In what little progress has been made for the push toward a living wage in the United States, one group is being steadily left behind — that of the disabled population. Disabled people in the US are still being held back by section 14c of the Fair Labor Standards Act , placed in 1938 that allows for employers to receive waivers permitting them to pay disabled workers *whatever they choose.* That's right: anything they want so long as they're paid anything at all, meaning that ten cents an hour is a perfectly feasible payment for a worker deemed disabled.

When it was established, this law was actually supposed to be progressive: it existed in order to encourage employers to give people with disabilities any job at all, rather than refusing to hire them. If they were allowed to "employ" people for pennies an hour, why wouldn't they then give them jobs? What began with good intentions quickly morphed into exploitation, as organizations such as Goodwill create "job training programs" that according to an ABC news report was found to be paying as little as twenty-two cents an hour. By 2016, Goodwill Omaha's lowest paid employee was making $1.40 hourly.

To be a job training program, these employees must be *trained*, and move on to jobs that actually pay them a living wage. Neither of these things are happening in Goodwill's supposed training program. According to the Government Accountability Office, these "trainees" largely never move to other jobs, continuing to work for change at Goodwill or other "sheltered workshops," and they never learn true job skills: the most complicated work they do involves putting items in boxes or hanging clothing on racks. Rather than creating jobs for the disabled and teaching important work skills, Goodwill is exploiting the FLSA clause to essentially employ slave labor covered by a federal waiver. While the act states that "section 14c does not apply unless the disability actually impairs the worker's earning or productive capacity for the work being performed,"[6] no standards are established for who determines this or how, or if the employee can ever be re-evaluated for improvement such as in cases of mental illness or developmental delay. This loophole allows for the misuse and abuse of the "sheltered workshop."

One would hope that if the Fair Labor Standards Act, which currently can't be described as *fair*, were created today, such a section would not be included. While there has been little momentum in the past to fight subminimum wage, attention is being given to new bill put forward by the Democratic Party to raise the minimum wage to $15 by 2024. This bill also plans

to phase out all forms of subminimum wage. The last modification to the law was in 1986, and it changed the subminimum wage for disabled workers from a standardized wage floor to the concept of 'commensurate wage,' which made it permissible to base the pay of a disabled worker on how productive they were based on management's judgment and arbitrary standards. The last *attempt* was a phase-out plan bill in 2015, which died in the House.

In order to achieve equity for the disabled, abolition of section 14c must be successful. While it is true that paying everyone the same would be a case of trying to achieve unfair *equality*, it is impossible to get to a point of social or health equity without an even playing field. Those with profound disability if anything need more, not less financial support from the government. Allowing them to seek full-time work and ending up pushed even further behind their able-bodied cohort is an injustice that new law can easily correct: make subminimum wage illegal, and don't look back.

References

1. TIME act. 2015;188(114th Congress).

2. DeJean A. Many people with disabilities are being paid way below the minimum wage, and It's perfectly legal. Mother Jones Web site. http://www.motherjones.com/politics/2017/08/many-people-with-disabilities-are-being-paid-way-below-the-minimum-wage-and-its-perfectly-legal/. Published August 8, 2017. Accessed October 28, 2017.

3. DePillis L. Disabled people are allowed to work for pennies per hour — but maybe not for much longer. The Washington Post Web site. https://www.washingtonpost.com/news/wonk/wp/2016/02/12/disabled-people-are-allowed-to-work-for-pennies-per-hour-but-maybe-not-for-much-longer/?utm_term=.3e1fe3e189c2. Published February 12, 2016. Updated 2016. Accessed October 28, 2017.

4. Rep. Scott, Robert C. "Bobby" [D-VA-3]. H.R.15 - raise the wage act. 2017;15(115).

5. Spielberg B. Below the minimum no more. Prospect Web site. http://prospect.org/article/below-minimum-no-more. Published May 30, 2017. Updated 2017. Accessed October 28, 2017.

6. Wage and Hour Division. Fact sheet #39: The employment of workers with disabilities at subminimum wages. US Department of Labor Web site. https://www.dol.gov/whd/regs/compliance/whdfs39.htm. Published n.d. Updated 2008. Accessed October 28, 2017.