

My name is Dwayne Webb. I am the executive leader for St. John's Community Services of Tennessee (SJCS-TN). I am writing on behalf of SJCS-TN **in support** of the proposed rule to phase out the issuance of 14(c) certificates. The Department of Labor should stop issuing new certificates to employers who do not already have certificates, and stop renewing existing certificates. SJCS-TN agrees with the DOL that subminimum wages are not needed to prevent the curtailment of employment opportunities for individuals with disabilities. The rule would align with the intent of the Fair Labor Standards Act (FLSA).

The FLSA protects fair labor standards and worker's rights. It states that everyone must be paid minimum wage or higher. The Supreme Court has held that employees cannot waive this right. The issuance of 14(c) certificates does not align with the FLSA, or the Supreme Court's decision.

We believe the payment of subminimum wages is outdated and discriminatory. Paying workers at least minimum wage improves their financial strength and personal wellbeing. It also enhances overall equity and inclusion of workers with disabilities.

There is no need for anyone to be paid less than minimum wage.

Early in my career, I was asked to assist a young lady in Memphis, Tennessee who had expressed a desire to work. When I met her for the first time it was not your standard "Hi my name is" it was "I am ready to make money". What was unique about this introduction was that she had "I am ready to make money" programmed into her communication device and she repeatedly hit the button over and over again until she was confident I had thoroughly understood her wishes. Afterwards, we shared a laugh and began to work on a plan to find her competitive integrated employment.

The young lady was so excited to have this opportunity. For years she longed to find employment but no one really took her serious. People simply looked at the "body" of the person and not the "will" of the person. You see, this young lady suffers from decreased reflexes in all extremities and severe atrophy in her lower extremities. She has severe contractures of her wrists, elbows, knees, hips and ankles which requires her to be repositioned every 2 hours in her wheelchair to prevent the development of bed sores. So was work really a possibility?

Where there is a "will" there is a way. The young lady was able to find a job at a local dentist office, where she greeted patients, provided them with proper paperwork for service, disinfected medical equipment and cleaned the toys that children played with in the lobby.

She worked with her Speech Language Pathologists (SLP) and job coach to hone her skills. She tirelessly practiced her greetings to welcome and thank patients for coming in. She used her two fingers and thumb to grasp disinfecting wipes to wipe down objects held by her job coach for cleaning. She “willed” herself to finish her job tasks each and every day she worked before needing to be taken home to rest and be stretched out.

I find myself sharing her story often when speaking to families on competitive integrated employment as it is a true testament to what is possible when people are given a chance to succeed. It addresses the comments that often come up in conversation like “my individual is different, they are more challenged, and they could never work in a competitive job environment like that”. The truth is they can and do every day. The 14 c subminimum wage certificates allow for an antiquated crutch to remain in place which exploits the hard work of others. When we eliminate the barriers and the excuses only then will people find true success through competitive integrated employment.

Respectfully,

Dwayne Webb State Director

St. John’s Community Services - Tennessee