

NATIONAL DISABILITY INSTITUTE'S

Washington Insider



National Disability Institute's Washington Insider is a monthly newsletter highlighting key federal policy news that impacts the financial futures and economic empowerment of all people with disabilities. The Washington Insider tracks legislative and policy initiatives gaining momentum on Capitol Hill, specifically in the areas of taxation, asset building and economic development.

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CONTENTS

[U.S. Department of Labor Investigation Finds Workplace Exploitation of Employees with Disabilities](#)

[Senator Warren Leads Efforts to Pressure Department of Labor to Provide Further Data on Sub-Minimum Wage Practices](#)

[ABLE National Resource Center Announces Inaugural ABLE Advisor Group](#)

[National Disability Institute, LEAD Center and MSRB Partner for Event on Advancing Financial Literacy for Individuals with Disabilities](#)

[March Employment Numbers](#)

U.S. Department of Labor Investigation Finds Workplace Exploitation of Employees with Disabilities

The U.S. Department of Labor (DOL) has published a press release detailing the findings of an investigation into Rock River Valley Self Help Enterprises, Inc. According to the DOL's Wage and Hour Division (WHD), Rock River Valley Self Help Enterprises – whose mission is “to provide quality rehabilitative programs and services that promote advocacy, empowerment, and the development of independent

functioning skills of individuals with disabilities, which allows for maximum participation in the community,” – has exploited nearly 250 of its workers with disabilities.

The investigation found that the Illinois-based enterprise failed to meet their legal obligations with respect to the use and management of their 14c certificate. A 14c certificate allows an employer to compensate an employee with a disability at less than minimum wage based on their level of productivity when compared to their non-disabled peers.

Specifically, according to the press release, the WHD investigation found that Rock River Valley Self Help Enterprises failed to “perform appropriate wage surveys and failure to conduct proper time studies on all jobs performed by workers with disabilities. The investigation also revealed that the employer attempted to mislead and obstruct WHD’s investigation by concealing relevant information from WHD during the investigation, hiding work that the employer had not time studied but had the workers perform. On some weekends, Self Help unlawfully paid workers with gift cards instead of wages.”

The investigation has resulted in the immediate and retroactive revocation of the entity’s 14c certificate, along with the payment of back wages to all employees who were compensated below minimum wage over the past two years.

[Learn more about the investigation.](#)

[Back to top](#)

Senator Warren Leads Efforts to Pressure Department of Labor to Provide Further Data on Sub-Minimum Wage Practices

In the wake of various investigations regarding the use of 14c certificates and the practice of sub-minimum wage compensation among employees with disabilities, coupled with proposed legislation to end this archaic practice, Senator Elizabeth Warren (D-MA) has submitted a formal request to the Secretary of the Department of Labor (DOL), Alexander Acosta, asking for information on the oversight of various employers who are 14c certificate holders.

In the letter, Senator Warren expresses her belief that “these waivers (certificates) are inherently discriminatory and should be phased out in a responsible way.” The Senator goes on to say that “while the Department continues to issue these waivers, however, we are concerned by past abuses of the program and hope to better understand the extent to which the Department is able to prevent employers’ mistreatment of and discrimination against workers with disabilities.”

In the letter, Senator Warren, supported by six of her Senate colleagues, makes 11 different requests of the Department. Among others requests, Senator Warren asks that they provide, no later than May 11, the following information:

- The annual number of applications for 14(c) certificates that the Department has received; the number that the Department has accepted for each of the past 10 years, broken down by certificate type (Business Certificate, School Work Experience Program, Community Rehabilitation Program, and Employers of Patient Workers); and the number that the Department has rejected for each of the past 10 years and the reasons for the rejection.
- The number of individuals working for 14(c) certificate holders on October 1, 2017 and, for each 14(c) holder,
 - the average, median, standard deviation, and range of pay earned by workers paid the special minimum wage; and
 - the average, median, standard deviation, and range of the length of employment of workers paid the special minimum wage;

- The number of individuals who received the subminimum wage under a 14(c) certificate, then, at some point in Fiscal Year 2017, moved to another, higher-paying job that was not covered by a 14(c) certificate;

National Disability Institute (NDI) appreciates Senator Warren’s efforts, along with her colleagues who also signed the letter [Senators Bob Casey (D-Penn.), Patty Murray (D-Wash.), Chris Van Hollen (D-Md.), Maggie Hassan (D-N.H.), Tammy Duckworth (D-Ill.), and Bernie Sanders (I-Vt.)], for their interest in the financial security of individuals with disabilities.

