



September 9th, 2024

Senate Health, Education, Labor & Pensions Committee
428 Dirksen Senate Office Building
Washington, DC 20510-6300

House Education and the Workforce Committee
2176 Rayburn House Office Building
Washington, DC 20515-6100

Dear Chairs Sanders and Foxx, Ranking Members Cassidy and Scott, and Members of Congress,

We, the one hundred (100) undersigned organizations, stand united in our support for the bipartisan “Transformation to Competitive Integrated Employment Act” (S. 533 / H.R.1263). Broad consensus for TCIEA exists among this letter’s varied signatories, representing the interests of disabled people, businesses, employers, state agencies, providers, and families. It is our shared position that there is dignity in work, and that all disabled workers deserve fair pay in integrated employment settings. **We strongly urge you to pass TCIEA during the 118th Congress.**

TCIEA is the rare kind of legislation that is a win-win-win-win for legislators, state providers, businesses, and disabled people because it would **enable employers to provide good, cost-effective jobs for disabled people, thereby increasing disabled peoples’ participation in the workforce and financial independence.** Disabled people want to work. TCIEA will help that goal come to fruition because it provides the grants and technical assistance necessary to both advance opportunities for competitive integrated employment (CIE), as well as to gradually sunset the Section 14(c) program over five years in the Senate bill and four years in the House Bill. The process outlined in this legislation will not harm businesses and state agencies, but as a matter of fact, will help them.

Myths vs. Reality

TCIEA will not force certificate-holding employers to shut down. With the passage of TCIEA, current subminimum wage employers will be provided with the resources to transition their business models to CIE. Businesses can continue to provide goods and services, employ people with disabilities, and secure Medicaid funding for job coaching and other support that their workers need. TCIEA also provides a framework states can use to support disabled individuals whose employers do not choose to transition their business practices. TCIEA helps 14(c) employees find and retain competitive integrated employment (CIE), which may occur at their current place of employment following a program model transformation, or in another CIE setting.

The loudest TCIEA opponents claim that some disabled people are too impaired for any job setting besides sheltered workshops. These opponents believe that eliminating sheltered workshops would result in disabled people losing “the place they go every day” and losing support services. Sheltered workshops, however, exacerbate our impairments and compromise our access to quality support services. Segregated, subminimum wage jobs deprive us of the chance to know what we’re capable of when our needs are valued and met. **When disabled people are instead given the appropriate accommodations and wraparound services, we often stop demonstrating the behaviors or characteristics that got us (mis)labeled as “low-functioning” or “profoundly disabled” to begin with.** Many more of us would be capable of competitive integrated employment (CIE) if we were provided with the reasonable accommodations protected under the ADA, including those that teach and allow us to communicate via augmentative and alternative communication (AAC). Many more of us would be capable of CIE if provided with wraparound services, like occupational and physical therapy, that advance employment outcomes. Disabled people are better positioned to reach our highest potential when we *first* get the fair wages, accommodations, and support services we rightly deserve. We will rise to the occasion when employers, family advocates, and legislators start fulfilling their responsibilities to us. And even if higher expectations do not lead to decreased support

needs over time, disabled people still deserve the right to work in an integrated environment at a fair wage, whether or not we conform to ableist standards.

Disabled people deserve “dignity of risk,” which is the belief that individuals with disabilities have the right to the freedom to make their own decisions, which may involve risks. Disabled people deserve the deeply human opportunity to make mistakes, learn, grow, and work toward personally-determined goals, just like individuals without disabilities.

The Business Case for TCIEA

Studies have also shown, time and again, that transitioning to CIE is better for businesses’ bottom line. It costs the state’s adult services agencies more money to pay for sheltered workshops than to provide employment supports. Sheltered workshops are a type of segregated employment in which disabled employees are kept apart from the rest of the community. Approximately 96% of 14(c) employees are at sheltered workshops.¹

According to a study in the *Journal of Vocational Rehabilitation*, “Research indicates that employees receiving supported employment services generate lower cumulative costs than employees receiving sheltered workshop services and that whereas the cost-trend of supported employees shifts downward over time, the opposite is the case for individuals receiving sheltered workshop services.”² Similarly, a meta-analysis of five studies “found **no evidence in support of segregation as a method of achieving any meaningful preferred employment outcome**— not in CIE, not in wages, not in hours, not in cost, not in quality of life, not in achieving greater independence.”³ Recently, the Washington Post’s analysis of eight states that ended their programs before 2022 showed that “**employment rates for adults with cognitive disabilities increased by at least 14 percent after state programs were canceled, when adjusted for overall employment rate growth.**”⁴

Over time, TCIEA could reduce the number of people relying on government assistance. People earning subminimum wage are at a higher risk of living in poverty, even if they are also receiving social security and other forms of financial support. This means that even high-cost government assistance programs are not enough to break many disabled people out of the cycle of poverty. Nearly half of working-age disabled people had annual household incomes under \$30k.⁵ And there is a 25.9% poverty rate for working-age disabled people who live in the community, which is more than double the poverty rate for their non-disabled counterparts.⁶ Having the opportunity to make at least minimum wage, while certainly not enough to cover the cost of living, would be a step in the right direction toward financial self-sufficiency.

