

January 26, 2023

Re: HB 1924

Dear Virginia House of Delegates Commerce and Energy committee,

I am writing today as a constituent of Virginia/District # 11 to ask you to support HB 1924, which would remove the exemption that allows individuals with disabilities to be paid less than the minimum wage. I am proud to advocate alongside the National Down Syndrome Society on this critical piece of legislation.

As an advocate with Down syndrome, this bill is important to me because people with disabilities make up the largest minority group in the nation. Yet, they are underemployed because of barriers beyond their control. This issue matters to me because workers shouldn't be paid less than minimum wage under any circumstance. After all, it's discriminatory. If a job is worth being done, it should be worthy of at least the state's minimum wage regardless of a worker's diagnosis. This bill would impact my life by ensuring that people like me, with intellectual disabilities, are treated fairly and consistently in the workplace. My job at Amazon Fresh allows me to live independently in my community, pay my bills, and enjoy social activities because I am paid a fair wage for my work. My peers in the disability community deserve no less.

Despite existing civil rights protections, thousands of Americans with disabilities are legally paid less than the minimum wage because of a provision in Section 14(c) of the Fair Labor Standards Act of 1938. Under 14(c) employers can apply for special certificates from the U.S. Department of Labor that allow them to undercut the minimum wage for employees with disabilities. According to a 2020 U.S. Commission on Civil Rights report, between 2017 and 2018 the average wage of a person with a disability working under such certificates was only \$3.34 per hour.

By phasing out the use of subminimum wage, this bill affirms that employees with disabilities, like myself have the right to and ability to work in competitive integrated employment settings alongside their colleagues without disabilities and to be paid equitable wages for their work. 15 states have already taken legislative action to change this outdated and offensive law. It is time for Virginia to do the same.

Once again, I urge you to support this bill and help ensure its swift passage.

If you have any questions please contact the National Down Syndrome Society Manager of State Government Relations, Nick Leto, at nleto@ndss.org.

Sincerely,

Alexander Bolden

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