Resolution 2013-02

Regarding Ending Subminimum Wage Payments to Workers with Disabilities

WHEREAS, Section 14(c) of the Fair Labor Standards Act of 1938 (FLSA), founded on the erroneous belief that people with disabilities lack the capacity for competitive, integrated employment, currently permits approximately 3,000 employers to obtain Special Wage Certificates allowing them to pay over 400,000 workers with disabilities wages that are less than the federal minimum wage, herein referred to as “subminimum wages,” some as low as 3 cents per hour; and

WHEREAS, employers who pay subminimum wages to people with disabilities, arguing that the Special Wage Certificate is an essential tool for employing workers with disabilities, threaten that an increase in employee wages would require them to terminate their workers with disabilities, but these same employers have enough revenue to pay their executives six-figure salaries and pay professional lobbyists to advocate for the perpetuation of this discriminatory provision; and

WHEREAS, other employers of people with disabilities operating in similarly situated industries, working with comparable populations of employees with disabilities, are able to maintain successful businesses without the use of the Special Wage Certificates, proving the assertions and threats of subminimum wage employers to be false; and

WHEREAS, Goodwill Industries admits that 101 (almost two-thirds) of its 165 affiliates pay their workers with disabilities the federal minimum wage or higher, while the remaining sixty-four affiliates take advantage of the Special Wage Certificates to pay their workers with disabilities immorally subminimum wages, illustrating the hypocritical and unjustifiable position of employers who pay subminimum wages to their disabled workers; and

WHEREAS, the National Federation of the Blind is joined by our Fair Wage partners—over fifty other national and local organizations of and for people with disabilities—in our effort to support the policies and programs that work to end the payment of subminimum wages to workers with disabilities and aggressively to oppose the development and implementation of policies that would perpetuate the use of this discriminatory provision; and

WHEREAS, Congressman Gregg Harper has introduced the Fair Wages for Workers with Disabilities Act of 2013, HR 831, which, when enacted, will immediately stop the issuance of new Special Wage Certificates, responsibly phase out the use of the Special Wage Certificates over a three-year period, and finally repeal Section 14(c) of the FLSA; and

WHEREAS, despite substantial research validating the benefits of new, innovative strategies to train and employ workers with disabilities at competitive wages and demonstrating the waste and harm caused by subminimum-wage employment, preliminary Workforce Investment Act (WIA) reauthorization discussions propose language in Section 511 of the Rehabilitation Act that links Section 14(c) of the FLSA to the Rehabilitation Act and allows the obsolete practices of employers who pay subminimum wages to be considered viable training and job-placement-service providers for people with disabilities: Now, therefore,

BE IT RESOLVED by the National Federation of the Blind in Convention assembled this fifth day of July, 2013, in the city of Orlando, Florida, that we condemn and deplore the actions of all employers that take advantage of the unfair, discriminatory, immoral provision found in Section 14(c) of the Fair Labor Standards Act (FLSA); and

BE IT FURTHER RESOLVED that we continue to encourage the public to discontinue donating to, shopping at, or partnering with Goodwill or other subminimum-wage employers, until they discontinue their use of the Special Wage Certificates and pay every employee at least the federal minimum wage; and

BE IT FURTHER RESOLVED that we commend all of our Fair Wage Partners, Congressman Gregg Harper, and all cosponsors of the Fair Wages for Workers with Disabilities Act of 2013, HR 831, for their courage and support of our efforts to repeal Section 14(c) of the FLSA and that we call on all other members of the US House of Representatives to exercise the same courage by supporting the passage of HR 831; and

BE IT FURTHER RESOLVED that we call on the members of the US Senate to refuse to integrate subminimum wage language in the reauthorization of the Workforce Investment Act that perpetuates the use of Section 14(c) of the FLSA and to work toward the introduction and passage of legislation to end the payment of subminimum wages to workers with disabilities.