



Plain Language Edition

**Explainer: Take Action
on Fair Pay for Disabled
Workers!**

Words to know

14(c)

- A part of the Fair Labor Standards Act that says employers can pay disabled people less than minimum wage

14(c) certificate

- A piece of paper that says certain employers are allowed to pay their disabled workers less than minimum wage

Competitive Integrated Employment (CIE)

- When disabled people get jobs in the community. It also means disabled people get paid fairly for their work. Competitive Integrated Employment gets called “CIE” for short. CIE is explained more later in this guide.

Minimum wage

- The least amount of money a worker can be paid for doing an hour of work.

The Department of Labor (DOL)

- A part of the United States government that makes rules about jobs. The Department of Labor gets called “the DOL” for short.

Rule

- A rule tells people what they are allowed to do. A rule also tells people what they are not allowed to do. Rules are made by groups in the United States government called agencies.

Proposed rule

- An idea or draft of a rule. That means people don't have to follow the rule yet.

Finalized/Finalizing

- When a proposed rule becomes a rule people have to follow.

Renew

- When an employer already has a 14(c) certificate and wants it to last longer.

Expire

- When an employer's 14(c) certificate stops allowing them to pay subminimum wage to disabled people. 14(c) certificates only last a few years. After those few years, employers can not use their 14(c) certificate anymore.

Extension

- When an employer with a 14(c) certificate asks the Department of Labor for more time to keep paying disabled workers less than minimum wage.

Public comments

- A way for people to share ideas about a proposed rule with the government.

Public comment periods

- The time when people can send public comments to the government.

Medicaid

- a health care program run by state governments. Medicaid helps people get health care if they have a disability or don't have a lot of money.

Medicaid buy-in program

- A way to pay for some Medicaid health care. A Medicaid buy-in program can help you keep your Medicaid health care even if you make more money than Medicaid says you are allowed to make.

Introduction: What is the Fair Labor Standards Act? What is 14(c)?

The Fair Labor Standards Act is a law passed in 1938. The Fair Labor Standards Act did some helpful things. The law made a **minimum wage** for everyone in the United States. The minimum wage is the smallest amount that your boss is allowed to pay you for one hour of your work. Right now in December 2024, the minimum wage is \$7.25. The law says that workers have to be paid at least \$7.25 for every hour of work they do.

But the Fair Labor Standards Act leaves out some people. The part of the law that leaves out disabled people is called **Section 14(c)**. Section 14(c) lets companies pay disabled people less than the minimum wage. Companies get a piece of paper called a **14(c) certificate**. The certificate says that the company is allowed to pay disabled people less than the minimum wage. Today, around 40,579 disabled workers in the U.S. make less than the minimum wage. This is because of Section 14(c). It is wrong to pay workers with disabilities less than minimum wage. Because of Section 14(c), many workers with disabilities do not make enough money to survive. Workers with disabilities should be paid fairly.

We want workers with disabilities to have **Competitive Integrated Employment**. Competitive Integrated Employment means that disabled people get paid fairly for their work. It also means disabled people get jobs in the community. Competitive Integrated Employment gets called "CIE" for short.

A job has to follow certain rules to be a CIE job:

- The job has to treat disabled workers the same as non-disabled workers.
 - The job has to give fair pay to disabled workers. Fair pay means that workers make at least minimum wage. Fair pay also means that disabled workers get paid the same amount of money as nondisabled

workers doing the same job.

- The job has to give disabled workers the same chance to improve their careers as nondisabled workers doing similar jobs. Being promoted to a higher-level position can help a worker improve their career. Getting training to learn new skills can also help a worker improve their career.
- The job has to let disabled workers work with non-disabled workers. Many disabled people do not get to work with non-disabled people. Or, if they do work together, non-disabled people are the bosses for disabled people. CIE jobs have to let disabled people work with both disabled and nondisabled people. In CIE, some of the nondisabled workers do the same job as the disabled workers.
- The job has to let disabled workers access the same job benefits as nondisabled workers. Job benefits are help that companies give their workers. Job benefits are things like health care, paid time off, and holidays.

You can read more about the Fair Labor Standards Act and Section 14(c) in ASAN's toolkit "[Real Work For Real Pay: A Self-Advocate's Guide to Employment Policy](#)." The toolkit is available in Easy Read and plain language.

What is happening with the 14(c) program right now?

The Department of Labor (DOL) is the part of the government that is in charge of the 14(c) program. [ASAN wants the Department of Labor to get rid of the 14\(c\) program](#). Right now, the DOL is thinking about whether they should change or get rid of the 14(c) program.

ASAN and our allies asked the DOL to end the 14(c) program. To end the 14(c) program, the DOL must make a **rule**. A rule tells people what they are allowed to do. It also tells people what they are not allowed to do.

On December 4th, 2024, the DOL put out a **proposed rule**. A proposed rule is an idea or draft of a rule. That means people don't have to follow the rule yet. They only have to follow the rule if it gets finalized. Finalizing the rule means that people will have to follow the rule. We want the DOL to get rid of 14(c). We must tell the DOL that we want them to finalize the rule.

