



October 12, 2013

The Honorable Gregg Harper
307 Cannon HOB
Washington, D.C. 20515

Dear Congressman Harper,

As a national advocacy organization focused on advancing employment and economic well-being for individuals with disabilities, APSE would like to thank you for introducing the Fair Wages for Workers with Disabilities Act of 2013 (H.R. 831) and to express our strong support and endorsement for this important legislation.

As you know, the Fair Wages for Workers with Disabilities Act aims to remove section 14(c) of the Fair Labor Standards Act of 1938, which allows employers to apply for federal waivers to pay workers with disabilities less than minimum wage. These employers almost always use subminimum certificates to place people with sensory, physical, and cognitive or developmental disabilities in very restrictive and segregated workplaces, commonly called “sheltered workshops.” This discriminatory policy forces hundreds of thousands of workers with disabilities into a life of poverty and reinforces unfair, arbitrary standards of productivity for workers with significant disabilities that non-disabled workers are not required to meet. In 2009, the Association of People Supporting EmploymentFirst (APSE) issued a call for a carefully thought out phase out of sub-minimum wage, that leads to the movement of individuals currently being paid sub-minimum wage into individual, integrated employment opportunities paying minimum wage or higher, and avoiding unintended consequences that would not only damage efforts to expand community employment, but result in actual loss of rights and opportunities for individuals with disabilities to full integration and inclusion in society.

APSE is the only national organization with an *exclusive focus* on integrated employment and career advancement opportunities for individuals with disabilities. As an organization that promotes policy developments which enhance the social and economic inclusion and empowerment of citizens with disabilities; we strongly support the concept that all citizens deserve access to “real jobs with real wages.” The Employment First movement is about raising our expectations so that employment in the general workforce is the first and preferred outcome in the provision of publicly funded services for all working age citizens with disabilities, regardless of level of disability. Through APSE’s hard work, and from support from advocates around the country, we have seen nineteen states adopt an official Employment First policy (based on legislation, policy directive, Executive Order or similar official policy statement). We believe, as we are sure you do, that all working age adults and youths with disabilities deserve the presumption that they can work in jobs fully integrated within the general workforce, working side-by-side, with co-workers without disabilities, earning minimum wage or higher.

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

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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. If the Fair Wages for Workers with Disabilities Act (H.R. 831) were to pass, it would prevent the Department of Labor from issuing any new special wage certificates and ensure that the appropriate resources are available to promote an individual's independence and self-determination.

APSE, an organization with 37 chapters, representing nearly 3,000 members made up of, and working on behalf of, Americans with disabilities, from all 50 states, greatly appreciates your leadership and support to abolish the unjust and discriminatory practice of paying workers as low as 3 cents per hour.

Sincerely,

Association of People Supporting EmploymentFirst (APSE)