TCIEA will help states and businesses meet their legal obligations. **Federal guidance is clear that individuals with disabilities must be able to live, work, and receive services in the most integrated setting appropriate to their needs.**⁷ The Department of Justice’s 2024 investigation of Utah and DOJ’s 2022 settlement with Oregon are enforcement efforts that demonstrate that the agency stands by

¹ The Association of People Supporting Employment First (APSE). (2023). *Trends and Current Status of 14(c)*. <https://apse.org/wp-content/uploads/2023/09/APSE-14c-Update-REV-0723.pdf>

² Cimera, R. E. (2008). The cost-trends of supported employment versus sheltered employment. *Journal of Vocational Rehabilitation*, 28(1), 15-20. https://www.researchgate.net/profile/Robert-Cimera/publication/230853211_The_cost-trends_of_supported_employment_versus_sheltered_employment/links/0f317531a1daed13b6000000/The-cost-trends-of-supported-employment-versus-sheltered-employment.pdf

³ Taylor, J. P., Avellone, L., Wehman, P., & Brooke, V. (2023). The efficacy of competitive integrated employment versus segregated employment for persons with disabilities: A systematic review. *Journal of Vocational Rehabilitation*, 58(1), 63-78. <https://content.iospress.com/download/journal-of-vocational-rehabilitation/jvr221225?id=journal-of-vocational-rehabilitation%2Fjvr221225>

⁴ Some disabled workers in the U.S. make pennies per hour. It’s legal. (2024, August 30). *The Washington Post*. <https://www.washingtonpost.com/wellness/2024/08/30/subminimum-wage-disabled-workers/>

⁵ Warren, A., Chege, W., Greene, M., & Berdie, L. (2023). *The Financial Health of People With Disabilities Key Obstacles and Opportunities*. Financial Health Network. <https://finhealthnetwork.org/research/the-financial-health-of-people-with-disabilities/>

⁶ Paul, S., Rafal, M., & Houtenville, A. (2020). *Annual Disability Statistics Compendium: 2020* (Table 6.3). Durham, NH: University of New Hampshire, Institute on Disability. <https://files.eric.ed.gov/fulltext/ED613086.pdf>

⁷ U.S. Department of Justice, Civil Rights Division. (2023). *Questions and Answers on the Application of the ADA’s Integration Mandate and Olmstead v. L.C. to Employment and Day Services for People with Disabilities*. <https://www.ada.gov/resources/olmstead-employment-qa/>

their guidance.^{8,9} The 14(c) program segregates employees in isolated, disability-specific work settings that limit economic independence, chances for professional advancement, and community interaction.

Employee Testimonies

Many people who were placed in subminimum wage jobs have spoken out about the abusive and harmful nature of these programs. Below are testimonies from two people about their experience in 14(c) certificate-holding sheltered workshop employment settings.

David Pinno – Wisconsin

“I worked in a sheltered workshop from 2003-2011 in Wisconsin. I was paid \$4.28 per hour while at the sheltered workshop. Other people did the same work and got paid minimum wage – a lot more than me. I felt worthless and I was often retaliated against for speaking my mind. I chose to leave the sheltered workshop and pursue work. I ended up working two jobs for \$13 per hour at McDonald’s and Goodwill. I would never have been able to be independent and own my own home if I had remained stuck in 14 (c) just because of my disability. 14(c) is wrong and needs to end”

Donna Spears – Louisiana

“Working for less than minimum wage took away my dignity. I worked in Louisiana at a 14(c) sheltered workshop. I worked as a secretary doing hard administrative work for only 45 cents an hour (about 38 dollars a month). I was humiliated when I learned that other workers were paid much more than me for the same work. Worse, some of these people got credit for projects I completed. I decided to leave the sheltered workshop because I knew I could do better. I went back to school and now have two degrees in Psychology. I now work for a fair wage helping people with IDD advocate for themselves. 14(c) has to end. It is wrong because it takes away from the dignity of work and exploits people like me.”

Conclusion

The Transformation to Competitive Integrated Employment Act lays the groundwork for both **businesses and their disabled employees to have better opportunities for advancement**. TCIEA offers **realistic alternatives** to the broken¹⁰ system of segregated employment and subminimum wage. The one hundred (100) undersigned organizations endorse the bipartisan “Transformation to Competitive Integrated Employment Act” (S. 533 / H.R.1263), and we strongly urge you to pass TCIEA this congressional session.

