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The Fair Wages for Workers with Disabilities Act of 2011 H.R. 3086

Disabled workers have been unfairly excluded from the federal minimum wage for 74 years, and today over 300,000 disabled workers are working for subminimum wages.

Section 14(c) of the Fair Labor Standards Act (FLSA) discriminates against people with disabilities. This section allows the Secretary of Labor to grant special wage certificates to employers, permitting them to pay their workers with disabilities less than the minimum wage, often in sheltered work environments. In some instances disabled workers are being paid pennies per hour.

This discrimination is rooted in low expectations based on misconceptions about the capabilities of disabled people. The law falsely implies that people with disabilities cannot be productive employees, and subminimum wage employers prey on society's misconception that disabled people are incapable of being competitively employed. In reality, when provided the proper rehabilitation training and tools, workers with disabilities can be productive and financially independent.

Subminimum wage supports an outdated business model that fosters the underemployment of workers with disabilities. Section 14(c) was only to be used "to the extent necessary to prevent curtailment of opportunities" for employment of people with disabilities. Instead, subminimum-wage sheltered workshops have eroded into day custody centers, limiting opportunities for workers with disabilities ever to transition into integrated, competitive work. These institutions instill a philosophy of incapacity, which becomes a self-fulfilling prophecy resulting in long-term underemployment.

The sheltered work system is a cash cow for the subminimum wage employer. Many employers insist that paying the minimum wage to disabled employees would result in lack of profitability and a reduction in their workforce, but most benefit from philanthropic donations, preferred status when bidding on federal contracts, and federal funding. Moreover, while their disabled workers receive subminimum wages that are subsidized by Social Security and public assistance, some workshop executives are earning salaries far above industry norms. The economics overwhelmingly favor subminimum wage employers, encouraging the perpetuation of subminimum wage employment and leaving workers with disabilities little to no choice for real employment.

The Fair Wages for Workers with Disabilities Act of 2011:

Discontinues the practice of issuing special wage certificates. The secretary of labor will no longer issue special wage certificates to new applicants.

Phases out all remaining special wage certificates over a 3-year period. Entities currently holding special wage certificates will begin compensating their workers with disabilities at no less than the federal minimum wage, using the following schedule:

- private for-profit entities' certificates will be revoked after 1 year;
- public or governmental entities' certificates will be revoked after 2 years; and
- non-profit entities' certificates will be revoked after 3 years.

Repeals Section 14(c) of the FLSA. Three years after the law is enacted, the practice of paying disabled workers subminimum wage will be officially abolished, and workers with disabilities will no longer be excluded from the workforce protection of a federal minimum wage.

**STOP THE DISCRIMINATION
PROMOTE EQUAL WORK FOR EQUAL PAY**

**Cosponsor the Fair Wages for Workers with Disabilities Act
H.R. 3086**

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