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www.disabilityrightscalifornia.org

March 4, 2019

The Honorable Doug La Malfa
United States House of Representatives
322 Cannon House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative La Malfa:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

This bill is vital for workers who are currently earning sub-minimum wages, often in segregated settings known as sheltered workshops, as well as adults with disabilities who are ready, willing, and able to work but are presently sitting in day-programs without the access they need to

appropriate vocational supports because of a vast shortage of qualified providers. The Workforce Innovation and Opportunity Act (WIOA) of 2014 established competitive integrated employment (CIE) as a priority where people with disabilities work in mainstream jobs in their individual areas of interest alongside co-workers with and without disabilities, and are provided the same opportunities for career advancement. WIOA furthers the goal of the Americans with Disabilities Act (ADA) to advance the economic self-sufficiency of people with disabilities.

Here in California, on October 9, 2013, Governor Brown signed AB 1041 (Chesbro), which establishes in statute an Employment First Policy. Per the policy, opportunities for CIE shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. In keeping with that mandate, DRC has been working in close cooperation with the California Department of Rehabilitation, Department of Education, and Department of Developmental Services to oversee the creation and implementation of the “Competitive Integrated Employment Blueprint to Change.” The purpose of the Blueprint is to increase opportunities for Californians with intellectual/developmental disabilities to prepare for and participate in CIE. While we are making great strides in that direction, the agencies all agree that there is an extreme shortage of qualified vendors statewide who can adequately provide the necessary vocational supports. Both WIOA and the CIE Blueprint restrict the use of State funds to support sub-minimum wage job placements. However, in order for transitions to be successful, there must be viable alternatives. This bill would help ensure that those alternatives exist.

Customized employment is one extremely effective way to connect individuals to CIE. Per the United States Department of Labor, “Customized Employment is a flexible process designed to personalize the employment relationship between a job candidate or employee and an employer in a way that meets the needs of both. It is based on identifying the strengths, conditions, and interests of a job candidate or employee through a process of discovery. Customized Employment also identifies the business needs of an employer. Together, these create a match resulting in a customized position.”¹ In California, extremely successful pilot programs, funded in part by State Council on Developmental Disabilities and involving 21 Regional Centers, have recently concluded and are already being replicated by the Department of Rehabilitation. The purpose of the pilot was to field test

evidence-based research on best practices for assisting job-seekers with disabilities to access customized employment. (See “Customized Employment Discovery Fidelity: Developing Consensus Among Experts” Journal of Vocational Rehabilitation, vol. 50, no. 1. Pp. 23-27, 2019). One of the study participants commented, “This is the first time some of the people we work with have ever been seen for their skillsets and not disabilities.” Another shared, “It works! People who have been sitting at home for years are working now!” However, one of the clear takeaways from the study was that **building vendor capacity is essential**. Yet despite the clear national priority for CIE, nearly 230,000 people with disabilities are legally paid sub-minimum wages under Section 14(c) of FLSA, largely in settings where they are segregated from their nondisabled peers and broader society. The subminimum wage for too long has created and reinforced a life of poverty and dependency on public support.

DRC has long supported ending the outdated and unfair Section 14(c) program. However, ending subminimum wage alone is not enough. We need to ensure that people with disabilities have opportunities to work at fair wages, alongside co-workers without disabilities. If passed, the capacity-building component included in the Transformation to Competitive Employment Act will be a game-changer in expanding opportunities for CIE.

The Congressionally-created federal Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (the Committee), established under WIOA, submitted a report to Congress and the Labor Secretary regarding 14(c) in September 2016. Importantly, the Committee recommended that “Congress should amend Section 14(c) of FLSA to allow for a well-designed, multi-year phase-out of the Section 14(c) Program that results in people with disabilities entering CIE.” The Committee’s recommendations focused on pairing the elimination of Section 14(c) with expanding the capacity of CIE, including through funding and technical assistance to help providers transform their business model. The Committee also recommended improved data collection and focus on employment outcomes.^{[ii](#)} The Transformation to Competitive Employment Act would make these recommendations a reality.

Additionally, the National Council on Disability, an independent federal agency charged with advising the President, Congress and other federal

agencies regarding policies that impact people with disabilities has repeatedly called for the elimination of sub-minimum wages under Section 14(c), including in its recent report, “National Disability Employment Policy, From the New Deal to the Real Deal: Joining the Industries of the Future.”ⁱⁱⁱ

DRC feels that the Transformation to Competitive Employment Act includes these recommendations and provides employers with 14(c) certificates, the funding, supports, and training necessary to change the infrastructure of their business models, while ensuring that individuals with disabilities have opportunities for CIE and are supported throughout the process. In short, this bill signifies a critical and responsible paradigm shift for the employment of individuals with disabilities.

For these reasons we urge you to cosponsor H.R. 873. Please feel free to contact Curtis Child if you have any questions or to follow up on this letter.

Very truly yours,

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Curtis Child
Legislative Director
Disability Rights California

cc: Amanda Lowe, Senior Public Policy Analyst, National Disability Rights Network

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The Honorable Jared Huffman
United States House of Representatives
1527 Longworth House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

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March 4, 2019

The Honorable John Garamendi
United States House of Representatives
2368 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Garamendi:

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United States House of Representatives
2312 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
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DRC has long supported ending the outdated and unfair Section 14(c) program. However, ending subminimum wage alone is not enough. We need to ensure that people with disabilities have opportunities to work at fair wages, alongside co-workers without disabilities. If passed, the capacity-building component included in the Transformation to Competitive Employment Act will be a game-changer in expanding opportunities for CIE.

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DRC feels that the Transformation to Competitive Employment Act includes these recommendations and provides employers with 14(c) certificates, the funding, supports, and training necessary to change the infrastructure of their business models, while ensuring that individuals with disabilities have opportunities for CIE and are supported throughout the process. In short, this bill signifies a critical and responsible paradigm shift for the employment of individuals with disabilities.

For these reasons we urge you to cosponsor H.R. 873. Please feel free to contact Curtis Child if you have any questions or to follow up on this letter.

