

U.S. SENATOR BOB CASEY



CHAIRMAN Special Committee on Aging

The Transformation to Competitive Integrated Employment Act (TCIEA) S. 3238

U.S. Senators Bob Casey (D-PA) and Steve Daines (R-MT)

All Americans deserve to be fairly compensated for their work. Unfortunately, thousands of Americans with disabilities are paid less than the minimum wage. This is due to a provision in the Fair Labor Standards Act that allows employers to apply for special certificates from the U.S. Department of Labor to pay people with disabilities a subminimum wage. 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—less than half the federal minimum wage.

People with disabilities are better able to achieve financial independence and spend more time engaging in their communities when they transition to competitive employment and work in integrated environments – workplaces that hire both people with disabilities and people without disabilities.

Ending the Subminimum Wage and Encouraging Competitive Integrated Employment for People with Disabilities

In 2014, Congress, through the Work Innovation and Opportunity Act (WIOA), established the goal of employing people with disabilities in competitive integrated jobs with the services and supports necessary to recognize their skills, knowledge and experiences. In order to achieve competitive integrated employment for people with disabilities, especially those with more significant support needs, businesses currently paying subminimum wages to people with disabilities will need support.

The Transformation to Competitive Integrated Employment Act would implement the goals laid out in WIOA by providing grants to states or employers currently paying subminimum wage to workers with disabilities. These grants would go towards transitioning employers to a business model that pays at least minimum wage to workers with disabilities and continue to provide services and supports to workers with disabilities, particularly to those with the most significant disabilities. It would also prohibit the U.S. Secretary of Labor from issuing new certificates that permit employers to pay subminimum wage to workers with disabilities and phase out the use of subminimum wage practices for all employers over five years.

TCIEA will also create a technical assistance center to support employers making the transition to help them continue to provide wrap around services and supports for workers as the business moves to a competitive integrated business model, including how to use Medicaid home and community-based services to support people with complex disabilities in a competitive integrated work environment.

Supporting Organizations

Allies for Independence, American Association of People with Disabilities (AAPD), American Council of the Blind (ACB), American Foundation for the Blind (AFB), ANCOR, Applied Self-Direction, Association of Programs for Rural Independent Living (APRIL), Association of University Centers on Disabilities (AUCD), Association of People Supporting Employment First (APSE) along with 38 state affiliates¹, Autism Society, Autistic Self Advocacy Network (ASAN), Bazelon Center for Mental Health Law, Center for Learner Equity, Center for Public Representation (CPR), Communication First, Community Options, Council of Parent Attorneys and Advocates (COPAA), Council of State Administrators of Vocational Rehabilitation (CSAVR), Cure SMA, Disability Rights Education & Defense Fund (DREDF), Disability Rights Montana, Down Syndrome Affiliates in Action, Institute for Educational Leadership (IEL), Little Lobbyists, Marc Gold and Associates (MG&A), National Association of Councils on Developmental Disabilities (NACDD), National Association of the Deaf (NAD), National Association of Direct Support Professionals (NADSP), National Association of State Directors of Developmental Disability Services (NASDDDS), National Association of State Directors of Special Education (NASDSE), National Council on Independent Living (NCIL), National Disability Institute (NDI), National Disability Rights Network (NDRN), National Down Syndrome Congress (NDSC), National Down Syndrome Society (NDSS), National Organization on Disability (NOD), SourceAmerica, Spina Bifida Association (SBA), TASH, United Spinal Association, Williams Syndrome Association and the World Institute on Disabilities.

¹ APSE chapters in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin and Wyoming. Every state with an APSE chapter supports the bill.