



May 1, 2019

Dear Representative,

The undersigned organizations are writing to urge you to co-sponsor the Transformation to Competitive Employment Act. This bill represents a thoughtful approach to transitioning away from payment of workers with disabilities who receive subminimum wages under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to support individuals with disabilities to transition to competitive integrated employment and tracks outcomes over the six year phase out period.

The Workforce Innovation and Opportunity Act (WIOA) of 2014 established as a priority competitive integrated employment (CIE), 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.

Yet despite the clear national priority for CIE, nearly 230,000 people with disabilities are legally paid subminimum wages under Section 14(c) of FLSA. Subminimum wage for individuals with disabilities does not help advance individuals with disabilities emerge from poverty or to pursue career opportunities that would further integrate them in society.

The undersigned organizations support transitioning away from the Section 14(c) program and providing resources to make sure no one is left behind. In doing so it is necessary to ensure that people with disabilities have opportunities to work at fair wages, alongside co-workers without disabilities. If passed, the capacity-building component included in the Transformation to Competitive Employment Act will be a game-changer in expanding opportunities for CIE.

The Congressionally-created federal Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities ("the Committee"), established under WIOA submitted a report to Congress and the Labor Secretary regarding 14(c) in September 2016. Importantly, the Committee recommended that "Congress should amend Section 14(c) of FLSA to allow for a well-designed, multi-year phase-out of the Section 14(c) Program *that results in people with disabilities entering CIE.*" The Committee's recommendations focused on pairing the elimination of Section 14(c) with expanding the capacity of CIE, including through funding and technical assistance to help providers transform their business model. The Committee also recommended improved data collection and focus on employment outcomes.¹ The Transformation to Competitive Employment Act would make these recommendations a reality.

¹ Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities Final Report (Sept. 2016) at 28-31 (emphasis added), available at <https://www.dol.gov/odep/pdf/20150808.pdf>.

Similarly, the National Council on Disability, an independent federal agency charged with advising the President, Congress, and other federal agencies regarding policies that impact people with disabilities, has repeatedly called for the elimination of subminimum wages under Section 14(c), including in its recent report, “National Disability Employment Policy, From the New Deal to the Real Deal: Joining the Industries of the Future.”²

The undersigned believe that the Transformation to Competitive Employment Act addresses these recommendations by providing states and employers with 14(c) certificates the funding, supports and training necessary to change the infrastructure of outdated business models, while ensuring that individuals with disabilities have opportunities for CIE and are supported throughout the process. Additionally, we have listed below this letter state and local organizations who stand in support of the Transformation to Competitive Employment Act. In short, this bill signifies a critical and responsible paradigm shift for the employment of individuals with disabilities.

Please contact Alison Barkoff, Policy Advisor to the Collaboration to Promote Self Determination (abarkoff@cpr-us.org or 202-854-1270) or Amanda Lowe, Senior Policy Analyst at the National Disability Rights Network (amanda.lowe@ndrn.org or 202-408-9514 ext. 101) if you have any questions or to follow up on this letter.

Sincerely,

American Association of People with Disabilities
American Civil Liberties Union
American Network of Community Options and Resources (ANCOR)
Association of People Supporting Employment First
Association of University Centers on Disabilities
Autism National Committee
Autism Society of America
Autistic Self Advocacy Network
Center for Public Representation
Collaboration to Promote Self Determination
Disability Rights Education & Defense Fund
National Association of Councils on Developmental Disabilities
National Association of State Directors of Developmental Disabilities Services
National Council on Independent Living
National Disability Institute
National Disability Rights Network
National Down Syndrome Congress
National Rehabilitation Association
TASH, Inc.

² National Disability Employment Policy, From the New Deal to the Real Deal: Joining the Industries of the Future (Oct. 2018) at 119-121, available at <https://ncd.gov/publications/2018/new-deal-real-deal>

**State and Local Organizations Support for the Transformation to Competitive
Employment Act**

Alabama

Alabama Disability Advocacy Program
Down Syndrome Network of Montgomery County

Alaska

Disability Law Center of Alaska

Arizona

Arizona Center for Disability Law
DIRECT Center for Independence

Arkansas

Disability Rights Arkansas, Inc.