Very truly yours,



Curtis Child
Legislative Director
Disability Rights California

cc: Amanda Lowe, Senior Public Policy Analyst, National Disability Rights Network

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March 4, 2019

The Honorable Doris Matsui
United States House of Representatives
2311 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Matsui:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

This bill is vital for workers who are currently earning sub-minimum wages, often in segregated settings known as sheltered workshops, as well as adults with disabilities who are ready, willing, and able to work but are presently sitting in day-programs without the access they need to

appropriate vocational supports because of a vast shortage of qualified providers. The Workforce Innovation and Opportunity Act (WIOA) of 2014 established competitive integrated employment (CIE) as a priority where people with disabilities work in mainstream jobs in their individual areas of interest alongside co-workers with and without disabilities, and are provided the same opportunities for career advancement. WIOA furthers the goal of the Americans with Disabilities Act (ADA) to advance the economic self-sufficiency of people with disabilities.

Here in California, on October 9, 2013, Governor Brown signed AB 1041 (Chesbro), which establishes in statute an Employment First Policy. Per the policy, opportunities for CIE shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. In keeping with that mandate, DRC has been working in close cooperation with the California Department of Rehabilitation, Department of Education, and Department of Developmental Services to oversee the creation and implementation of the “Competitive Integrated Employment Blueprint to Change.” The purpose of the Blueprint is to increase opportunities for Californians with intellectual/developmental disabilities to prepare for and participate in CIE. While we are making great strides in that direction, the agencies all agree that there is an extreme shortage of qualified vendors statewide who can adequately provide the necessary vocational supports. Both WIOA and the CIE Blueprint restrict the use of State funds to support sub-minimum wage job placements. However, in order for transitions to be successful, there must be viable alternatives. This bill would help ensure that those alternatives exist.

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For these reasons we urge you to cosponsor H.R. 873. Please feel free to contact Curtis Child if you have any questions or to follow up on this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Curtis Child". The signature is fluid and cursive, with the first name "Curtis" and last name "Child" clearly distinguishable.

Curtis Child
Legislative Director
Disability Rights California

cc: Amanda Lowe, Senior Public Policy Analyst, National Disability Rights Network

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March 4, 2019

The Honorable Ami Bera
United States House of Representatives
1727 Longworth House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Bera:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

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Very truly yours,

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March 4, 2019

The Honorable Paul Cook
United States House of Representatives
1027 Longworth House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Cook:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

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March 4, 2019

The Honorable Jerry McNerney
United States House of Representatives
2265 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative McNerney:

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March 4, 2019

The Honorable Josh Harder
United States House of Representatives
131 Cannon House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Harder:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

This bill is vital for workers who are currently earning sub-minimum wages, often in segregated settings known as sheltered workshops, as well as adults with disabilities who are ready, willing, and able to work but are presently sitting in day-programs without the access they need to

appropriate vocational supports because of a vast shortage of qualified providers. The Workforce Innovation and Opportunity Act (WIOA) of 2014 established competitive integrated employment (CIE) as a priority where people with disabilities work in mainstream jobs in their individual areas of interest alongside co-workers with and without disabilities, and are provided the same opportunities for career advancement. WIOA furthers the goal of the Americans with Disabilities Act (ADA) to advance the economic self-sufficiency of people with disabilities.

Here in California, on October 9, 2013, Governor Brown signed AB 1041 (Chesbro), which establishes in statute an Employment First Policy. Per the policy, opportunities for CIE shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. In keeping with that mandate, DRC has been working in close cooperation with the California Department of Rehabilitation, Department of Education, and Department of Developmental Services to oversee the creation and implementation of the “Competitive Integrated Employment Blueprint to Change.” The purpose of the Blueprint is to increase opportunities for Californians with intellectual/developmental disabilities to prepare for and participate in CIE. While we are making great strides in that direction, the agencies all agree that there is an extreme shortage of qualified vendors statewide who can adequately provide the necessary vocational supports. Both WIOA and the CIE Blueprint restrict the use of State funds to support sub-minimum wage job placements. However, in order for transitions to be successful, there must be viable alternatives. This bill would help ensure that those alternatives exist.

Customized employment is one extremely effective way to connect individuals to CIE. Per the United States Department of Labor, “Customized Employment is a flexible process designed to personalize the employment relationship between a job candidate or employee and an employer in a way that meets the needs of both. It is based on identifying the strengths, conditions, and interests of a job candidate or employee through a process of discovery. Customized Employment also identifies the business needs of an employer. Together, these create a match resulting in a customized position.”¹ In California, extremely successful pilot programs, funded in part by State Council on Developmental Disabilities and involving 21 Regional Centers, have recently concluded and are already being replicated by the Department of Rehabilitation. The purpose of the pilot was to field test

evidence-based research on best practices for assisting job-seekers with disabilities to access customized employment. (See “Customized Employment Discovery Fidelity: Developing Consensus Among Experts” Journal of Vocational Rehabilitation, vol. 50, no. 1. Pp. 23-27, 2019). One of the study participants commented, “This is the first time some of the people we work with have ever been seen for their skillsets and not disabilities.” Another shared, “It works! People who have been sitting at home for years are working now!” However, one of the clear takeaways from the study was that **building vendor capacity is essential**. Yet despite the clear national priority for CIE, nearly 230,000 people with disabilities are legally paid sub-minimum wages under Section 14(c) of FLSA, largely in settings where they are segregated from their nondisabled peers and broader society. The subminimum wage for too long has created and reinforced a life of poverty and dependency on public support.

DRC has long supported ending the outdated and unfair Section 14(c) program. However, ending subminimum wage alone is not enough. We need to ensure that people with disabilities have opportunities to work at fair wages, alongside co-workers without disabilities. If passed, the capacity-building component included in the Transformation to Competitive Employment Act will be a game-changer in expanding opportunities for CIE.

The Congressionally-created federal Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (the Committee), established under WIOA, submitted a report to Congress and the Labor Secretary regarding 14(c) in September 2016. Importantly, the Committee recommended that “Congress should amend Section 14(c) of FLSA to allow for a well-designed, multi-year phase-out of the Section 14(c) Program that results in people with disabilities entering CIE.” The Committee’s recommendations focused on pairing the elimination of Section 14(c) with expanding the capacity of CIE, including through funding and technical assistance to help providers transform their business model. The Committee also recommended improved data collection and focus on employment outcomes.^{[ii](#)} The Transformation to Competitive Employment Act would make these recommendations a reality.

Additionally, the National Council on Disability, an independent federal agency charged with advising the President, Congress and other federal

agencies regarding policies that impact people with disabilities has repeatedly called for the elimination of sub-minimum wages under Section 14(c), including in its recent report, “National Disability Employment Policy, From the New Deal to the Real Deal: Joining the Industries of the Future.”ⁱⁱⁱ

DRC feels that the Transformation to Competitive Employment Act includes these recommendations and provides employers with 14(c) certificates, the funding, supports, and training necessary to change the infrastructure of their business models, while ensuring that individuals with disabilities have opportunities for CIE and are supported throughout the process. In short, this bill signifies a critical and responsible paradigm shift for the employment of individuals with disabilities.

