



PRESS RELEASE
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**U.S. Commission on Civil Rights Releases Report:
*Subminimum Wages: Impacts on the Civil Rights of People with
Disabilities***

WASHINGTON – Today, the U.S. Commission on Civil Rights released [*Subminimum Wages: Impacts on the Civil Rights of People with Disabilities*](#). The report examines an exemption under the Fair Labor Standards Act—the section 14(c) waiver program—which permits employers to pay less than the minimum wage to individuals with disabilities, and the federal enforcement of the civil rights of individuals in the program. The Commission found persistent failures in regulation and oversight by the Department of Labor and Department of Justice of the 14(c) program that have allowed, and continue to allow, it to operate without satisfying its legislative goal to meet the needs of people with disabilities. The Commission further examined the program as a whole and determined it was inconsistent with the civil rights protections to which people with disabilities are entitled.

“The Commission today calls for the end of the Section 14(c) program, because it continues to limit people with disabilities from realizing their full potential,” **Catherine E. Lhamon**, Chair of the U.S. Commission on Civil Rights. “In addition the program suffers from wildly insufficient federal oversight and civil rights review, and apparently routine noncompliance, begging the question why we as a nation continue its operation.”

Key findings from the Commission majority include:

- Persistent failures in regulation and oversight of the 14(c) program by government agencies, including the Department of Labor and Department of Justice, allow the program to operate without satisfying its legislative goals.
- The Commission took in bipartisan testimony in favor of keeping the 14(c) program and to end the 14(c) program. Notably, in 2016, both major party platforms included support for legislation ending the payment of subminimum wages to people with disabilities.
- State-level phaseouts of the 14(c) program have been designed to ensure that a competitive integrated employment model does not result in a loss of critical

services to individuals with disabilities, including former 14(c) program participants.

Key recommendations from the Commission majority include:

- Congress should repeal Section 14(c) with a planned phaseout period to allow transition among service providers and people with disabilities to alternative service models prioritizing competitive integrated employment.
- The phased repeal of 14(c) should reconceptualize how the federal government can enhance the possibilities for success and growth for people with disabilities.
- Congress should expand funding for supported employment services and prioritize capacity building in states transitioning from 14(c) programs.
- Congress should assign civil rights oversight responsibility and jurisdiction, with necessary associated fiscal appropriations to conduct the enforcement, either to the Department of Labor or to the Department of Justice Civil Rights Division.
- Congress should also require that the designated civil rights agency issue an annual report on investigations and findings regarding the 14(c) program.
- During the phaseout period, Congress should require stringent reporting and accountability for 14(c) certificate holders, and following the phaseout, Congress should continue to collect data on employment outcomes of former 14(c) employees.

The Commission held a [public briefing](#) on this subject in November 2019 to collect information from members of Congress, government officials, self-advocates and workers with disabilities, family members of people with disabilities, service providers, public officials, and experts on disability employment and data analysis. We invite you to view the [morning](#), [afternoon](#) and [public comment](#) sessions. The Commission also conducted two field visits ([Vermont](#) and [Virginia](#)) to employment and service provision sites supporting workers with disabilities earning subminimum and competitive wages, and reviewed thousands of public comments both in favor of and opposed to the program.

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The U.S. Commission on Civil Rights is the only independent, bipartisan agency charged with advising the President and Congress on civil rights and reporting annually on federal civil rights enforcement. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: In our 7th decade, a continuing legacy of influence in civil rights. For more information about the Commission, please visit www.usccr.gov and follow us on [Twitter](#) and [Facebook](#).