



April 29, 2014

The Honorable Lorena Gonzalez
1020 N Street, Room 5158
Sacramento, CA 95814

Re: AJR 36 (Gonzalez)

Position: SUPPORT

Dear Assemblywoman Gonzalez:

On behalf of the Association of People Supporting EmploymentFirst (APSE) we strongly support your Assembly Joint Resolution 36. AJR 36, regarding Special Minimum Wage Certificates, which aims to establish fair wages and just treatment for all workers by calling on the federal government to end the use of Special Minimum Wage Certificates for disabled workers.

APSE is extremely appreciative of your intention to eliminate the use of the 75-year-old loophole that we believe is a fundamental violation of the rights of people with disabilities. These Special Minimum Wage Certificates, allowed by Section 14(c) of the 1938 Fair Labor Standards Act, are part of an extremely discriminatory practice that results in individuals with disabilities receiving as little as 22 cents an hour. As part of the discriminatory nature of sub-minimum wages, individuals with disabilities are subjected to the use of stringent productivity rate standards and requirements that apply only to workers with disabilities. These time studies are inaccurate measures of an individual's ability to work as well as lacking strong regulatory oversight, and difficult to appeal. Evidence in appeals over the rate of the subminimum wage comes solely from the employers, and even when violations are found employers do not face any legal penalties.

We believe that section 14(c) sets low expectations and encourages a misguided sense of the capacities of individuals with disabilities, who could succeed in integrated work settings with the appropriate assistance and supports. Current research-based best practice indicates that the vast majority of individuals with disabilities who want to work can be found a competitive position at regular wages through the use of customized and supported employment technologies. Sub-minimum wage is at odds with national disability policy (particularly the Americans with Disabilities Act and IDEA), which have made it clear that public policies should view disability as a natural part of human experience that in no way limits a person's right to fully participate in all aspects of life.

APSE, an organization with 37 chapters, representing nearly 3,000 members made up of, and working on behalf of, Americans with disabilities, greatly appreciates your leadership and support to abolish the unjust and discriminatory practice of paying workers as low as 3 cents per hour. We urge the California Assembly to expeditiously adopt Assembly Joint Resolution 36 and repeal Section 14(c) of the Fair Labor Standard Act.

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Sincerely,

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