California

California Down Syndrome Advocacy Coalition
Child and Adolescent Services Research Center at Rady Children's Hospital San Diego
Disability Rights California
Exceptional Family Resource Center
JLA Special Needs Trust
Kern Down Syndrome Network
FIESTA EDUCATIVA INC

Colorado

Colorado Cross-Disability Coalition
Disability Law Colorado

Connecticut

Disability Rights Connecticut

Delaware

Delaware Disabilities Law Program
Down Syndrome Association of Delaware

District of Columbia

Cal-TASH
LINC

Florida

Disability Rights Florida
Down Syndrome Association of Jacksonville
Florida Democratic Disability Caucus

Georgia

D.E.A.F. Demanding Equal Access for All
GA ADAPT
Georgia Advocacy Office
Georgia APSE
Georgia Council on Developmental Disabilities
Georgia Mental Health Consumer Network
Institute on Human Development and Disability
Mental Health America of Georgia
SILC GA
Statewide Independent Living Council, GA
Work Works, IHDD – The University of Georgia

Idaho

Disability Rights Idaho
Idaho State Independent Living Council
United Action for Idaho
United Vision for Idaho

Illinois

RAMP Center for Independent Living
SCRS-IL

Indiana

Down Syndrome Indiana, Inc.

Iowa

Access2Independence CIL
Disability Rights Iowa
Northwest Iowa Down Syndrome Society

Kansas

Disability Rights Center of Kansas
Prairie Independent Living Resource Center, Inc.

Kentucky

Kentucky Protection and Advocacy

Louisiana

Advocacy Center

Maine

Autism Society of Maine
Consumer Council System of Maine
Disability Rights Maine
KFI
ME-APSE Chapter
Syntiro

Maryland

Disability Rights Maryland
Down Syndrome Connection of Anne Arundel County
Maryland Down Syndrome Advocacy Coalition

Massachusetts

Disability Policy Consortium of Massachusetts

Mississippi

Disability Rights Mississippi
MS-APSE Chapter

Missouri

Paraquad

Nebraska

Disability Rights Nebraska
Down Syndrome Alliance of the Midlands

Nevada

Nevada Disability Advocacy & Law Center

New Hampshire

Disability Rights New Hampshire
TASH-New England

New Jersey

Disability Rights New Jersey

New Mexico

Disability Rights New Mexico

New York

Disability Rights New York
Independent Living Center of the Hudson Valley
National Organization on Disability
Northern Regional Center for Independent Living

North Carolina

Disability Rights North Carolina
TASH-NC

North Dakota

North Dakota Protection and Advocacy Project

Ohio

Down syndrome Association of Central Ohio
Linking Employment Abilities and Potential (LEAP)
Ohio Association for Centers for Independent Living
Ohio APSE
Tri-County ILC

Pennsylvania

Bucks County Down Syndrome Interest group
Disability Rights Pennsylvania
Pennsylvania APSE
Pennsylvania Down Syndrome Advocacy Coalition
Pittsburgh Center for Autistic Advocacy

Rhode Island

Rhode Island Disability Law Center

South Carolina

Protection and Advocacy for People with Disabilities- South Carolina

Tennessee

Disability Rights Tennessee
Down Syndrome Association of Middle TN (DSAMT)
Empower Tennessee

Texas

Coalition of Texans with Disabilities
Disability Rights Texas
Down Syndrome Partnership of North Texas
Houston Center for Independent living
Personal Attendant Coalition of Texas
The Arc of Texas

Utah

Disability Law Center
Utah Developmental Disabilities Council
Utah State University Center for Persons with Disabilities

Vermont

Disability Rights Vermont

Virginia

Appalachian Independence Center

Disability Law Center Virginia

Virgin Islands

Disability Rights Center of the VI

Washington

Cascade Connections

Disability Rights Washington

Morningside Services

NAVOS

Pierce Jones & Associates, LLC

WA Initiative for Supported Employment

Washington ADAPT

West Virginia

Disability Rights West Virginia

West Virginia Center on Budget and Policy

Wisconsin

Disability Rights Wisconsin

Inclusa Inc.