For these reasons we urge you to cosponsor H.R. 873. Please feel free to contact Curtis Child if you have any questions or to follow up on this letter.

Very truly yours,

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Curtis Child
Legislative Director
Disability Rights California

cc: Amanda Lowe, Senior Public Policy Analyst, National Disability Rights Network

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March 4, 2019

The Honorable Mark DeSaulnier
United States House of Representatives
503 Cannon House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

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March 4, 2019

The Honorable Barbara Lee
United States House of Representatives
2470 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Lee:

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March 4, 2019

The Honorable Jackie Speier
United States House of Representatives
2465 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Speier:

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The Congressionally-created federal Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (the Committee), established under WIOA, submitted a report to Congress and the Labor Secretary regarding 14(c) in September 2016. Importantly, the Committee recommended that “Congress should amend Section 14(c) of FLSA to allow for a well-designed, multi-year phase-out of the Section 14(c) Program that results in people with disabilities entering CIE.” The Committee’s recommendations focused on pairing the elimination of Section 14(c) with expanding the capacity of CIE, including through funding and technical assistance to help providers transform their business model. The Committee also recommended improved data collection and focus on employment outcomes.^{[ii](#)} The Transformation to Competitive Employment Act would make these recommendations a reality.

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DRC feels that the Transformation to Competitive Employment Act includes these recommendations and provides employers with 14(c) certificates, the funding, supports, and training necessary to change the infrastructure of their business models, while ensuring that individuals with disabilities have opportunities for CIE and are supported throughout the process. In short, this bill signifies a critical and responsible paradigm shift for the employment of individuals with disabilities.

For these reasons we urge you to cosponsor H.R. 873. Please feel free to contact Curtis Child if you have any questions or to follow up on this letter.

Very truly yours,

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Curtis Child
Legislative Director
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cc: Amanda Lowe, Senior Public Policy Analyst, National Disability Rights Network

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March 4, 2019

The Honorable Jim Costa
United States House of Representatives
2081 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Costa:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

This bill is vital for workers who are currently earning sub-minimum wages, often in segregated settings known as sheltered workshops, as well as adults with disabilities who are ready, willing, and able to work but are presently sitting in day-programs without the access they need to

appropriate vocational supports because of a vast shortage of qualified providers. The Workforce Innovation and Opportunity Act (WIOA) of 2014 established competitive integrated employment (CIE) as a priority where people with disabilities work in mainstream jobs in their individual areas of interest alongside co-workers with and without disabilities, and are provided the same opportunities for career advancement. WIOA furthers the goal of the Americans with Disabilities Act (ADA) to advance the economic self-sufficiency of people with disabilities.

Here in California, on October 9, 2013, Governor Brown signed AB 1041 (Chesbro), which establishes in statute an Employment First Policy. Per the policy, opportunities for CIE shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. In keeping with that mandate, DRC has been working in close cooperation with the California Department of Rehabilitation, Department of Education, and Department of Developmental Services to oversee the creation and implementation of the “Competitive Integrated Employment Blueprint to Change.” The purpose of the Blueprint is to increase opportunities for Californians with intellectual/developmental disabilities to prepare for and participate in CIE. While we are making great strides in that direction, the agencies all agree that there is an extreme shortage of qualified vendors statewide who can adequately provide the necessary vocational supports. Both WIOA and the CIE Blueprint restrict the use of State funds to support sub-minimum wage job placements. However, in order for transitions to be successful, there must be viable alternatives. This bill would help ensure that those alternatives exist.

Customized employment is one extremely effective way to connect individuals to CIE. Per the United States Department of Labor, “Customized Employment is a flexible process designed to personalize the employment relationship between a job candidate or employee and an employer in a way that meets the needs of both. It is based on identifying the strengths, conditions, and interests of a job candidate or employee through a process of discovery. Customized Employment also identifies the business needs of an employer. Together, these create a match resulting in a customized position.”¹ In California, extremely successful pilot programs, funded in part by State Council on Developmental Disabilities and involving 21 Regional Centers, have recently concluded and are already being replicated by the Department of Rehabilitation. The purpose of the pilot was to field test

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March 4, 2019

The Honorable Ro Khanna
United States House of Representatives
221 Cannon House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Khanna:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

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March 4, 2019

The Honorable Anna Eshoo
United States House of Representatives
202 Cannon House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Eshoo:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

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March 4, 2019

The Honorable Zoe Lofgren
United States House of Representatives
1401 Longworth House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Lofgren:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

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March 4, 2019

The Honorable Jimmy Panetta
United States House of Representatives
212 Cannon House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Panetta:

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This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

This bill is vital for workers who are currently earning sub-minimum wages, often in segregated settings known as sheltered workshops, as well as adults with disabilities who are ready, willing, and able to work but are presently sitting in day-programs without the access they need to

appropriate vocational supports because of a vast shortage of qualified providers. The Workforce Innovation and Opportunity Act (WIOA) of 2014 established competitive integrated employment (CIE) as a priority where people with disabilities work in mainstream jobs in their individual areas of interest alongside co-workers with and without disabilities, and are provided the same opportunities for career advancement. WIOA furthers the goal of the Americans with Disabilities Act (ADA) to advance the economic self-sufficiency of people with disabilities.

Here in California, on October 9, 2013, Governor Brown signed AB 1041 (Chesbro), which establishes in statute an Employment First Policy. Per the policy, opportunities for CIE shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. In keeping with that mandate, DRC has been working in close cooperation with the California Department of Rehabilitation, Department of Education, and Department of Developmental Services to oversee the creation and implementation of the “Competitive Integrated Employment Blueprint to Change.” The purpose of the Blueprint is to increase opportunities for Californians with intellectual/developmental disabilities to prepare for and participate in CIE. While we are making great strides in that direction, the agencies all agree that there is an extreme shortage of qualified vendors statewide who can adequately provide the necessary vocational supports. Both WIOA and the CIE Blueprint restrict the use of State funds to support sub-minimum wage job placements. However, in order for transitions to be successful, there must be viable alternatives. This bill would help ensure that those alternatives exist.

