



February 10, 2014

President Barack Obama  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

The Honorable Thomas Perez  
Secretary of Labor  
U.S. Department of Labor  
200 Constitution Ave., NW  
Washington, DC 20210

Dear President Obama and Secretary Perez:

As a 3,000 member national advocacy organization focused on advancing employment and economic well-being for individuals with disabilities, APSE would like to applaud the Obama Administration's commitment to a living wage for low-income workers as exemplified in the President's recent State of the Union message. However, we would like to share our concerns that the White House and Department of Labor may allow individuals with disabilities to be paid less than the new federal contractor minimum wage of \$10.10 per hour via 14(c) special wage certificates.

As you know, thousands of individuals with disabilities are legally being paid a fraction of the minimum wage, many employed by government contractors who hold 14(c) certificates from the U.S. Department of Labor Wage and Hour Division. We believe that sub-minimum wage is a fundamental violation of the rights of citizens with disabilities that perpetuates low expectations and financially exploits employees with disabilities by these employers.

We have been encouraged by your administration's recent actions that will help ensure that individuals with disabilities can achieve a life similar to those without disabilities. In particular, we are pleased to see the Center for Medicare and Medicaid Service's (CMS) guidance announcing clear expectations for states using Medicaid waivers that prevocational services are only to be used to assist people to find jobs in integrated, community-based employment. Due to the guidance from the Department of Justice and CMS, states such as Oregon, Rhode Island, Massachusetts and New York have proactively followed suit by closing down new entrants to sheltered workshop services and we are seeing a national trend to move away from these sheltered employment services.

In light of the promising developments led by your administration, we are concerned with statements that there may be an exception for individuals with disabilities in terms of the new minimum wage for federal contractors. This runs contrary to not only APSE's work on behalf of

416 Hungerford Drive Suite 418 | Rockville, MD 20850

Phone: 301.279.0060 | Fax: 301.279.0075

[www.apse.org](http://www.apse.org)



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the full economic inclusion of individuals with disabilities, but is contrary to the administration's other efforts in this regard. We strongly believe that "all employees" should mean "**all employees**", regardless of disability. As articulated in [APSE's 2009 statement calling for the phase-out of sub-minimum wage](#), it is discriminatory to pay individuals with disabilities strictly on a rate of productivity when other individuals are not subject to such a standard. We understand the current statutory limitations in completely ending the discriminatory practice of paying Americans with disabilities sub-minimum wage. However, ending the use of sub-minimum wage for employees of federal contractors immediately, through Executive Order, would be an important step forward.

Thank you for your consideration of our comments. Thank you as well for your ongoing efforts to advance the economic well-being of all Americans, and ensuring that the rights of citizens with disabilities are enforced, allowing them to fully participate in the economic mainstream.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura A. Owens".

Laura A. Owens, Ph.D.  
Executive Director

A handwritten signature in black ink, appearing to read "Ryley Newport".

Ryley Newport  
Public Policy Associate