[Read the letter and its requests.](#)

[Back to top](#)

ABLE National Resource Center Announces Inaugural ABLE Advisor Group

The ABLE National Resource Center (ANRC), founded and managed by NDI, recently announced the launch of its inaugural ABLE Advisory Group. The nine individuals in the first cohort consist of working-age adults with disabilities and parents of children with disabilities. The ABLE Advisors have a wide range of motivations for opening an ABLE account and short- and long-term financial goals for how funds in their accounts will be used to increase health, independence and quality of life. The Advisors also represent a diverse selection of ABLE programs, types of disabilities, geographic locations, ages, genders, races and ethnicities.

The role of the ABLE Advisors will be twofold. As the human face of ABLE, Advisors will be national spokespersons for ABLE accounts. ABLE accounts are tax-advantaged savings accounts that have the potential to significantly increase the health, independence and quality of life of individuals with disabilities, without jeopardizing eligibility for benefits provided through programs such as Medicaid and Supplemental Security Income (SSI). Through sharing their experiences and stories as ABLE account holders, Advisors will impart knowledge of successful strategies for utilizing ABLE accounts to achieve personal goals to millions of ABLE-eligible individuals.

As a stakeholder focus group, ABLE Advisors will also provide feedback and recommendations on a number of ANRC items, including the AchievABLE app, the ANRC website, a new ANRC Call Center, ABLE webinars and more. Input gathered by the Advisors will mold the ANRC’s activities and provide an overall direction for its work.

To learn more about the individuals selected to be a part of the 2018 ABLE Advisory Group, [visit the ANRC website.](#)

[Back to top](#)

National Disability Institute, LEAD Center and MSRB Partner for Event on Advancing Financial Literacy for Individuals with Disabilities

To commemorate Financial Capability Month, and learn more about the challenges and opportunities to address the needs of Americans with disabilities to become more financially capable, NDI, the LEAD Center and Municipal Securities Rulemaking Board (MSRB) partnered to present the “*Advancing Financial Literacy for Individuals with Disabilities*” event that took place on April 18.

Two panels, one of federal agency representatives and the other of disability community leaders, discussed the challenges and opportunities to improve financial capability and inclusion for individuals across the spectrum of disabilities.

Participants learned about the consumer protections provided by MSRB for ABLE tax-advantaged savings accounts; new materials from the FDIC to build financial capability for adults with disabilities; favorable tax benefits for people with disabilities from the IRS; and financial literacy requirements in the Workforce Innovation and Opportunity Act (WIOA) from the Office of Disability Employment Policy (ODEP).

To learn more about NDI's activities during National Financial Capability Month, visit the [NDI website](#).

[Back to top](#)

March Employment Numbers

Disability employment statistics for March 2018 show that the unemployment rate among people with disabilities was 8.2 percent. This shows a 2.4 percent decrease from March 2017. The latest employment statistics also find that only 20.4 percent of people with disabilities are actively in the labor force, as compared to 68.7 percent of people with no disability. Data on people with disabilities covers those between the ages of 16 to 64 who do not live in institutions.

U.S. Disability Employment Profile				
Statistic	With Disability		Without Disability	
	Mar. 2017	Mar. 2018	Mar. 2017	Mar. 2018
Percent of Population in the Labor Force	20.4	21.5	68.7	68.4
Employment-Population Ratio	18.3	19.7	65.7	65.7
Unemployment Rate	10.6	8.2	4.3	4.0

As reported by the U.S. Department of Labor's Bureau of Labor Statistics, Table A-6

[Back to top](#)



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Real Economic Impact for People with Disabilities**

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