Customized employment is one extremely effective way to connect individuals to CIE. Per the United States Department of Labor, “Customized Employment is a flexible process designed to personalize the employment relationship between a job candidate or employee and an employer in a way that meets the needs of both. It is based on identifying the strengths, conditions, and interests of a job candidate or employee through a process of discovery. Customized Employment also identifies the business needs of an employer. Together, these create a match resulting in a customized position.”¹ In California, extremely successful pilot programs, funded in part by State Council on Developmental Disabilities and involving 21 Regional Centers, have recently concluded and are already being replicated by the Department of Rehabilitation. The purpose of the pilot was to field test

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DRC has long supported ending the outdated and unfair Section 14(c) program. However, ending subminimum wage alone is not enough. We need to ensure that people with disabilities have opportunities to work at fair wages, alongside co-workers without disabilities. If passed, the capacity-building component included in the Transformation to Competitive Employment Act will be a game-changer in expanding opportunities for CIE.

The Congressionally-created federal Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (the Committee), established under WIOA, submitted a report to Congress and the Labor Secretary regarding 14(c) in September 2016. Importantly, the Committee recommended that “Congress should amend Section 14(c) of FLSA to allow for a well-designed, multi-year phase-out of the Section 14(c) Program that results in people with disabilities entering CIE.” The Committee’s recommendations focused on pairing the elimination of Section 14(c) with expanding the capacity of CIE, including through funding and technical assistance to help providers transform their business model. The Committee also recommended improved data collection and focus on employment outcomes.^{[ii](#)} The Transformation to Competitive Employment Act would make these recommendations a reality.

Additionally, the National Council on Disability, an independent federal agency charged with advising the President, Congress and other federal

agencies regarding policies that impact people with disabilities has repeatedly called for the elimination of sub-minimum wages under Section 14(c), including in its recent report, “National Disability Employment Policy, From the New Deal to the Real Deal: Joining the Industries of the Future.”ⁱⁱⁱ

DRC feels that the Transformation to Competitive Employment Act includes these recommendations and provides employers with 14(c) certificates, the funding, supports, and training necessary to change the infrastructure of their business models, while ensuring that individuals with disabilities have opportunities for CIE and are supported throughout the process. In short, this bill signifies a critical and responsible paradigm shift for the employment of individuals with disabilities.

For these reasons we urge you to cosponsor H.R. 873. Please feel free to contact Curtis Child if you have any questions or to follow up on this letter.

Very truly yours,

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Curtis Child
Legislative Director
Disability Rights California

cc: Amanda Lowe, Senior Public Policy Analyst, National Disability Rights Network

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March 4, 2019

The Honorable TJ Cox
United States House of Representatives
1728 Longworth House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Cox:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

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Very truly yours,

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Curtis Child
Legislative Director
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March 4, 2019

The Honorable Devin Nunes
United States House of Representatives
1013 Longworth House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Nunes:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

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Curtis Child
Legislative Director
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March 4, 2019

The Honorable Kevin McCarthy
United States House of Representatives
2468 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative McCarthy:

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March 4, 2019

The Honorable Salud Carbajal
United States House of Representatives
1431 Longworth House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Carbajal:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

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For these reasons we urge you to cosponsor H.R. 873. Please feel free to contact Curtis Child if you have any questions or to follow up on this letter.

Very truly yours,

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March 4, 2019

The Honorable Katie Hill
United States House of Representatives
1130 Longworth House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Hill:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

This bill is vital for workers who are currently earning sub-minimum wages, often in segregated settings known as sheltered workshops, as well as adults with disabilities who are ready, willing, and able to work but are presently sitting in day-programs without the access they need to

appropriate vocational supports because of a vast shortage of qualified providers. The Workforce Innovation and Opportunity Act (WIOA) of 2014 established competitive integrated employment (CIE) as a priority where people with disabilities work in mainstream jobs in their individual areas of interest alongside co-workers with and without disabilities, and are provided the same opportunities for career advancement. WIOA furthers the goal of the Americans with Disabilities Act (ADA) to advance the economic self-sufficiency of people with disabilities.

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March 4, 2019

The Honorable Julia Brownley
United States House of Representatives
2262 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Brownley:

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March 4, 2019

The Honorable Judy Chu
United States House of Representatives
2423 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Chu:

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March 4, 2019

The Honorable Adam Schiff
United States House of Representatives
2269 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Schiff:

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This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

This bill is vital for workers who are currently earning sub-minimum wages, often in segregated settings known as sheltered workshops, as well as adults with disabilities who are ready, willing, and able to work but are presently sitting in day-programs without the access they need to

appropriate vocational supports because of a vast shortage of qualified providers. The Workforce Innovation and Opportunity Act (WIOA) of 2014 established competitive integrated employment (CIE) as a priority where people with disabilities work in mainstream jobs in their individual areas of interest alongside co-workers with and without disabilities, and are provided the same opportunities for career advancement. WIOA furthers the goal of the Americans with Disabilities Act (ADA) to advance the economic self-sufficiency of people with disabilities.

Here in California, on October 9, 2013, Governor Brown signed AB 1041 (Chesbro), which establishes in statute an Employment First Policy. Per the policy, opportunities for CIE shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. In keeping with that mandate, DRC has been working in close cooperation with the California Department of Rehabilitation, Department of Education, and Department of Developmental Services to oversee the creation and implementation of the “Competitive Integrated Employment Blueprint to Change.” The purpose of the Blueprint is to increase opportunities for Californians with intellectual/developmental disabilities to prepare for and participate in CIE. While we are making great strides in that direction, the agencies all agree that there is an extreme shortage of qualified vendors statewide who can adequately provide the necessary vocational supports. Both WIOA and the CIE Blueprint restrict the use of State funds to support sub-minimum wage job placements. However, in order for transitions to be successful, there must be viable alternatives. This bill would help ensure that those alternatives exist.

Customized employment is one extremely effective way to connect individuals to CIE. Per the United States Department of Labor, “Customized Employment is a flexible process designed to personalize the employment relationship between a job candidate or employee and an employer in a way that meets the needs of both. It is based on identifying the strengths, conditions, and interests of a job candidate or employee through a process of discovery. Customized Employment also identifies the business needs of an employer. Together, these create a match resulting in a customized position.”¹ In California, extremely successful pilot programs, funded in part by State Council on Developmental Disabilities and involving 21 Regional Centers, have recently concluded and are already being replicated by the Department of Rehabilitation. The purpose of the pilot was to field test

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DRC has long supported ending the outdated and unfair Section 14(c) program. However, ending subminimum wage alone is not enough. We need to ensure that people with disabilities have opportunities to work at fair wages, alongside co-workers without disabilities. If passed, the capacity-building component included in the Transformation to Competitive Employment Act will be a game-changer in expanding opportunities for CIE.

