



CPSD
Real lives. Real work.

Collaboration
to Promote
Self-Determination

May 17, 2017

Senator Patty Murray
Senator Bernie Sanders
Representative Bobby Scott
Representative Keith Ellison
Via Electronic Mail

Dear Senator Murray, Senator Sanders, Representative Scott, and Representative Ellison:

The Collaboration to Promote Self-Determination (CPSD) is writing to express our strong support for the Raise the Wage Act. Ensuring that all Americans receive a fair and living wage is critical to ending the current cycle of poverty facing many low-wage workers and to providing them with the opportunity to achieve economic stability. This is particularly true for a group of people we are thrilled you have included in the Act: people with disabilities.

CPSD is a collaboration of national organizations representing people with disabilities and their families committed to educating Congress and federal agencies about what people with disabilities need to rise out of poverty and live more independently. We advocate for major systemic reform of the nation's disability laws and programs so people with disabilities can become employed, earn competitive wages, live independently in inclusive communities, and rise out of poverty.

Employment of people with disabilities has long been a bi-partisan national goal. The Workforce Innovation and Opportunity Act (WIOA) of 2014 established as a priority competitive integrated employment, where people with disabilities work in mainstream jobs alongside, and are paid comparable wages to, co-workers without disabilities. WIOA furthers the goal of the Americans with Disabilities Act (ADA) to advance the economic self-sufficiency of people with disabilities. Likewise, the Individuals with Disabilities Education Act (IDEA) ensures that students with disabilities are provided an education that prepares them for employment and independent living. And the recently-passed Achieving a Better Life Experience (ABLE) Act allows people with disabilities to work and save money without losing access to needed healthcare and community services provided through Medicaid. Yet despite the clear national priority for competitive integrated employment, nearly 230,000 people with disabilities are legally paid sub-minimum wages under Section 14(c) of the Fair Labor Standards

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Act (FLSA), largely in settings where they are segregated from their nondisabled peers and broader society.¹

Raise the Wage Act finally recognizes that all people deserve a fair wage for their work. CPSD strongly supports the Act's phase out of Section 14(c) of the FLSA. As the Congressionally-created federal Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities ("the Committee") described in its recent report to Congress and the Labor Secretary:

[There is an] underlying need to amend Section 14(c) of the FLSA so that it reflects and aligns with modern federal disability policy and laws, which are based on the assumption that all individuals with disabilities are capable of, and have a right to, [competitive integrated employment]. The current widespread practice of paying workers subminimum wages, based on assumptions that people with disabilities cannot work in typical jobs, or on assumptions about the unavailability of alternative work opportunities, is antithetical to the intent of modern federal policy and law.²

The Committee recommended that Congress "amend Section 14(c) of the FLSA to allow for a well-designed, multi-year phase out."³ And the Raise the Wage Act would do exactly that. Over the last several years, state systems and 14(c) providers have been moving away from segregated, subminimum wage settings to focus on competitive integrated employment. This transformation has been driven in large part by a combination of Congress' passage of Section 511 of WIOA, which significantly limits 14(c) placements particularly for transition-age youth; enforcement of the Americans with Disabilities Act's integration mandate against states overly reliant on segregated sub-minimum wage settings; and implementation of a new federal rule requiring that participants in Medicaid-funded home and community-based services be provided opportunities to work in competitive integrated employment. With these important changes already happening, now is the right time for Congress to finally take action to phase out the outdated 14(c) program.

CPSD looks forward to working with you on the Raise the Wage Act and other efforts to help increase opportunities for competitive integrated employment for people with disabilities. You can contact CPSD through Alison Barkoff, CPSD Policy Advisor (abarkoff@cpr-ma.org or 202-854-1270) or Chris Rodriguez, CPSD Legislative Committee Chair (crodriguez@ndi-inc.org or 202-350-0128).

Sincerely,

Barb Trader
CPSD Board President

¹ Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities, Final Report to Thomas E. Perez U.S. Sec. of Labor, The United States Senate Committee on Health, Education, Labor and Pensions, and The United States House of Representatives Committee on Education and the Workforce (Sept. 15, 2016), available at https://www.dol.gov/odep/topics/pdf/ACICIEID_Final_Report_9-8-16.pdf, at 28.

² *Id.* at 29.

³ *Id.*