



Legislation Text

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Res. No. 1653

Resolution calling on the Federal Government to support H.R. 3086, the Fair Wages for Workers with Disabilities Act of 2011, which phases out the issuance of special wage certificates under the Fair Labor Standards Act of 1938.

By Council Members Rodriguez, Chin, Ferreras, James, Koppell, Rose and Wills

Whereas, Current Federal law allows the Secretary of Labor to grant special wage certificates to entities that provide employment to workers with disabilities, allowing such entities to pay their disabled workers at rates that are lower than the Federal minimum wage; and

Whereas, The practice of paying workers with disabilities less than the Federal minimum wage dates back to the 1930s, when there were virtually no employment opportunities for disabled workers in the mainstream workforce; and

Whereas, A report of the United States General Accounting Office (GAO) found that the Wage and Hour Division of the Department of Labor has not done a good job at enforcing the current law and lacked the information and personnel needed to do so; and

Whereas, The GAO report also indicated that although employers, under current law are authorized to determine the wage of a disabled employee, the methodology for calculating such wage is complicated and unfairly establishes a productivity benchmark that is difficult for anyone to maintain; and

Whereas, The inability of many employers to correctly establish an appropriate wage has regularly resulted in many disabled employees receiving even less than what they should be paid under the special wage methodology; and

Whereas, H.R. 3086, the Fair Wages for Workers with Disabilities Act of 2011 was introduced on

October 4, 2011; and

Whereas, This legislation would direct the Secretary of Labor to discontinue issuing new special wage certificates which permit individuals with disabilities to be paid at lower than minimum wages by profit, non-profit or governmental entities; and

Whereas, H.R. 3086 would amend the Fair Labor Standards Act of 1938 (FLSA) to stop the issuance of special wage certificates in three years and would require the revocation of any remaining certificates in existence at that time; and

Whereas, Employees with disabilities, when provided with any necessary rehabilitation services, training, and/or tools, can be as productive as nondisabled employees and should be provided with equitable wages and respect; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Federal Government to support H.R. 3086, the Fair Wages for Workers with Disabilities Act of 2011, which phases out the issuance of special wage certificates under the Fair Labor Standards Act of 1938.

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