



For immediate release

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**Support Efforts to Expand Employment Options,
Opportunities, and Informed Choice of Individuals with the
Most Significant Disabilities**
Oppose H.R. 831 and Other Efforts to Curtail Employment Opportunities

Washington, DC (March 5, 2013) [ACCSES](#), the voice of more than 1,200 disability service providers across the nation, strongly opposes proposed legislation in H.R. 831, The Fair Wages for Workers with Disabilities Act of 2013, introduced by Congressman Greg Harper (R. MS).

H.R. 831 would phase out and eventually repeal Section 14(c) of the Fair Labor Standards Act. As a result, individuals with the most significant disabilities would be denied the option to work in skill development centers and disability-focused non-profit businesses at a wage that reflects their productivity. Eliminating, repealing, or restricting Section 14(c) will also eliminate hundreds of thousands of jobs, taking away income and opportunity for people with disabilities. This would especially impact individuals with the most complex physical and cognitive disabilities, replacing skills-based wages with no wages at all.

Consistent with the right of individuals with significant disabilities to make **informed choices** and with the principle of **self-determination**, ACCSES supports a **full array of community-based employment opportunities** for persons with the most significant disabilities provided by qualified rehabilitation professionals, including supported employment and customized employment opportunities provided in competitive, integrated settings; self-employment; and employment opportunities in skill development centers and disability-focused non-profit businesses operated by accredited community rehabilitation programs (CRPs). We also support federal policy that facilitates employment options for all individuals, including those who do not meet productivity standards, without or without reasonable accommodations. [Section 14(c) of the Fair Labor Standards Act]

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 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 skills-based

wages that are commensurate with their level of productivity. ACCSES supports Section 14(c) as a key protection of opportunity and income for the broader spectrum of people with disabilities.

Without Section 14(c), many 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 skills-based wages would likely result in many individuals with significant disabilities receiving no pay whatsoever 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).

“ACCSES is adamantly opposed to discrimination and exploitation that denies employment opportunities for people with disabilities. ACCSES strongly believes that work helps people achieve independence and economic self-sufficiency and gives people purpose, dignity, self-esteem and a sense of accomplishment and pride,” said ACCSES CEO Terry R. Farmer. “Unemployment is already tragically high within the disability community. We need to pursue policies that expand opportunities and choices for individuals with the most significant disabilities. H.R. 831 removes employment options for individuals with the most significant disabilities; it replaces a skills-based wage with no wage at all. It will remove hundreds of thousands of job options. Section 14(c) is the critical stop-gap for individuals with the most significant disabilities. It is a policy that preserves personal opportunity for all ranges of skill.”

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[ACCSES](#) represents more than 1,200 disability service providers across the country. ACCSES works to promote and enhance community-based solutions that maximize person-centered employment and living opportunities for people with disabilities. Through collaboration with government and other stakeholders, ACCSES assures that services recognize and support the full potential of each person with a disability.