



JULY 2012

EMPLOYMENT OF INDIVIDUALS WITH THE MOST SIGNIFICANT DISABILITIES

- **Support Efforts to expand options, opportunities, and informed choice**
- **Oppose H.R. 3086 and other efforts to curtail employment opportunities**

WHAT WE BELIEVE—OUR VALUES AND GUIDING PRINCIPLES:

- We believe that disability is a natural part of the human experience that in no way diminishes the rights of individuals with significant disabilities to fully participate in all aspects of society consistent with their strengths, needs, interests, abilities and capabilities. We embrace the four goals of disability policy articulated in the Americans with Disabilities Act (ADA): equality of opportunity, full participation (informed choice and self-determination); independent living; and economic self-sufficiency.
- We recognize that work is a valued activity both for the individual and society. We believe that work helps people achieve independence and economic self-sufficiency and gives people purpose, dignity, self-esteem, and a sense of accomplishment and pride.
- We abhor worker exploitation--we must draw a bright line in prohibiting and preventing employers from taking advantage of persons with significant disabilities.
- We recognize 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 accommodations) that entitle them to be paid the federal minimum wage or prevailing wage. In order to enable such individuals to work and receive the benefits of working, Congress enacted Section 14(c) of the Fair Labor Standards Act (FLSA) "to prevent the curtailment of opportunities for employment" of persons with significant disabilities by allowing the payment of special minimum wages commensurate with their level of productivity.
- Without Section 14(c), these individuals would have limited opportunities to work, which might have the effect of forcing them to stay at home, enter day habilitation centers (if a space were available) or live in an institution. In short, eliminating or phasing out the special minimum wage would likely result in many individuals with significant disabilities receiving no pay whatsoever instead of a special minimum wage and denying them the tangible as well as the intangible benefits of work. In addition, such a policy would likely result in "creaming" or "cherry-picking" (i.e., excluding those with the most significant disabilities in favor of those with more moderate disabilities).

RECOMMENDATIONS:

We **support** initiatives to enhance meaningful choice for individuals with the most significant disabilities, including enhanced opportunities to work in competitive integrated employment (at or above the minimum or prevailing wage) and self-employment. In addition, we support efforts to enhance compliance and enforcement of Section 14(c) through increased oversight and enhanced training and education.

We **oppose** HR 3086, The Fair Wages for Workers with Disabilities Act of 2011, introduced by Congressman Cliff Stearns (R. Fla) and Timothy Bishop (D. NY) which would phase out and eventually repeal Section 14(c). Individuals with the most significant disabilities must not be denied the opportunity to work in center-based or community-based employment at a wage that reflects their productivity. Eliminating, repealing, or restricting Section 14(c) will simply have the effect of denying the opportunity to work for individuals with the most significant disabilities who cannot meet the productivity standards.

CONTACT

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