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To: Department of Labor Acting Secretary Julie A. Su, et al.
Re: Supporting 14(c) Programs and Sheltered Workshops

Dear Acting Secretary Su,

We are writing in response to a May 15th article in Disability Scoop¹, which mentioned a letter submitted by a group calling itself the Collaboration to Promote Self-Determination. The letter urged you to phase out and terminate programs that operate under the Fair Labor Standards Act of 1938, Section 14(c).

The organization we represent, VOR – A Voice of Reason, was founded forty years ago to protect the choices made by individuals with intellectual and developmental disabilities (I/DD) and by the families of individuals who were too severely intellectually disabled to make choices that affected their health and well-being. Choice has been the keystone of our mission, and the fundamental value of all of our advocacy initiatives.

In larger terms, exercising Choice is the essential act that defines our democracy, one of the key principles upon which this country was founded. Freedom of choice distinguishes our ethic from that of an authoritarian society. People must be able to make their own choices for themselves and their families, and not have those choices limited by choices that other people might impose on them.

So should it be with participation in 14(c) programs and sheltered workshops. Working in these programs is a choice, a choice made by individuals and their families or guardians to engage in an opportunity that they feel enriches their lives. The participants measure the worth of these programs by their own standards. Those who enjoy these opportunities choose to work there. Those who feel the program is not right for them don't stay. Those are their choices.

Sheltered workshops offer opportunities to a specific niche of people who do not fit into other categories of people on the ID/A spectrum. They have a mixture of skills and challenges that make them unique. Sheltered workshops offer them a chance to develop their skills in an environment that accepts their medical, psychological and behavioral challenges and is prepared to address those challenges when the situation arises in these workshops.

As you well know, 14(c) programs are regulated and overseen by the Wage and Hour division of the Department of Labor. Providers must apply, and re-apply on a regular basis, to receive and maintain 14(c) certificates. People who work there do so voluntarily. They are tested frequently to ensure that their wages are commensurate to their productivity. They may choose not to work on any given day, and they cannot be fired for choosing to not to work or for producing less than their previous benchmarks. Most importantly, they cannot be fired as a consequence of the episodes that may occur at work that are indicative of their medical, psychological, or behavioral challenges.

Regardless of the fact that sheltered workshops are regulated by the Department of Labor, and despite the fact that the people who work there are paid wages in the form of dollars for work they perform, it is unfair to only measure these programs as jobs, or to compare the commensurate wages paid to participants in these programs to the wages paid to people who work in conventional forms of employment. For the individuals involved, the value of these programs extends beyond their classification within labor and into the realms of education, health, socialization, and the overall pursuit of happiness.

The members of the Collaborative who wrote the letter encouraging the Department of Labor to discontinue sheltered workshops are not promoting choice. They seek to impose their own choices on others, and we, speaking on behalf of VOR, find that disturbing. We recognize that self-determination is important to the people who wrote you that letter, and we support them in choosing that path. We only ask that they don't impose their own personal choices on those who choose sheltered workshops. It is unlikely that anyone in a sheltered workshop would impose their choice on someone who seeks a path of self-determination.

It is our hope that the Department of Labor will dispel the misrepresentation of 14(c) programs and sheltered workshops, and actively promote them as opportunities afforded to a specific cohort of individuals – those with combinations of skills and challenges, who wish to work, but are unlikely to be accommodated by companies that participate in competitive employment. We ask that the DOL openly advocate for and provide financial supports for *all* employment opportunities for people with I/DD and autism, as appropriate to the needs and the aspirations of the individuals involved, regardless of their level of ability or disability.

Please feel free to reach out to us if you have any questions or concerns, and thank you for your time and consideration.

Sincerely,

Hugo Dwyer, Executive Director of VOR
Joanne St. Amand, President of the VOR Board of Directors

¹ <https://www.disabilitycoop.com/2023/05/15/labor-department-urged-to-curtailed-subminimum-wage-program/30382>