



April 4, 2023
Re: HB 471

Dear Members of the Kentucky Legislature,

As the leading human rights organization for all individuals with Down syndrome, the National Down Syndrome Society (NDSS) strongly supports the passage of HB 471, which would remove the exemption that allows individuals with disabilities to be paid less than the minimum wage.

Despite existing civil rights protections, thousands of Americans with disabilities are legally paid less than the minimum wage because of a provision in Section 14(c) of the Fair Labor Standards Act of 1938. Under 14(c) employers can apply for special certificates from the U.S. Department of Labor that allow them to undercut the minimum wage for employees with disabilities. According to a 2020 U.S. Commission on Civil Rights report, between 2017 and 2018 the average wage of a person with a disability working under such certificates was only \$3.34 per hour. The provision was originally intended to afford people with disabilities otherwise-unavailable opportunities to work. However, after more than 80 years, the continued use of these 14(c) certificates is anachronistic and fails to recognize the rights of people with disabilities or value the contributions they make to their workplaces, communities, and society in general.

By phasing out the use of subminimum wage, this bill affirms that employees with disabilities have the right and ability to work in competitive employment settings alongside their colleagues without disabilities and to be paid at least the federal minimum wage for their work.

Phasing out 14(c) certificates does not equate to a loss of jobs. Many organizations have successfully transitioned away from 14(c) certificates and have retained their employees with disabilities.

Including individuals with disabilities in everyday work life will positively impact not only the individuals themselves, but the state's economy as a whole. Adult members of the disability community have over \$504 million in disposable income, according to the 2017 American Community Survey. This money feeds directly into local economies and benefits the State of Kentucky.

NDSS envisions a world in which all people with Down syndrome have the opportunity to enhance their quality of life, realize their life aspirations, and become valued members of welcoming communities. We urge you to take action to phase out subminimum wage for individuals with Down syndrome and other disabilities, and we thank you for your leadership regarding this important piece of legislation.

Sincerely,

Nick Leto
Manager of State Government Relations
National Down Syndrome Society
nleto@ndss.org