



**RESOLUTION 2022-2**

**WHEREAS**, section 14(c) of the Fair Labor Standards Act allows employers to discriminate against people with disabilities by allowing employers to pay less than the federal minimum wage to workers who have disabilities for the work being performed; and,

**WHEREAS**, the subminimum wages are for mundane tasks that do not typically transfer into skills granting the disabled employee other employment opportunities, and reinforces stigmatic misconceptions and stereotypes that disabled workers are less capable; and,

**WHEREAS**, employers increasingly stopped relying on section 14(c) and are voluntarily withdrawing their certificates; and,

**WHEREAS**, in 2016, both Republicans and Democrats called to end subminimum wages for people with disabilities; and,

**WHEREAS**, in her Letter of Transmittal accompanying the U.S. Commission on Civil Rights 2020 Statutory Enforcement Report titled Subminimum Wages: Impacts on the Civil Rights of People with Disabilities, the Chair noted that the U.S. Department of Labor repeatedly found section 14(c) providers limiting people with disabilities from realizing their full potential while allowing providers and associated businesses to profit from their labor, which is contrary to section 14(c)'s purpose; and,

**WHEREAS**, a congressional committee recommended in 2016 that section 14(c) be phased out, and a 2018 report by the National Council on Disability recommended phasing out section 14(c); and,

**WHEREAS**, the State of Alaska eliminated the state-level equivalent to section 14(c) in 2018 because its experience for the prior two decades showed that workers with disabilities can succeed in jobs earning minimum wage or more; and,

**WHEREAS**, the Governor's Council on Disabilities and Special Education, the State Vocational Rehabilitation Committee, the Statewide Independent Living Council, and the Alaska Workforce Investment Board all supported eliminating Alaska's subminimum wage exemption; and,

**WHEREAS**, eliminating the Alaska minimum wage exemption brought employment practices into alignment with the Alaska Employment First Act of 2014 which requires vocational services help people with disabilities to become gainfully employed at or above the minimum wage; and,

**WHEREAS**, the Alaska Human Rights Act declares that discrimination against an Alaskan because of physical or mental disability is a public concern and that this discrimination not only threatens the rights and privileges of the inhabitants of the state but also menaces the institutions of the state and threatens peace, order, health, and general welfare of the state and its inhabitants; and,

**WHEREAS**, the Alaska Human Rights Act declares that it is the policy of the state to eliminate and prevent discrimination in employment because of physical or mental disability, and to encourage physically and mentally disabled persons to participate fully in the social and economic life of the state to engage in remunerative employment; and,

**WHEREAS**, the Alaska State Commission for Human Rights is the agency charged with enforcing the Alaska Human Rights Act; and,

**WHEREAS**, the Alaska State Commission for Human Rights finds that section 14(c) remains a discriminatory barrier for people with physical and mental disabilities; and,

**WHEREAS**, the Transformation to Competitive Integrated Employment Act, introduced as S. 3238 and H.R. 2373, eliminates that barrier by prohibiting the Secretary of Labor from issuing Special Wage Certificates to new applicants and by bringing wages for disabled persons within the auspices of the federal minimum wage.

**NOW, THEREFORE, BE IT RESOLVED**, that the Alaska State Commission for Human Rights:

1. finds section 14(c) of the Fair Labor Standards Act to be an outdated discriminatory law; and,
2. supports the Transformation to Competitive Integrated Employment Act, S. 3238 and H.R. 2373; and,
3. calls on Congressman Don Young to co-sponsor H.R. 2373 or similar legislation; and,
4. calls on Senator Lisa Murkowski and Senator Dan Sullivan to co-sponsor S. 3238 or similar legislation; and,
5. asks that the Alaska congressional delegation to support the Transformation to Competitive Integrated Employment Act and any similar legislation that repeals section 14(c) and/or otherwise eliminates the 14(c) certificate program and the authority for an employer to pay subminimum wage to a disabled person on account of the person's disability.

Copies of this resolution shall be forwarded to the offices of Alaska's two United States Senators, the Office of the At Large Congressional District of Alaska, and the Office of the

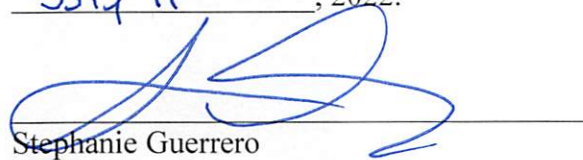
Governor. Additionally, the resolution shall be forwarded once the seat held by former Representative Don Young is filled for the remainder of the 117<sup>th</sup> Congress, 2<sup>nd</sup> Session, and for that congressperson's successor if the successor is a different person.

**ADOPTED** at Anchorage, Alaska, this 11 day of July, 2022



Zackary Gottshall  
Chairperson  
Alaska State Commission for Human Rights

I hereby certify that the foregoing Resolution 2022-2 is a true and accurate copy of the language adopted by the Commission on July 11, 2022.



Stephanie Guerrero  
Acting Secretary  
Alaska State Commission for Human Rights