The Congressionally-created federal Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (the Committee), established under WIOA, submitted a report to Congress and the Labor Secretary regarding 14(c) in September 2016. Importantly, the Committee recommended that “Congress should amend Section 14(c) of FLSA to allow for a well-designed, multi-year phase-out of the Section 14(c) Program that results in people with disabilities entering CIE.” The Committee’s recommendations focused on pairing the elimination of Section 14(c) with expanding the capacity of CIE, including through funding and technical assistance to help providers transform their business model. The Committee also recommended improved data collection and focus on employment outcomes.^{[ii](#)} The Transformation to Competitive Employment Act would make these recommendations a reality.

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DRC feels that the Transformation to Competitive Employment Act includes these recommendations and provides employers with 14(c) certificates, the funding, supports, and training necessary to change the infrastructure of their business models, while ensuring that individuals with disabilities have opportunities for CIE and are supported throughout the process. In short, this bill signifies a critical and responsible paradigm shift for the employment of individuals with disabilities.

For these reasons we urge you to cosponsor H.R. 873. Please feel free to contact Curtis Child if you have any questions or to follow up on this letter.

Very truly yours,

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Curtis Child
Legislative Director
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March 4, 2019

The Honorable Brad Sherman
United States House of Representatives
2181 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Sherman:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

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March 4, 2019

The Honorable Pete Aguilar
United States House of Representatives
109 Cannon House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Aguilar:

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March 4, 2019

The Honorable Grace Napolitano
United States House of Representatives
1610 Longworth House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Napolitano:

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March 4, 2019

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United States House of Representatives
403 Cannon House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
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The Congressionally-created federal Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (the Committee), established under WIOA, submitted a report to Congress and the Labor Secretary regarding 14(c) in September 2016. Importantly, the Committee recommended that “Congress should amend Section 14(c) of FLSA to allow for a well-designed, multi-year phase-out of the Section 14(c) Program that results in people with disabilities entering CIE.” The Committee’s recommendations focused on pairing the elimination of Section 14(c) with expanding the capacity of CIE, including through funding and technical assistance to help providers transform their business model. The Committee also recommended improved data collection and focus on employment outcomes.^{[ii](#)} The Transformation to Competitive Employment Act would make these recommendations a reality.

Additionally, the National Council on Disability, an independent federal agency charged with advising the President, Congress and other federal

agencies regarding policies that impact people with disabilities has repeatedly called for the elimination of sub-minimum wages under Section 14(c), including in its recent report, “National Disability Employment Policy, From the New Deal to the Real Deal: Joining the Industries of the Future.”ⁱⁱⁱ

DRC feels that the Transformation to Competitive Employment Act includes these recommendations and provides employers with 14(c) certificates, the funding, supports, and training necessary to change the infrastructure of their business models, while ensuring that individuals with disabilities have opportunities for CIE and are supported throughout the process. In short, this bill signifies a critical and responsible paradigm shift for the employment of individuals with disabilities.

For these reasons we urge you to cosponsor H.R. 873. Please feel free to contact Curtis Child if you have any questions or to follow up on this letter.

Very truly yours,

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Curtis Child
Legislative Director
Disability Rights California

cc: Amanda Lowe, Senior Public Policy Analyst, National Disability Rights Network

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March 4, 2019

The Honorable Jimmy Gomez
United States House of Representatives
1530 Longworth House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Gomez:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

This bill is vital for workers who are currently earning sub-minimum wages, often in segregated settings known as sheltered workshops, as well as adults with disabilities who are ready, willing, and able to work but are presently sitting in day-programs without the access they need to

appropriate vocational supports because of a vast shortage of qualified providers. The Workforce Innovation and Opportunity Act (WIOA) of 2014 established competitive integrated employment (CIE) as a priority where people with disabilities work in mainstream jobs in their individual areas of interest alongside co-workers with and without disabilities, and are provided the same opportunities for career advancement. WIOA furthers the goal of the Americans with Disabilities Act (ADA) to advance the economic self-sufficiency of people with disabilities.

Here in California, on October 9, 2013, Governor Brown signed AB 1041 (Chesbro), which establishes in statute an Employment First Policy. Per the policy, opportunities for CIE shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. In keeping with that mandate, DRC has been working in close cooperation with the California Department of Rehabilitation, Department of Education, and Department of Developmental Services to oversee the creation and implementation of the “Competitive Integrated Employment Blueprint to Change.” The purpose of the Blueprint is to increase opportunities for Californians with intellectual/developmental disabilities to prepare for and participate in CIE. While we are making great strides in that direction, the agencies all agree that there is an extreme shortage of qualified vendors statewide who can adequately provide the necessary vocational supports. Both WIOA and the CIE Blueprint restrict the use of State funds to support sub-minimum wage job placements. However, in order for transitions to be successful, there must be viable alternatives. This bill would help ensure that those alternatives exist.

Customized employment is one extremely effective way to connect individuals to CIE. Per the United States Department of Labor, “Customized Employment is a flexible process designed to personalize the employment relationship between a job candidate or employee and an employer in a way that meets the needs of both. It is based on identifying the strengths, conditions, and interests of a job candidate or employee through a process of discovery. Customized Employment also identifies the business needs of an employer. Together, these create a match resulting in a customized position.”¹ In California, extremely successful pilot programs, funded in part by State Council on Developmental Disabilities and involving 21 Regional Centers, have recently concluded and are already being replicated by the Department of Rehabilitation. The purpose of the pilot was to field test

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March 4, 2019

The Honorable Norma Torres
United States House of Representatives
2444 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Torres:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

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Curtis Child
Legislative Director
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March 4, 2019

The Honorable Raul Ruiz
United States House of Representatives
2342 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Ruiz:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

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March 4, 2019

The Honorable Karen Bass
United States House of Representatives
2059 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Bass:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

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March 4, 2019

The Honorable Linda Sánchez
United States House of Representatives
2329 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Sánchez:

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This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

This bill is vital for workers who are currently earning sub-minimum wages, often in segregated settings known as sheltered workshops, as well as adults with disabilities who are ready, willing, and able to work but are presently sitting in day-programs without the access they need to

appropriate vocational supports because of a vast shortage of qualified providers. The Workforce Innovation and Opportunity Act (WIOA) of 2014 established competitive integrated employment (CIE) as a priority where people with disabilities work in mainstream jobs in their individual areas of interest alongside co-workers with and without disabilities, and are provided the same opportunities for career advancement. WIOA furthers the goal of the Americans with Disabilities Act (ADA) to advance the economic self-sufficiency of people with disabilities.

