

2007

LEGISLATIVE BACKGROUND



Who We Are:

Rehabilitation For Wisconsin, Inc. (RFW) is a statewide non-profit membership association of over 50 community rehabilitation providers. Members provide services that address the vocational, residential, and community support needs of people with disabilities or special needs.

RFW, Inc.

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Subminimum Wage Section 14(c): Real Work for Real Wages.

BACKGROUND:

An issue of fairness: Paying wages based on productivity.

Should everyone, regardless of the amount of work they perform, be entitled to receive at least the minimum wage?

This is the big question facing the community of people who, because of a severe disability, are not able to produce at the same levels as those who do not have a disability. Many of them are working under a special subminimum wage certificate made possible by the **Federal Fair Labor Standards Act (FLSA)**, Section 14c, passed to provide more work opportunities for people with severe disabilities. The subminimum wage certificate makes it possible for people to be paid, not by the hour, but for actual work performed.

Thousands of people in this country are limited by their own individual productivity levels. Many of them are unable to compete for even a minimum wage job because they can only produce at a level that is 50%, 25% or even 10% of what is reasonably expected in the competitive workplace.

Those at the heart of the matter, many of them unaware of the debate, are the people with severe disabilities who use Section 14c certificates. Some do not have the work behaviors necessary to succeed in a competitive setting. Most can't keep up with production standards. Others need a variety of on-site personal or medical care supports.

SECTION 14(C) OF FLSA UP CLOSE:

- ◆ Authorizes the employment of workers with disabilities at special minimum wages when the disabilities impair their productivity for the work performed.
- ◆ A special minimum wage is a wage below the federal minimum wage (currently \$5.15) for contracts with a wage determination below rate applicable to the job.
- ◆ Is one more option available to help individuals with disabilities realize their full potential.
- ◆ Allows Community Rehabilitation Programs (CRPs) and State Agencies to use "real work" as a tool in the vocational training of individuals with disabilities.

SUMMARY:

A change in the law could have a huge impact on the ability for many individuals with disabilities to be employed. The alternative could mean no work at all.