

Eliminating Section 14(c): Collaborating toward a Future of Equal Wage Protections

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Consider these questions

- Can you think of a time when you were given a job that you were not well matched for?
- Can you think of a time when you or someone you know were underestimated or undervalued because a disability?
- Have you had a strong day at work?
- How about a weak day?
- Did your pay check vary on those two days?

Agenda

- Background/History.
- Data.
- Solutions/Success Stories.
- Steps Already Taken.
- Steps to be Taken?

Did You Know...

- ~3000 entities legally pay people with disabilities subminimum wage? (most of them non-profits)
- Over 400,000 Americans with disabilities are being paid less than the minimum wage?
- Thousands are being paid less than a dollar an hour?

Background

- Section 14(c) of the Fair Labor Standards Act allows entities to apply for special wage certificates permitting them to pay people with disabilities less than the minimum wage.
- Incentive for businesses.
- In 1938, minimum wage: \$0.25 per hour.
- 1986 wage floor removed completely.

Why it matters

- Allows for abuse and mistakes.
- Violates the Olmstead decision, which affirmed that people with disabilities have a right to integrated community-based services.
- Reaffirms low expectations.
- Keeps people in poverty.

Primary Disability**Type of Work****Average Earnings Per Hour****200**

MR	Piece Work	\$0.50
MR	Piece Work	\$0.00
NM	Piece Work	\$0.00
MR	Piece Work	\$0.90
MR	Piece Work	\$1.84
MR	Piece Work	\$0.00
MR	Piece Work	\$0.19
MR	Piece Work	\$0.84
MR	Piece Work	\$0.59
MR	Piece Work	\$0.33
MR	Piece Work	\$0.50
MR	Piece Work	\$0.00

Stories

- Shelia/Harold Leigland
- Red triangle

Entities have transformed

- Vermont Conversion Institute.
- Last sheltered workshop in Vermont.
- New Hampshire.
- Melwood, Maryland.
 - Employs 700 PWD
 - All earn the minimum wage or more
- SRVS, Tennessee.

More Transitions

- “The Chicago Lighthouse for People Who are Blind or Visually Impaired supports phasing out the use of the Special “Subminimum” Wage provision found in Section 14(c) of the Fair Labor Standards Act. ... We must shift the paradigm, from one that assumes that people with disabilities cannot perform job tasks competitively, to one that recognizes that, with the proper training, opportunity, and support, even people with the most significant disabilities can be competitively employed, contributing to an employer's profits and adding value to the American economy.” – Szlyk, 2011

Transitions (continued)

- “We make completely localized decisions including the way Goodwill of Northern New England compensates all employees. Since 1996, it has been our policy and practice to **always meet or exceed the minimum wage** for our nearly 2,000 employees of all abilities in Maine, New Hampshire and Vermont.” –Gilbert, 2014

Cimera, 2012

- Those in non-sheltered employment made more money and cost less in services than their counterparts in sheltered workshops.

Table 2. Employment outcomes achieved by adults with autism from the sheltered and non-sheltered workshop cohorts

	Sheltered employees	Non-sheltered employees
Sample size	215	215
Employment rate	45.6%	39.5%
Hours worked per week	23.49 (11.40)	24.97 (12.33)
Wages earned per week ^a	US\$129.36 (\$89.66)	US\$191.42 (\$118.83)
Cost of services (entire cohort) ^b	US\$6,065.08 (\$9,879.33)	US\$2,440.60 (\$4,585.63)
Cost of services (employed) ^c	US\$8,364.39 (\$11,420.70)	US\$4,212.24 (\$5,088.11)

Note: Standard deviations presented in parentheses.

^at = 3.60; p = .001.

^bt = 4.93; p = .001.

^ct = 2.88; p = .001.

What We've Done:

National Federation of the Blind

Transitioning to Integrated and Meaningful
Employment Act (TIME) Act

Twitter Chats

Investigations

Protests

Administrative Level

Blogs

Op-eds

Coalitions

State Legislation

What a CIL can do

- Formally oppose Section 14(c).
- Discuss the issue with advocacy teams.
- Organize consumers to write letters to representatives.
- Speak to a reporter if you know someone who is comfortable talking about personal experience.
- Organize people to hearings on legislation.

It is time to ask:

- What Kind of System do we have now?
- What kind of system do we want?

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