Here in California, on October 9, 2013, Governor Brown signed AB 1041 (Chesbro), which establishes in statute an Employment First Policy. Per the policy, opportunities for CIE shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. In keeping with that mandate, DRC has been working in close cooperation with the California Department of Rehabilitation, Department of Education, and Department of Developmental Services to oversee the creation and implementation of the “Competitive Integrated Employment Blueprint to Change.” The purpose of the Blueprint is to increase opportunities for Californians with intellectual/developmental disabilities to prepare for and participate in CIE. While we are making great strides in that direction, the agencies all agree that there is an extreme shortage of qualified vendors statewide who can adequately provide the necessary vocational supports. Both WIOA and the CIE Blueprint restrict the use of State funds to support sub-minimum wage job placements. However, in order for transitions to be successful, there must be viable alternatives. This bill would help ensure that those alternatives exist.

Customized employment is one extremely effective way to connect individuals to CIE. Per the United States Department of Labor, “Customized Employment is a flexible process designed to personalize the employment relationship between a job candidate or employee and an employer in a way that meets the needs of both. It is based on identifying the strengths, conditions, and interests of a job candidate or employee through a process of discovery. Customized Employment also identifies the business needs of an employer. Together, these create a match resulting in a customized position.”¹ In California, extremely successful pilot programs, funded in part by State Council on Developmental Disabilities and involving 21 Regional Centers, have recently concluded and are already being replicated by the Department of Rehabilitation. The purpose of the pilot was to field test

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DRC has long supported ending the outdated and unfair Section 14(c) program. However, ending subminimum wage alone is not enough. We need to ensure that people with disabilities have opportunities to work at fair wages, alongside co-workers without disabilities. If passed, the capacity-building component included in the Transformation to Competitive Employment Act will be a game-changer in expanding opportunities for CIE.

The Congressionally-created federal Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (the Committee), established under WIOA, submitted a report to Congress and the Labor Secretary regarding 14(c) in September 2016. Importantly, the Committee recommended that “Congress should amend Section 14(c) of FLSA to allow for a well-designed, multi-year phase-out of the Section 14(c) Program that results in people with disabilities entering CIE.” The Committee’s recommendations focused on pairing the elimination of Section 14(c) with expanding the capacity of CIE, including through funding and technical assistance to help providers transform their business model. The Committee also recommended improved data collection and focus on employment outcomes.^{[ii](#)} The Transformation to Competitive Employment Act would make these recommendations a reality.

Additionally, the National Council on Disability, an independent federal agency charged with advising the President, Congress and other federal

agencies regarding policies that impact people with disabilities has repeatedly called for the elimination of sub-minimum wages under Section 14(c), including in its recent report, “National Disability Employment Policy, From the New Deal to the Real Deal: Joining the Industries of the Future.”ⁱⁱⁱ

DRC feels that the Transformation to Competitive Employment Act includes these recommendations and provides employers with 14(c) certificates, the funding, supports, and training necessary to change the infrastructure of their business models, while ensuring that individuals with disabilities have opportunities for CIE and are supported throughout the process. In short, this bill signifies a critical and responsible paradigm shift for the employment of individuals with disabilities.

For these reasons we urge you to cosponsor H.R. 873. Please feel free to contact Curtis Child if you have any questions or to follow up on this letter.

Very truly yours,

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Curtis Child
Legislative Director
Disability Rights California

cc: Amanda Lowe, Senior Public Policy Analyst, National Disability Rights Network

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March 4, 2019

The Honorable Gil Cisneros
United States House of Representatives
431 Cannon House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Cisneros:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

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Curtis Child
Legislative Director
Disability Rights California

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March 4, 2019

The Honorable Lucille Roybal-Allard
United States House of Representatives
2083 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Roybal-Allard:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

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March 4, 2019

The Honorable Mark Takano
United States House of Representatives
420 Cannon House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Takano:

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March 4, 2019

The Honorable Ken Calvert
United States House of Representatives
2205 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Calvert:

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The Congressionally-created federal Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (the Committee), established under WIOA, submitted a report to Congress and the Labor Secretary regarding 14(c) in September 2016. Importantly, the Committee recommended that “Congress should amend Section 14(c) of FLSA to allow for a well-designed, multi-year phase-out of the Section 14(c) Program that results in people with disabilities entering CIE.” The Committee’s recommendations focused on pairing the elimination of Section 14(c) with expanding the capacity of CIE, including through funding and technical assistance to help providers transform their business model. The Committee also recommended improved data collection and focus on employment outcomes.^{[ii](#)} The Transformation to Competitive Employment Act would make these recommendations a reality.

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DRC feels that the Transformation to Competitive Employment Act includes these recommendations and provides employers with 14(c) certificates, the funding, supports, and training necessary to change the infrastructure of their business models, while ensuring that individuals with disabilities have opportunities for CIE and are supported throughout the process. In short, this bill signifies a critical and responsible paradigm shift for the employment of individuals with disabilities.

For these reasons we urge you to cosponsor H.R. 873. Please feel free to contact Curtis Child if you have any questions or to follow up on this letter.

Very truly yours,

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Curtis Child
Legislative Director
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cc: Amanda Lowe, Senior Public Policy Analyst, National Disability Rights Network

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March 4, 2019

The Honorable Maxine Waters
United States House of Representatives
2221 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Waters:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

This bill is vital for workers who are currently earning sub-minimum wages, often in segregated settings known as sheltered workshops, as well as adults with disabilities who are ready, willing, and able to work but are presently sitting in day-programs without the access they need to

appropriate vocational supports because of a vast shortage of qualified providers. The Workforce Innovation and Opportunity Act (WIOA) of 2014 established competitive integrated employment (CIE) as a priority where people with disabilities work in mainstream jobs in their individual areas of interest alongside co-workers with and without disabilities, and are provided the same opportunities for career advancement. WIOA furthers the goal of the Americans with Disabilities Act (ADA) to advance the economic self-sufficiency of people with disabilities.

