**Resolution 2011-17**

**Regarding the Workforce Investment Act Reauthorization**

WHEREAS, the Senate Committee on Health, Education, Labor, and Pensions has distributed language for the reauthorization of the Workforce Investment Act including a proposed Section 511 of Title V (the Rehabilitation Act), which would provide for employment of people with significant disabilities at wages below the federally mandated minimum wage; and

WHEREAS, the proposed language of Section 511 would be a tacit endorsement of the subminimum wage provision found in Section 14(c) of the Fair Labor Standards Act (FLSA) and its antiquated contention that people with disabilities cannot be competitively employed; and

WHEREAS, this language links the Rehabilitation Act, which was established to assist people with disabilities in obtaining competitive integrated employment, with Section 14(c) of the FLSA, which is based on the false premise that people with disabilities can not be competitively employed and therefore can be paid subminimum wages; and

WHEREAS, the language in Section 511 that defines what steps a vocational rehabilitation counselor must take before steering a client into subminimum-wage employment is intended to prevent youth with disabilities from being tracked into subminimum-wage jobs, but is likely instead to track them into such jobs; and

WHEREAS, language in Section 511 asserts that employers holding a certificate that allows them to pay subminimum wages can also serve as training facilities for people with disabilities, a claim that ignores the fact that job training services provided by an employer holding a special wage certificate are likely to reinforce the low expectation that workers with disabilities cannot be competitively employed, since the incentive is for the employer to continue exploiting their labor rather than prepare workers for other employment; and

WHEREAS, the Section 511 documentation and review process, which is meant to provide safeguards against inappropriate use of subminimum-wage employment, does not take into consideration the fact that state vocational rehabilitation programs do not have the resources to ensure effective compliance with the various documentation and review requirements, including the six-month review period in the proposed language, creating an opportunity to expand the exploitation caused by Section 14(c) of the FLSA; and

WHEREAS, the good intentions motivating the development of Section

511 are likely to result in enormous negative consequences, especially the validation of subminimum-wage employment as a viable outcome for people with disabilities; and

WHEREAS, the language does not provide an effective procedure for workers to challenge improper placement in such employment: Now, therefore,

BE IT RESOLVED by the National Federation of the Blind in Convention assembled this seventh day of July, 2011, in the city of Orlando, Florida, that this organization call on members of the Senate Committee on Health, Education, Labor, and Pensions to remove Section 511 of the proposed Rehabilitation Act; and

BE IT FURTHER RESOLVED that we call upon all members of Congress, not to address the unjust law of Section 14(c) with ineffective measures, but to take direct action to abolish the reprehensible practice of subminimum-wage employment forever.