



Autism Society of America
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Submitted Electronically at: <http://www.regulations.gov>

Department of Labor
Wage and Hour Division
29 CFR Part 525
RIN 1235-AA14

Re: Employment of Workers with Disabilities Under Section 14(c) of the Fair Labor Standards Act

On behalf of the Autism Society of America, I write in strong support of the Department of Labor's Wage and Hour Division's proposed ban on subminimum wages under the 14(c)-certificate program of the Fair Labor Standards Act.

This proposed rule would stop issuance of new Section 14(c) certificates to employers submitting an initial application on or after the effective date of a final rule and permit existing Section 14(c) certificate holders, assuming all legal requirements are met, to continue to operate under Section 14(c) certificate authority for up to three years after the effective date of a final rule.

The Autism Society of America is the nation's oldest and largest grassroots organization representing individuals with Autism and their families. Providing employment opportunities for people with Autism is one of our highest legislative goals. Most adults with Autism want to work and they want real jobs that allow them to be self-sufficient. However, recent data shows that approximately 85 percent of Autistic adults with a college education are unemployed, and over 90 percent of adults with Autism are under-employed or unemployed.

Ableism, or discrimination against people with disabilities, is a pervasive barrier in the workplace. It manifests in hiring practices, workplace culture, and policies like the Labor Department's Section 14(c) program. Section 14(c) of the Fair Labor Standards Act (FLSA), passed in 1938, allows public and private employers to obtain special certificates from the Department of Labor's Wage & Hour Division that allow them to compensate workers with disabilities at rates below the current federal minimum wage based on the individual's level of measured productivity. This results in a disproportionate number of individuals with Autism and other developmental disabilities being automatically placed into a sub-

minimum wage position - usually in segregated facilities - after exiting the public school system.

Individuals with developmental disabilities and their families are often told there are no other options available to them and are often pressured by public systems and service provider agencies to enter this option. It often has little relationship with an individual's ability. These workshops too often become terminal places of employment when they are supposed to act as transitional employment to train individuals. As few as 5% of workers transition into employment in the community. Most do a poor job providing any independent living or real-world job skills. With laws centered around community inclusion and competitive integrated employment in laws such as the ADA, Developmental Disabilities Act, and WIOA, Section 14(c) is incompatible with current law and with the expectations of people with disabilities. We need to end the use of 14(c) and focus on providing customized employment and other evidence-based supports to all who need them.

As the Wage and Hour Division at the Department of Labor oversees the subminimum wage certificates, they have legal authority to halt the reauthorization of the certificates. In addition, three years is sufficient time to provide employers to discontinue subminimum wages and to transform their workforce model.

The Autism Society of America is in full support of this proposed rule.