



PRESS RELEASE

May 6, 2021

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**South Carolina Advisory Committee to the
U.S. Commission on Civil Rights
Calls on General Assembly to Eliminate Subminimum Wages
for People with Disabilities**

WASHINGTON, D.C. - The South Carolina Advisory Committee to the U.S. Commission on Civil Rights released its report [Subminimum Wages for People with Disabilities](#). The report examines the exemption under the Fair Labor Standards Act, the section 14(c) waiver, that allows employers to pay less than the minimum wage to individuals with disabilities. The report follows a series of public meetings and a collection of public testimony.

In the report, the SC Advisory Committee noted that however well-intentioned it may have been upon its enactment in 1938, Section 14(c) now does a disservice to most of the people it was originally intended to serve.

The Committee unanimously found that:

- The Federal legislation no longer reflects the capability and proven skills of people with disabilities,
- In all but the most extreme situations of individual disability, the rationale for the payment of subminimum wages is outdated for modern society,
- Payment of subminimum wages violates the intent, if not the letter, of the law contained in the American Disabilities Act,
- There is a lack of transparency and accountability required of 14(c) certificate holders that makes it almost impossible to measure the individual or collective impact and fidelity of these employment programs.

“The Committee calls for the South Carolina General Assembly to pass legislation that prohibits employers from paying subminimum wages for South Carolinians with disabilities,” said Dr. Ted Mauro, chair of South Carolina Advisory Committee. “This legislation should have a planned phase-out period that focuses on transitioning individuals currently working in 14(c) certificate programs into other more competitive integrated employment and should not retreat in investments and support for employment success of persons with disabilities.”

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The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, 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 information about the Commission, please visit www.usccr.gov and follow us on [Twitter](#) and [Facebook](#).

Background Information

South Carolina Advisory Committee Chairman

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Report cited in Press Release: Subminimum Wages for People with Disabilities in South Carolina (May 2021) <https://www.usccr.gov/pubs/sac.php>

US Commission on Civil Rights Report: Subminimum Wages: Impacts on the Civil Rights of People with Disabilities

<https://www.usccr.gov/pubs/briefing-reports/2020-09-17-Subminimum-Wages.php>

NOTE: Report includes cover letter with summary of Labor Law 14c

In its report, the Commission “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.”

Present members of the South Carolina Advisory Committee to USCCR

Sue Berkowitz

Walter F. Caudle

Miles E. Coleman

Daniella Ann Cook

Mathieu Deflem

John Glover

Ebony Green

Silverben Mabalot

Theodore D. Mauro

Mark Smith

Dori Tempio

Recent News related to South Carolina and the USCCR

[Stephen Gilcrest](#) *On May 7, 2020, President Trump appointed South Carolinian Stephen Gilchrist as a Commissioner of the U.S. Commission on Civil Rights.*

What are State Advisory Committees (from USCCR website)

The USCCR maintains 51 State Advisory Committees (SACs), one for each state and the District of Columbia. Each is composed of citizen volunteers familiar with local and state civil rights issues. The members assist the Commission with its fact-finding, investigative, and information dissemination functions.

The Commission seeks to ensure that advisory committees are broadly diverse and represent a variety of backgrounds, skills, experiences and perspectives. This diversity promotes vigorous debate and full exploration of the issues. All appointments are made in a non-discriminatory manner.

Commissioners are responsible for appointments to the advisory committees. Commissioners vote on individual appointments upon submission of recommendations by the staff director. The term of service for a committee member is four years with a total duration of not more

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than eight years (or two four-year terms) unless there is sufficient basis for extending the appointment to 12 years.

What is Section 14c of the Federal Labor Laws c

Section 14(c) of the Fair Labor Standards Act authorizes employers, after receiving a certificate from the Wage and Hour Division of the US Department of Labor, to pay special minimum wages – wages less than the Federal minimum wage – to workers who have disabilities for the work being performed.