

What 14C Is And Why It Is Important To Keep Commensurate Wage Work

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At Achieve, we strongly believe in providing a broad range of employment options for our participants.

Accordingly, we provide opportunities to work in competitive jobs out in the community, usually with a job coach who provides assistance as needed. And for some, we provide work on-site at Achieve, where participants can work alongside their friends in a safe and supported environment.

Those working on-site are typically paid a “commensurate wage” which is directly tied to their productivity. Unfortunately, some advocates would like to eliminate on-site employment options.

How it Works:

Since 1938, section 14(c) of the federal Fair Labor Standards Act has allowed employers to pay people with disabilities a commensurate wage – which is sometimes less than the minimum wage. The commensurate wage is based on the individual employee’s productivity. For example, if a person with a disability produces 75 units in an hour, while a non-disabled person earning minimum wage produces 100 units, then the person with the disability would be paid 75% of the minimum wage. Often times, 14(c) work is performed at day programs for people with disabilities, where they are safe and supported by trained staff. 14(c) was created as a reasonable accommodation to help people with disabilities find work, and it continues to serve that purpose today.

To offer commensurate wage work, an employer must hold a “14(c) certificate” from the U.S. Department of Labor (DOL). DOL requires that time studies be performed for any 14(c) work, to ensure that the wage being paid is fair and truly commensurate. The DOL also audits certificate holders to ensure that time studies are done correctly and that appropriate documentation and data is being collected. This oversight ensures that people with disabilities are being fairly compensated based on their productivity.

What’s the Problem?

Advocates for eliminating 14(c) believe that the law promotes discrimination against people with disabilities. Many believe that every person with a disability should have competitive employment in an integrated community setting, and they object to workshop settings where disabled workers work alongside others with disabilities. What they fail to recognize, however, is that eliminating commensurate wage work will eliminate jobs for people with disabilities. If everyone must be paid a minimum wage regardless of productivity, then employers will hire the most productive workers, and that will result in many disabled workers being left on the sidelines.

It’s about CHOICE:

Without question, every person with a disability should be given the option of working for competitive wages in a community setting. At Achieve Services, we work hard to place as many people as possible in competitive employment. But the reality is, some people with disabilities want to take a different path. Some CHOOSE to work for reduced wages, at their own pace, in settings where they feel safe and can work alongside their friends, and they have staff support. Moreover, parents and guardians of some of our most vulnerable participants don’t want them out in the community. Instead, they want them in an environment where they can be productive and earn some money, but are safe and cared for.

Again, at Achieve we believe in offering a wide range of employment options, and honoring the choices our participants make.

Accordingly, we will continue our fight to preserve 14(c) work as an option.



Participants doing 14c work

If you would like to learn more about this issue, please visit us at www.achieveservices.org/advocate.



1201 89th Ave NE #105
Blaine, MN 55434

Phone – (763) 783-4909
Fax – (763) 783-4725

info@achieveservices.org
www.achieveservices.org