Here in California, on October 9, 2013, Governor Brown signed AB 1041 (Chesbro), which establishes in statute an Employment First Policy. Per the policy, opportunities for CIE shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. In keeping with that mandate, DRC has been working in close cooperation with the California Department of Rehabilitation, Department of Education, and Department of Developmental Services to oversee the creation and implementation of the “Competitive Integrated Employment Blueprint to Change.” The purpose of the Blueprint is to increase opportunities for Californians with intellectual/developmental disabilities to prepare for and participate in CIE. While we are making great strides in that direction, the agencies all agree that there is an extreme shortage of qualified vendors statewide who can adequately provide the necessary vocational supports. Both WIOA and the CIE Blueprint restrict the use of State funds to support sub-minimum wage job placements. However, in order for transitions to be successful, there must be viable alternatives. This bill would help ensure that those alternatives exist.

Customized employment is one extremely effective way to connect individuals to CIE. Per the United States Department of Labor, “Customized Employment is a flexible process designed to personalize the employment relationship between a job candidate or employee and an employer in a way that meets the needs of both. It is based on identifying the strengths, conditions, and interests of a job candidate or employee through a process of discovery. Customized Employment also identifies the business needs of an employer. Together, these create a match resulting in a customized position.”¹ In California, extremely successful pilot programs, funded in part by State Council on Developmental Disabilities and involving 21 Regional Centers, have recently concluded and are already being replicated by the Department of Rehabilitation. The purpose of the pilot was to field test

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March 4, 2019

The Honorable Nanette Diaz Barragán
United States House of Representatives
1030 Longworth House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Barragán:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

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March 4, 2019

The Honorable Katie Porter
United States House of Representatives
1117 Longworth House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Porter:

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March 4, 2019

The Honorable J. Luis Correa
United States House of Representatives
1039 Longworth House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Correa:

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March 4, 2019

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Dear Representative Lowenthal:

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This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

This bill is vital for workers who are currently earning sub-minimum wages, often in segregated settings known as sheltered workshops, as well as adults with disabilities who are ready, willing, and able to work but are presently sitting in day-programs without the access they need to

appropriate vocational supports because of a vast shortage of qualified providers. The Workforce Innovation and Opportunity Act (WIOA) of 2014 established competitive integrated employment (CIE) as a priority where people with disabilities work in mainstream jobs in their individual areas of interest alongside co-workers with and without disabilities, and are provided the same opportunities for career advancement. WIOA furthers the goal of the Americans with Disabilities Act (ADA) to advance the economic self-sufficiency of people with disabilities.

Here in California, on October 9, 2013, Governor Brown signed AB 1041 (Chesbro), which establishes in statute an Employment First Policy. Per the policy, opportunities for CIE shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. In keeping with that mandate, DRC has been working in close cooperation with the California Department of Rehabilitation, Department of Education, and Department of Developmental Services to oversee the creation and implementation of the “Competitive Integrated Employment Blueprint to Change.” The purpose of the Blueprint is to increase opportunities for Californians with intellectual/developmental disabilities to prepare for and participate in CIE. While we are making great strides in that direction, the agencies all agree that there is an extreme shortage of qualified vendors statewide who can adequately provide the necessary vocational supports. Both WIOA and the CIE Blueprint restrict the use of State funds to support sub-minimum wage job placements. However, in order for transitions to be successful, there must be viable alternatives. This bill would help ensure that those alternatives exist.

Customized employment is one extremely effective way to connect individuals to CIE. Per the United States Department of Labor, “Customized Employment is a flexible process designed to personalize the employment relationship between a job candidate or employee and an employer in a way that meets the needs of both. It is based on identifying the strengths, conditions, and interests of a job candidate or employee through a process of discovery. Customized Employment also identifies the business needs of an employer. Together, these create a match resulting in a customized position.”¹ In California, extremely successful pilot programs, funded in part by State Council on Developmental Disabilities and involving 21 Regional Centers, have recently concluded and are already being replicated by the Department of Rehabilitation. The purpose of the pilot was to field test

evidence-based research on best practices for assisting job-seekers with disabilities to access customized employment. (See “Customized Employment Discovery Fidelity: Developing Consensus Among Experts” Journal of Vocational Rehabilitation, vol. 50, no. 1. Pp. 23-27, 2019). One of the study participants commented, “This is the first time some of the people we work with have ever been seen for their skillsets and not disabilities.” Another shared, “It works! People who have been sitting at home for years are working now!” However, one of the clear takeaways from the study was that **building vendor capacity is essential**. Yet despite the clear national priority for CIE, nearly 230,000 people with disabilities are legally paid sub-minimum wages under Section 14(c) of FLSA, largely in settings where they are segregated from their nondisabled peers and broader society. The subminimum wage for too long has created and reinforced a life of poverty and dependency on public support.

DRC has long supported ending the outdated and unfair Section 14(c) program. However, ending subminimum wage alone is not enough. We need to ensure that people with disabilities have opportunities to work at fair wages, alongside co-workers without disabilities. If passed, the capacity-building component included in the Transformation to Competitive Employment Act will be a game-changer in expanding opportunities for CIE.

The Congressionally-created federal Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (the Committee), established under WIOA, submitted a report to Congress and the Labor Secretary regarding 14(c) in September 2016. Importantly, the Committee recommended that “Congress should amend Section 14(c) of FLSA to allow for a well-designed, multi-year phase-out of the Section 14(c) Program that results in people with disabilities entering CIE.” The Committee’s recommendations focused on pairing the elimination of Section 14(c) with expanding the capacity of CIE, including through funding and technical assistance to help providers transform their business model. The Committee also recommended improved data collection and focus on employment outcomes.^{[ii](#)} The Transformation to Competitive Employment Act would make these recommendations a reality.

Additionally, the National Council on Disability, an independent federal agency charged with advising the President, Congress and other federal

agencies regarding policies that impact people with disabilities has repeatedly called for the elimination of sub-minimum wages under Section 14(c), including in its recent report, “National Disability Employment Policy, From the New Deal to the Real Deal: Joining the Industries of the Future.”ⁱⁱⁱ

DRC feels that the Transformation to Competitive Employment Act includes these recommendations and provides employers with 14(c) certificates, the funding, supports, and training necessary to change the infrastructure of their business models, while ensuring that individuals with disabilities have opportunities for CIE and are supported throughout the process. In short, this bill signifies a critical and responsible paradigm shift for the employment of individuals with disabilities.

For these reasons we urge you to cosponsor H.R. 873. Please feel free to contact Curtis Child if you have any questions or to follow up on this letter.

