Understanding 14c

Frequently Asked Questions

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In a nutshell, why does 14(c) matter so much?

14(c) work is one of the employment options people with disabilities can choose to pursue. 14(c) is an accommodation for people with disabilities, allowing employers to pay workers with disabilities at a rate commensurate to their productivity. Without 14(c), employers would hire the most productive workers, and many people with disabilities would lose their jobs. Importantly, working a commensurate wage job is always the worker's choice.

Why are people advocating to eliminate 14(c)?

Some believe that everyone with a disability should be paid at least minimum wage, even though that would mean many people with disabilities would lose their jobs.

Who is trying to eliminate 14(c)?

This movement is led by advocates who believe everyone should be paid a minimum wage, and the vast majority of these "advocates" are higher-functioning and do not need 14(c) to find employment. The overwhelming majority of families we work with want 14(c) preserved.

What will replace 14(c) if it is eliminated?

Sadly, if 14(c) is eliminated, many people with significant developmental disabilities will have no other options for employment. They will lose much more than a paycheck – they will lose the self-respect, pride, and sense of identity that comes with having a job.

How can I get involved with advocating for 14(c)?

All seats in the MN House of Representatives are up for election this year. You can get involved by asking candidates what their position is on paying people with disabilities commensurate wages under 14(c). You can also educate people about the benefits of offering 14(c).

What has a parent said about 14(c) work?

"14(c) work is the perfect fit for our son. He loves having some work to do every day, as much or as little as he wants, at his own pace. Feeling productive and valued means the world to him. Without 14(c), it would be hard to find an employer who would be willing to work around our son's complex medical needs." – **Marie Couillard**, mother of a participant

If you would like to learn more about this issue, please visit us at **www.achieveservices.org/14c**.

Achieve SERVICES

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

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 prevailing rate for that specific job. 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. DOL also requires annual surveys to ensure that the commensurate wage is current and consistent with what other businesses are paying. And, DOL 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 where 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

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