

NDSC Comments for Department of Labor
Submitted 6/18/05

<https://14cdialogue.ideascale.com/>
Idea #1805

Use of Section 14(c) certificates and observed trends

Please share your experiences regarding Section 14(c) including any personal perspectives. We are interested in any trends you have observed in your local area and how those trends or practices have affected the community, including individuals with disabilities.

The National Down Syndrome Congress (NDSC) is the country's oldest national organization for people with Down syndrome, their families, and the professionals who work with them. We provide information, advocacy and support concerning all aspects of life for individuals with Down syndrome, and work to achieve our vision of a world with equal rights and opportunities for people with Down syndrome. We are writing to express our support for phase out of out subminimum wage certificates under Section 14(c) of the Fair Labor Standards Act.

NDSC believes that employment should be an expected life activity for individuals with Down syndrome, and that individuals with Down syndrome should have the individual and systemic supports necessary to enable them to find, keep and succeed in careers in the community based on their preferences, interests, and strengths. We also believe the Section 14(c) is an outdated, discriminatory law that devalues the work of people with Down syndrome and other disabilities and reinforces a life of poverty, segregation and public support.

We have heard countless success stories from members around the country who support the phase out of 14(c) so that people with Down syndrome can earn real pay for real work. Many individuals with Down syndrome have been able to achieve Competitive Integrated Employment (CIE) with appropriate supports and customization, and our policy goals are designed to facilitate CIE and enhance employment opportunities for people with Down syndrome while ensuring that they have the necessary supports for success.

NDSC seeks to represent the best interests of ALL individuals with Down syndrome and their families. As such, we are mindful that there are also many families in our network whose loved ones with Down syndrome currently work in sheltered workshops and are paid less than minimum wage. Many of these families report that sheltered workshops have provided positive experiences for their loved ones with Down syndrome even if they earn pennies on the dollar for their work. These families are opposed to eliminating 14(c) out of fear that their loved ones will lose

their current jobs and will endure traumatic changes to their daily routines. We respect these concerns.

It is with this diversity of opinions in mind that NDSC advocates for the elimination of 14(c) subminimum wage so long as it is accompanied by capacity-building for CIE opportunities and other wrap-around services, particularly for people transitioning out of sheltered workshops. For example, the Transformation to Competitive Employment Act (H.R. 873/S.260) provides a thoughtful, responsible approach toward these goals and we are strongly advocating for its passage in the 116th Congress. This bill would responsibly phase out 14(c) over 6 years and provide significant funding for grants for technical assistance and funding to help states and 14(c) certificate holders move to a paradigm of more integrated and innovative approaches to disability employment.

In passing the bipartisan Workforce Opportunity Innovation Opportunity Act (WIOA) of 2014, Congress made clear that competitive integrated employment – where people with disabilities work in mainstream jobs alongside, and are paid comparable wages to, co-workers without disabilities – is a national priority. However, a phase-out of 14(c) must also include a systematic approach to expand capacity for competitive integrated employment, particularly for people transitioning out of sheltered workshops. NDSC strives to support the needs of all individuals with Down syndrome while supporting the national trend toward inclusion in every aspect of life, including employment. Therefore, we support the phase out of 14(c) in a responsible way over time.