Very truly yours,

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Curtis Child
Legislative Director
Disability Rights California

cc: Amanda Lowe, Senior Public Policy Analyst, National Disability Rights Network

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March 4, 2019

The Honorable Harley Rouda
United States House of Representatives
2300 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Rouda:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

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Very truly yours,

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Curtis Child
Legislative Director
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March 4, 2019

The Honorable Mike Levin
United States House of Representatives
1626 Longworth House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Levin:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

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Curtis Child
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March 4, 2019

The Honorable Duncan Hunter
United States House of Representatives
2429 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Hunter:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

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March 4, 2019

The Honorable Juan Vargas
United States House of Representatives
2244 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
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The Congressionally-created federal Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (the Committee), established under WIOA, submitted a report to Congress and the Labor Secretary regarding 14(c) in September 2016. Importantly, the Committee recommended that “Congress should amend Section 14(c) of FLSA to allow for a well-designed, multi-year phase-out of the Section 14(c) Program that results in people with disabilities entering CIE.” The Committee’s recommendations focused on pairing the elimination of Section 14(c) with expanding the capacity of CIE, including through funding and technical assistance to help providers transform their business model. The Committee also recommended improved data collection and focus on employment outcomes.^{[ii](#)} The Transformation to Competitive Employment Act would make these recommendations a reality.

Additionally, the National Council on Disability, an independent federal agency charged with advising the President, Congress and other federal

agencies regarding policies that impact people with disabilities has repeatedly called for the elimination of sub-minimum wages under Section 14(c), including in its recent report, “National Disability Employment Policy, From the New Deal to the Real Deal: Joining the Industries of the Future.”ⁱⁱⁱ

DRC feels that the Transformation to Competitive Employment Act includes these recommendations and provides employers with 14(c) certificates, the funding, supports, and training necessary to change the infrastructure of their business models, while ensuring that individuals with disabilities have opportunities for CIE and are supported throughout the process. In short, this bill signifies a critical and responsible paradigm shift for the employment of individuals with disabilities.

For these reasons we urge you to cosponsor H.R. 873. Please feel free to contact Curtis Child if you have any questions or to follow up on this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Curtis Child", written in a cursive style.

Curtis Child
Legislative Director
Disability Rights California

cc: Amanda Lowe, Senior Public Policy Analyst, National Disability Rights Network

ⁱ https://www.dol.gov/odep/documents/vignette_v3_blue_508_final.pdf. “Return to Main Document”

ⁱⁱ Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities. Final Report (Sept. 2016) at 28-31 (emphasis added), available at <https://www.dol.gov/odep/pdf/20150808.pdf>. “Return to Main Document”

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March 4, 2019

The Honorable Scott Peters
United States House of Representatives
2338 Rayburn House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Peters:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

This bill is vital for workers who are currently earning sub-minimum wages, often in segregated settings known as sheltered workshops, as well as adults with disabilities who are ready, willing, and able to work but are presently sitting in day-programs without the access they need to

appropriate vocational supports because of a vast shortage of qualified providers. The Workforce Innovation and Opportunity Act (WIOA) of 2014 established competitive integrated employment (CIE) as a priority where people with disabilities work in mainstream jobs in their individual areas of interest alongside co-workers with and without disabilities, and are provided the same opportunities for career advancement. WIOA furthers the goal of the Americans with Disabilities Act (ADA) to advance the economic self-sufficiency of people with disabilities.

Here in California, on October 9, 2013, Governor Brown signed AB 1041 (Chesbro), which establishes in statute an Employment First Policy. Per the policy, opportunities for CIE shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. In keeping with that mandate, DRC has been working in close cooperation with the California Department of Rehabilitation, Department of Education, and Department of Developmental Services to oversee the creation and implementation of the “Competitive Integrated Employment Blueprint to Change.” The purpose of the Blueprint is to increase opportunities for Californians with intellectual/developmental disabilities to prepare for and participate in CIE. While we are making great strides in that direction, the agencies all agree that there is an extreme shortage of qualified vendors statewide who can adequately provide the necessary vocational supports. Both WIOA and the CIE Blueprint restrict the use of State funds to support sub-minimum wage job placements. However, in order for transitions to be successful, there must be viable alternatives. This bill would help ensure that those alternatives exist.

Customized employment is one extremely effective way to connect individuals to CIE. Per the United States Department of Labor, “Customized Employment is a flexible process designed to personalize the employment relationship between a job candidate or employee and an employer in a way that meets the needs of both. It is based on identifying the strengths, conditions, and interests of a job candidate or employee through a process of discovery. Customized Employment also identifies the business needs of an employer. Together, these create a match resulting in a customized position.”¹ In California, extremely successful pilot programs, funded in part by State Council on Developmental Disabilities and involving 21 Regional Centers, have recently concluded and are already being replicated by the Department of Rehabilitation. The purpose of the pilot was to field test

evidence-based research on best practices for assisting job-seekers with disabilities to access customized employment. (See “Customized Employment Discovery Fidelity: Developing Consensus Among Experts” Journal of Vocational Rehabilitation, vol. 50, no. 1. Pp. 23-27, 2019). One of the study participants commented, “This is the first time some of the people we work with have ever been seen for their skillsets and not disabilities.” Another shared, “It works! People who have been sitting at home for years are working now!” However, one of the clear takeaways from the study was that **building vendor capacity is essential**. Yet despite the clear national priority for CIE, nearly 230,000 people with disabilities are legally paid sub-minimum wages under Section 14(c) of FLSA, largely in settings where they are segregated from their nondisabled peers and broader society. The subminimum wage for too long has created and reinforced a life of poverty and dependency on public support.

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March 4, 2019

The Honorable Susan Davis
United States House of Representatives
1214 Longworth House Office Building
Washington, DC 20515

**RE: H.R. 873 (SCOTT) – Transformation to Competitive Employment
Act – URGE COSPONSORSHIP**

Dear Representative Davis:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, writes to request that you co-sponsor H.R. 873, the Transformation to Competitive Employment Act.

This bill represents a thoughtful approach to ending the outdated and unfair practice of paying workers with disabilities less than minimum wage, sometimes pennies to the dollar, under Section 14(c) of the Fair Labor Standards Act (FLSA) of 1938. The bill not only phases out Section 14(c), but importantly includes funding to help states and providers transform business models to effective, financially viable alternatives which enable individuals with disabilities to transition to competitive integrated employment, and tracks outcomes over the six year phase out period to help ensure accountability.

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