What does the DOL's proposed rule about 14(c) say?

The DOL's proposed rule about 14(c) has three main ideas.

The first idea is to stop letting employers **renew** their existing 14(c) certificates. ASAN supports this idea.

- Right now, when an employer already has a 14(c) certificate and wants it to last longer, they can **renew** the certificate. If an employer renews their 14(c) certificate, the employer can keep paying disabled workers less than minimum wage.
- The proposed rule says that employers would not be allowed to renew 14(c) certificates after a certain date. That date is three years after the rule is finalized. The DOL says employers can renew their certificate within those three years. Once those three years are over, 14(c) employers can't renew their certificates anymore. Once those three years are over, the 14(c) certificates **expire**. When an employer's 14(c) certificate expires, that means the employer is not allowed to pay disabled workers less than minimum wage anymore.
- ASAN understands that some 14(c) employers will need time to end their 14(c) programs. ASAN thinks it is okay that the DOL gives 14(c) employers three years to end their 14(c) programs.

The second idea is to stop giving 14(c) certificates to employers who don't already have 14(c) certificates. ASAN supports this idea.

- This means that no more new employers would be able to pay disabled workers less than minimum wage after the rule is finalized. Employers without 14(c) certificates won't be able to get 14(c) certificates after the rule is finalized.

The third idea is to let employers with 14(c) certificates get an **extension** on their 14(c) certificates. ASAN does NOT support this idea.

- An extension means that employers with 14(c) certificates could ask the DOL for more time to keep paying disabled workers less than minimum wage. We do NOT want employers to get extensions on their 14(c) certificates. We want employers to stop paying disabled workers less than minimum wage as soon as possible.
- The DOL is wondering if there are situations that would make an extension okay. There are no situations that would make an extension okay.

How can I tell the DOL what I think about the proposed rule?

The DOL wants to know what people think of their proposed rule. The DOL is asking for **public comments** on the proposed rule. Public comments are a way for people to share ideas with the government. Public comments let the government know what everyday people think about a rule or law.

People in the government have to read the public comments. Then, they decide whether or not to make the rule. If they decide to finalize the rule, they also decide if they will make changes to the rule before people have to start following the rule.

Anyone can write a public comment. The government asks for public comments to try to hear everyone's opinions. You do not need to be an expert to write a comment.

Usually, everyday people don't send in public comments. Sending in a public comment can be confusing. But sending in a public comment is important. We hope you submit a public comment!

The government needs to hear from people it doesn't usually hear from. For example, the government doesn't usually hear from self-advocates. The government needs to hear from self-advocates. That is how the government can make policies that help us.

People only have a short time to make public comments. This is called a public comment period. **Public comment periods** are the time that people can send public comments. The public comment period for the DOL's proposed rule about 14(c) will end after January 17th, 2025. This means that no one can send a public comment to the DOL about the proposed rule after January 17th, 2025.

Public comments need to be unique. That means your comment needs to be different from everyone else's. That's because the DOL will only read unique public

comments. That means if two people send the same comment, the DOL will only read it once. Even though they are 2 comments, the DOL will act like they are only 1 comment.

Here are some other tips for writing your public comment:

- Write 1000 words or less for your comment. The DOL might not read more than the first 1000 words.
- Do not put private information about your life in your comment. Do not write your address or other contact information. Don't send pictures or videos.
- Don't talk about other problems people with disabilities have. Focus on just talking about subminimum wage and competitive integrated employment (CIE). This rule is only about subminimum wage.
- Do try to add personal details about why ending the 14(c) program matters to you. That will help people working for the government to remember your story.
- Only send in a comment you write yourself. You can start from ASAN's template, but you need to change it to be your own words.
- You won't hear anything back from the DOL when you send your comment. You might not hear back from the DOL at all. But the DOL will still read your public comment.

What should I write in my public comment?

There are some important things that everyone who writes a public comment on the proposed rule can say:

- You can say that you support the DOL's proposed rule about 14(c).
- You can say that you support the DOL's idea to stop letting employers renew certificates after a certain date. You can say that you think that 14(c) employers should have to stop paying disabled workers less than minimum wage no more than three years after the rule is finalized.
- You can say that you think the DOL should stop giving 14(c) certificates to employers who don't already have 14(c) certificates.
- You can say that you do not want the DOL to let employers with 14(c) certificates get an extension on their 14(c) certificates. You can say there are no situations that would make an extension okay.

You can also share more about how the proposed rule would help you or people you know. The DOL really wants to hear stories from people the proposed rule would affect the most. Here are some ideas for things you can share in your public comment. Only share things about yourself or people you know that are true!

