot be used without state authority.
3. Federal law requires regular job counseling for every person who earns less than minimum wage under a certificate.
4. No one is required to work under a Section 14(c) certificate. People working under Section 14(c) certificates already could participate in a day program or other employment. Many people, in fact, choose to divide their day between work and day activities. Moreover, many people working under a 14(c) certificate make *more than* minimum wage.
5. Working under a Section 14(c) certificate gives people the opportunity to develop job skills that they can expand on in other environments. These critical job-sustaining skills have allowed many people who started out working under a Section 14(c) certificate to take on new challenges that were previously out of reach.
6. Section 14(c) certificates allow people with the most significant disabilities the dignity of work and of earning a paycheck. We cannot underscore enough the importance of this fact.

One of the biggest concerns ACCSES has with the Transformation to Competitive Employment and Raise the Wage bills is that Congress is trying to eliminate Section 14(c) certificates without any real data. Neither the Federal government nor any State government has conducted a substantive, unbiased study of what happens when 14(c) is eliminated. The opportunities Section 14(c) certificates provide are too important for policy to be decided in a vacuum or based on less than hard evidence. Even at the May 21 hearing, it was clear that the witness organization testifying to the effects of eliminating its certificate was not able to find work for everyone – or even a majority – of the people who had been working. For those people who are working in a competitive job, the testimony shows that they are working fewer hours. Eliminating options has real life consequences for individuals and their families. Those consequences must be part of the discussion.

We therefore would like to propose a different solution rather than turning to legislation that would eliminate the 14(c) certificate. According to the Bureau of Labor Statistics, in 2018, **30.4 percent of people with disabilities between the ages of 16 and 64 were in the workforce versus 74 percent of people without disabilities** in the same age range. Let's work together to close that gap. Instead of taking options away, let's focus on (a) expanding employment opportunities and educating businesses on how to hire people with the most significant disabilities, (b) work on transportation issues that are a more than metaphorical roadblock to full employment, and (c) really invest in the kind of employment supports that people will need. Let's also recognize one important fact: If 14(c) were eliminated tomorrow, **no one would benefit**. No one would benefit, but a lot of people would be hurt. That is not a good outcome.

We ask that the Members of this Committee visit work centers in their states and districts before taking any action that would lead to the elimination of 14(c). If there is no work center near a specific Member, we can arrange a visit to one of our ACCSES member organizations. It will be worth your time. We also ask that this Committee invite ACCSES's testimony at a future hearing, and work more closely with ACCSES and the individuals and organizations we represent on disability policy. Together, we can accomplish so much.

Thank you for the opportunity to submit this letter.

Sincerely yours,



Terry R. Farmer
President & CEO
ACCSES



Kate McSweeney
Vice President of Government Affairs
& General Counsel