



## **Background on Section 14c of the Fair Labor Standards Act**

Section 14(c) of the Fair Labor Standards Act (FLSA), passed 1938, allows public and private employers to obtain special certificates from the Department of Labor's Wage & Hour Division that allow them to compensate workers with significant disabilities at rates below the current federal minimum wage based on the individual's level of measured productivity. This results in a disproportionate number of individuals with intellectual and developmental disabilities being automatically placed into a subminimum wage position, usually in segregated facilities (like a sheltered workshop, for example) after exiting the public school system. Individuals with significant disabilities and their families are often told that there are no other options available to them, and are often pressured by public systems and service provider agencies to enter into this option and often has little relationship with an individual's ability.

Criticisms of this practice range from charges of discriminatory wage setting to arguments that the measures of productivity are arbitrary and as such set standards for workers with disabilities that are not established for workers without disabilities. The Collaboration to Promote Self-Determination (CPSD) supports the implementation of a balanced approach to phase out and eventually eliminate FLSA subminimum wage provisions under Section 14(c) for all individuals (regardless of ability), while simultaneously building capacity to support individuals with significant disabilities in integrated employment paid at or above the prevailing minimum or industry wage rates.

CPSD and its partner groups and allies believe that all Americans should be afforded minimum wage protections, including those workers with disabilities.

***CPSD is an advocacy network of 21 national organizations who have come together to bring about a significant modernization of the federal adult system of services and supports for persons with disabilities. To learn more about CPSD, visit <http://thecpsd.org>.***

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