You can talk about your experience with disability:

- I am a disabled person/person with a disability
- I have an intellectual disability
- I have a developmental disability
- I am a family member of a disabled person/person with a disability
- I am a caregiver for a disabled person/person with a disability

You can talk about how much you get paid for work:

- I get paid less than minimum wage at the job I have right now
- I get paid at least minimum wage at the job I have right now
- I used to get paid less than minimum wage at my old job
- I have gotten paid at least minimum wage at every job I have had

You can talk about support that helps you do your job:

- I have accommodations for my disability at my job.
 - You can talk about your accommodations and how they help you do your job.
- I used to work at a job that paid me less than minimum wage. Now I work at a job that pays me at least minimum wage. Here is what helped me change to a better job.
 - You can talk about job training. You can talk about the kinds of support you get at your current job. You can talk about things that made it easier for you to change to a job that pays at least minimum wage. You can talk about things that made it harder for you to change to a job that pays at least minimum wage. If you work more hours at your current job than you did at a job that paid you less than minimum wage, you can say that.

You can talk about how the DOL's proposed rule about 14(c) would affect you:

- Ending 14(c) would help me earn more money. Earning more money would help me make more choices about my life.
- Ending 14(c) would make it easier to get a job in the community.
- If you are part of a **Medicaid buy-in program**, you can talk about how you

are able to earn at least minimum wage and still have health insurance.

- **Medicaid** is a health care program run by state governments. Medicaid helps people get health care if they have a disability or don't have a lot of money.
- People who have their health insurance covered by Medicaid are not allowed to make more than a certain amount of money. If someone is on Medicaid and makes more than a certain amount of money, they can have their health insurance taken away. **A Medicaid buy-in program** is health insurance you can pay for to keep your Medicaid coverage. A Medicaid buy-in program can help you keep your Medicaid coverage even if you make more money than Medicaid says you are allowed to make.
- The DOL wants to hear about peoples' experiences with Medicaid buy-in programs. Some people are worried that if 14(c) ends and disabled workers earn at least minimum wage, disabled workers will lose their Medicaid coverage. Medicaid buy-in programs can be a good way for disabled workers to make more money AND keep their Medicaid coverage.

These are just examples of things you can share about yourself and your experiences. You do not have to talk about all of the things on the list above. The most important thing to say in your comment is that you support the proposed rule!

How do I submit my public comment to the Department of Labor?

To submit your comment to the Department of Labor, follow these steps:

- Click this website link: <https://www.regulations.gov/commenton/WHD-2024-0001-0001> . This will take you to the Federal Register website. The Federal Register website is the website the government uses to collect public comments.
- Type your comment where the page says “Start typing comment here”.
 - It is a good idea to type your comment somewhere you can save it and then copy and paste it into the space that says “Start typing your comment here”. For example, you could write your comment in a Word document and then copy and paste it into the space that says “Start typing your comment here”. That way, your comment will not be lost if the Federal Register website page refreshes or if your computer runs out of battery.
- If you want to attach files to your comment, you can. You do not have to attach files. Some people upload a file that includes links to sources that support the things they say in their comments. Sources are proof that shows what you are saying is true. Things like research papers and news reports are kinds of sources.
- You can type your email address in the space on the page that says “email address”. You do not have to type your email address. You can type your email address if you want to get an email that tells you when the DOL gets your comment.
- Choose how you want to submit your comment. You can click on one of the three squares under the text that says “Tell us about yourself! I am...”.

- The first square says “an individual”. You should pick the first square if you are writing your comment as yourself. If you pick the first square, a section on the page will pop up that says “contact information”. You will have to type your first name and last name. You can also type the other information the “contact information” section gives you space to type, but you do not have to.
- The second square says “an organization”. You should pick the second square if you are writing your comment for an organization you are a part of. For example, if your self-advocacy group asked you to submit a public comment for them, you would click the second square. If you pick the second square, a section on the page will pop up that says “Your organization information”. Click on the text that says “Select an Organization Type”. Click on one of the options from the menu that pops up. If you are not sure which option to pick, you can just pick “Organization”. Then, type the name of your organization in the space that says “Organization name”.
- The third square says “anonymous”. You can pick this option if you do not want anyone to see your name next to your comment.
- Click the box next to the text that says “I’m not a robot”.
- Click the blue button that says “Submit Comment”.

If the button looks like this, that means you have not answered all of the questions you need to answer.



Submit Comment

Go back to the top of the page and make sure you have typed something in every box with a red asterisk next to it. The red asterisk looks like this: *

If the button looks like this, that means you have answered all of the questions you need to answer.



Submit Comment

Now, you can submit your comments by clicking this button. Great job!

We know that the public comments process is not accessible for a lot of people. Unfortunately, this is the only way the government accepts comments right now. If you have trouble submitting your comment, email Jules Good, Programs Coordinator at the Autistic Self Advocacy Network, at jgood@autisticadvocacy.org.

What happens after I submit my public comment?

The DOL will read all the public comments people send to them. The DOL might use the things they learn from public comments to make changes to the proposed rule. The agency has to read every comment. They need to write an answer to every comment. But, they can group similar comments together and answer them all at once. That's why it is important to write your own unique comment.

After answering all public comments, the agency decides if they will finalize the rule.

If they decide to finalize the rule, the rule starts to get **implemented**. Implementing a rule means making sure that people follow the rule.

It might take a long time for the DOL to decide what to do with their proposed rule about 14(c). ASAN will keep fighting for all disabled workers to get fair pay!