Sincerely,

The End Subminimum Wage Coalition

American Association of People with Disabilities (AAPD)
Autistic Self Advocacy Network (ASAN)
National Council on Independent Living (NCIL)
National Association of Councils of Developmental Disabilities (NACDD)

Allied Organizations

Access Center for Independent Living – Ohio
Access Living – Illinois
Access Ready, Inc. – National
Access to Independence, Inc. – Wisconsin
Accessible Resources for Independence, Inc. (ARI) - Maryland

⁸ U.S. Department of Justice, Office of Public Affairs. (2024). *Justice Department Finds That Utah Violates Federal Civil Rights Law by Segregating People with Disabilities*. <https://www.justice.gov/opa/pr/justice-department-finds-utah-violates-federal-civil-rights-law-segregating-people>

⁹ U.S. Department of Justice, Office of Public Affairs. (2022). *Justice Department Announces Conclusion of Landmark Agreement Addressing Segregated Work Settings for People with Disabilities*. <https://www.justice.gov/opa/pr/justice-department-announces-conclusion-landmark-agreement-addressing-segregated-work>

¹⁰ Government Accountability Office. (2023). *Subminimum Wage Program: DOL Could Do More to Ensure Timely Oversight*. (GAO Publication No. 23-105116). <https://www.gao.gov/assets/gao-23-105116.pdf>

Association of People Supporting Employment First (APSE) - National
Association of Programs for Rural Independent Living (APRIL) - National
Autism Society of America - National
Autistic Women & Nonbinary Network (AWN) - National
Autistry Studios - California
Boston Center for Independent Living - Massachusetts
Brooklyn Center for Independence of the Disabled (BCID) – New York
Cape Organization for Rights of the Disabled, Inc. - Massachusetts
Caring Across Generations – National
Center for Independence of the Disabled, New York (CIDNY)
Center for Independent Living for Western Wisconsin - Wisconsin
Center for Public Representation - National
Community Options - Multistate (UT, AZ, IA, MD, NH, NJ, NM, NY, PA, SC, TN, TX)
CT State Independent Living Council - Connecticut
Disabilities Resource Center of Siouxland - Iowa
Disability Empowerment Center - Pennsylvania
Disability Law Center - Massachusetts
Disability Law Center of Alaska
Disability Law Center of Utah
Disability Pride Pennsylvania
Disability Rights Arizona
Disability Rights California
Disability Rights Center - New Hampshire
Disability Rights Education & Defense Fund (DREDF) - National
Disability Rights Florida
Disability Rights Iowa
Disability Rights Louisiana
Disability Rights Michigan
Disability Rights Montana
Disability Rights New Jersey
Disability Rights New Mexico
Disability Rights North Carolina
Disability Rights of West Virginia
Disability Rights Ohio
Disability Rights South Carolina
Disability Rights Tennessee
Disability Rights Wisconsin
ENDependence Center of Northern Virginia
FREED Center for Independent Living - California
Green Mountain Self-Advocates - Vermont
Hawaii Disability Rights Center
Independence Associates, Inc. – Massachusetts
Independent Living Center of North Central Ohio, Inc. - Ohio
Independent Living, Inc. – New York
Indiana Disability Rights
Kentucky Protection and Advocacy
Liberty Resources Inc. - Pennsylvania
Little Lobbyists - National
Marc Gold & Associates - National
Marin Center for Independent Living - California
Matrix Parent Network & Resource Center - California
Microsoft - International

Minnesota Disability Law Center at Mid-Minnesota Legal Aid
National Alliance for Direct Support Professionals, Inc.
National Association of Statewide Independent Living Councils (NASILC)
National Center for Learning Disabilities (NCLD)
National Disability Rights Network (NDRN)
National Down Syndrome Congress (NDSC)
National Down Syndrome Society (NDSS)
National Organization on Disability (NOD)
National Partnership for Women & Families (NPWF)
Native American Disability Law Center – National
New York Association on Independent Living
North Dakota Protection & Advocacy Project
Northcoast Aging and Disability Resource Center (ADRC) - California
Not Dead Yet – National
Ohio Statewide Independent Living Council (SILC)
Oklahoma Disability Law Center
Oregon Statewide Independent Living Council
Pennsylvania Council on Independent Living
Progress Center for Independent Living - Illinois
Red Rock Center for Independence - Utah
Resources For Independence Central Valley - California
Roads to Freedom Center for Independent Living (RTFCIL) of North Central Pennsylvania
Roads To Independence - Utah
Rolling Start, Inc. Center for Independent Living - California
Rural Advocates For Independent Living, Inc. - Missouri
Self Advocate Coalition of Kansas (SACK) - Kansas
Self Advocates Becoming Empowered (SABE) - National
Service Center for Independent Life (SCIL) – California
Southeastern Ohio Center for Independent Living – Ohio
Spa Area Independent Living Services - Arkansas
Summit Independent Living - Montana
Suncoast Center for Independent Living Inc - Florida
TASH - National
The Partnership for Inclusive Disaster Strategies - National
The Statewide Independent Living Council of Illinois - Illinois
Tri-County Independent Living, Inc. – California
Western Reserve ILC, Inc – Ohio
WILS - Missouri
Wisconsin Coalition of Independent Living Centers - Wisconsin