



January 18, 2023

Re: HB 1924

Dear Members of House Commerce and Energy Committee,

As the leading human rights organization for all individuals with Down syndrome, the National Down Syndrome Society (NDSS) strongly supports the passage of HB 1924, 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. While the provision was originally intended to afford people with disabilities otherwise-unavailable opportunities to work, 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 American society in general.

By phasing out the use of subminimum wage, this bill affirms that employees with disabilities have the right to and ability to work in competitive integrated employment settings alongside their colleagues without disabilities and to be paid equitable wages for their work. 15 states have already taken legislative action to change this outdated and offensive law. Passage of HB 1924 will build on these efforts, eliminating disability wage discrimination in Virginia and influencing critical policy change in our country.

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 the Virginia House of Delegates 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.

If you have any questions please do not hesitate to contact our Manager of State Government Relations, Nick Leto, at nleto@ndss.org.

Sincerely,

A handwritten signature in black ink that reads "Kandi Pickard". The signature is fluid and cursive, with a large loop at the end of the name.

Kandi Pickard
President and CEO
National Down Syndrome Society