

The Need to Retain 14(c) Non-Competitive Employment for the Severely Cognitively Disabled

National Council on Severe Autism (NCSA) advocates on behalf of individuals affected by severe and profound forms of autism and related disorders. This population includes those who require continuous or near-continuous, lifelong services, supports, and supervision. Many are nonverbal or have limited use of language, have intellectual impairments, and, in a significant subset, exhibit challenging behaviors that interfere with safety and well-being.

Our community includes individuals who benefit from voluntary participation in the Department of Labor's 14(c) certificate program. Nationally, over 100,000 workers are employed through the 14(c) program, which allows authorized employers to pay individuals with disabilities a sub-minimum wage for their work. A recent Government Accountability Office (GAO) report found that over the past ten years the number of 14(c) employees and employers has fallen sharply due to constraints put in place at the state and federal level – not due to lack of interest or participants.

Participation by both employees and employers is 100% voluntary. For these workers, the **competitive workforce is not an option**. Often their behaviors and medical needs require assistance that disrupts the work, and/or a layer of supervision and care not available in standard businesses. Unlike competitive employers, 14(c) employers actively make accommodations for these individuals, and they are paid based on their level of productivity – which can fall well below that expected in a competitive wage setting.

In addition, the routine of attending the work site, the social engagement with the other employees, and the pride in the work itself are benefits that improve the quality of life for these employees. Many 14(c) workers thrive in their special programs, without which they would lose connection to a caring community and meaningful work.

Beyond the employee, the program allows family caregivers bandwidth to maintain their own career or much needed respite time. For those living at home or in a group home setting, they have the opportunity to routinely engage with other individuals outside of their residential setting.

While there is no recent data, where 14(c) programs have ended many of these employees did not enter the competitive workforce. They simply do not qualify for those jobs. Further, it often means their time is replaced by idling, watching television with little activity or social engagement.

Congress has the opportunity to bolster this critical program and allow it to once again grow and best engage and support these workers.

[H.R. 553](#) and [H.R. 1296](#) include minor changes to the 14(c) program that would strengthen the overall program for both employees and employers. With both bills, the program remains voluntary, and it does not prevent any worker from full participation in the competitive workforce.

Unfortunately, [H.R. 1263](#) and its Senate companion [S. 533](#) would effectively end the 14(c) without providing recourse for its workforce – or their caregivers. At a time when our nation's workforce shortage leaves families struggling to find programs and support for disabled family members, there is no reason or logic for eliminating this successful option.

NCSA urges you to actively support the 14(c) program. Please contact our policy director Jackie Kancir at policy@ncsautism.org to further discuss 14(c) or with any questions you may have.