

Elimination of the Sub-Minimum Wage Certificates

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Long has it been a practice across the United States to authorize sub-minimum wage certificates working in sheltered workshops across the country. As the task force has stated in our vision statement “All Hoosiers are included, recognized, and supported as equal citizens, including people with intellectual and developmental disabilities.” With that statement the Task Force set in motion the need for Indiana to critically examine the practice of the sub-minimum wage certificates for individuals with disabilities.

This practice, however legal and authorized, is an archaic eighty-year-old exemption in the US Fair Labor Standards Act (FLSA). Many of the proponents of this practice believe it is a pathway to employment for individuals and a training ground for individuals to gain and perfect skills. However, there is no limit to the time an individual can maintain a sub-minimum wage position nor is there any requirement to report status or progress. Current experience demonstrates that people with significant disabilities with access to needed supports can work at typical jobs in typical places at minimum wage or higher. FLSA 14(c) provisions was considered as necessary and even progressive at the time it was written. However, 2018 it is incompatible with current knowledge, practice and experience.

It is important that we as a Task Force do not support any practice which would allow the devaluing of any Hoosier especially Hoosier with disabilities. Allowing, ignoring, or supporting the practice of paying Hoosier with disabilities below the minimum wage sends the wrong message to all Hoosier. We as a Task Force want to be known for protecting and supporting individuals with disabilities not holding them back in anyway.

Therefore, I believe the 1102 Task Force should ensure all Hoosiers with disabilities are compensated at the same wages as other Hoosiers not classified with a disability. It is my recommendation to the 1102 Task Force eliminate funding for programs which incentivize or allow employers to pay individuals with disabilities below the minimum wage.