



Section 14(c) National Online Dialogue

May 20 – June 21, 2019
Participation Summary Report



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Introduction

Background

In December of 2018, representatives from more than 25 disability advocacy organizations met with the U.S. Secretary of Labor to discuss a variety of concerns, chief among them was Section 14(c) of the Fair Labor Standards Act (FLSA). The Department's desire to obtain a deeper understanding of stakeholder perspectives, local trends, and future outlooks about Section 14(c) was the impetus for the *Section 14(c) National Online Dialogue*, participation metrics outlined in this report.

The *Section 14(c) National Online Dialogue* took place over four weeks (May 20–June 21, 2019) and was hosted by the U.S. Department of Labor's (DOL) Office of Disability Employment Policy (ODEP) through its ePolicyWorks initiative. During the dialogue, stakeholders were invited to share perspectives, individual stories, and personal experiences illustrating the impact of Section 14(c) on the employment of people with disabilities. Specifically, participants were asked to contribute thoughts regarding the use of Section 14(c) certificates and observed trends; experiences transitioning from Section 14(c); and visions for the future of work and the workplace. The goal was to capture input about Section 14(c) from key stakeholders—particularly those “on the ground”—in order to expand DOL's knowledge.

During the dialogue, 3,694 individuals with disabilities, family members, service providers, disability organizations, employers, researchers, and other stakeholders shared their perspectives supporting different views on the current and future role of Section 14(c). The dialogue was not a controlled survey or a platform for voting on the merits of the law. The dialogue was also not intended to address or develop specific policy positions. Rather, as the contributions are examined, they will provide the Department the opportunity to better understand the current and potential landscape relative to Section 14(c).

Dialogue Topics

The dialogue was divided into the three different topics listed below:

1. Use of Section 14(c) certificates and observed trends

Under this topic, participants were asked to share experiences regarding Section 14(c), including any personal perspectives. Specifically, this topic was focused on trends observed in local areas and how those trends or practices have affected the community, including individuals with disabilities.

2. Experiences transitioning from the use of Section 14(c) certificates

Under this topic, participants were asked to share individual and organizational experiences transitioning away from the use of Section 14(c) certificates. This topic aimed to better understand the experiences of both service providers and people with disabilities as they transitioned or remained in Section 14(c) jobs, including the challenges and solutions that impacted (or might impact) the transition.

3. Vision for the future of work and workplaces; the landscape over the next five to 10 years

Under this topic, participants were asked to share their visions for the future of work and workplaces. They were asked to focus on the landscape over the next five to 10 years.

Outreach Efforts

The *Section 14(c) National Online Dialogue* looked to individuals with disabilities, family members, service providers, disability organizations, employers, researchers, and other stakeholders to share their perspectives. In order to ensure a broad range of participants, ePolicyWorks conducted numerous strategic outreach efforts, including conference booths, eblasts, and social media posts. Eblasts were sent to the ePolicyWorks dialogue community, along with a large number of disability advocacy organizations representing people with disabilities and their families, as well as service provider organizations. In addition, ePolicyWorks sent outreach emails to Employment First and Vision Quest representatives, and state organizations, vocational rehabilitation agencies, employer groups, and other key stakeholders.

Total ePolicyWorks Outreach

- Emails delivered: 7,911
- Emails opened: 1,870 (23.6% open rate)
- Number of clicks on links in emails (excluding multiple clicks of the same link): 479
- Number of Twitter @ePolicyWorks impressions promoting the dialogue: 2,469
- Approximately 15% of the traffic to the dialogue came from social media, including Facebook, Twitter, and LinkedIn.

Targeted Outreach to Key Stakeholders

In addition to outreach via email and social media, ePolicyWorks attended several conferences in order to promote participation in the dialogue. From May 19–May 22, 2019, ePolicyWorks hosted a booth in the exhibit hall at the 2019 SourceAmerica National Training and Achievement Conference in Anaheim, California. This conference had more than 1,000 attendees, representing SourceAmerica members and staff, employees with disabilities, federal agency customers, and guest speakers. At the conference, ePolicyWorks distributed postcards with information about the dialogue and demonstrated how to access it.

ePolicyWorks also hosted a booth at the National Disability Rights Network Annual Conference in Baltimore, Maryland from June 3–June 6, 2019. This conference was attended by Protection and Advocacy Systems (P&As) and Client Assistance Programs (CAPs) professionals and featured more than 70 workshops to help attendees grow skills, build partnerships, and improve advocacy efforts. At the booth, ePolicyWorks distributed promotional materials, answered questions, assisted participants in registering for the dialogue, and addressed accessibility concerns. Based on input from the conference, the dialogue was extended an additional week and a phone number was added so participants without access to email could contribute. The phone number was answered by ODEP staff, and all information submitted over the phone by the participant were then added to the dialogue’s online platform as if they were submitting it themselves.

Independent Dialogue Promotion and Media Coverage

Over the course of the four weeks, the dialogue was the focus of more than 60 news articles, blogs, opinion pieces, and action alerts. Below is a sampling of the organizations and media outlets that published information regarding the dialogue:

- About Special Kids
- Administration for Community Living
- Advocates for Justice and Education, Inc.
- American Foundation for the Blind
- ANCOR
- APSE
- AUCD
- Autism Society
- Autistic Self Advocacy Network
- Because We Care - Beyond Inclusion
- Center for Public Representation
- Collaboration to Promote Self Determination
- Developmental Disabilities Council of Oklahoma
- Disability Rights (North Carolina, Ohio, and Pennsylvania)
- Disability Scoop
- Disability Service Provider Network

- Disability Wisdom Consulting
- Family Autism Network
- Family Voices Indiana
- Independent Living Research Utilization
- Indiana Association of Rehabilitation Facilities, Inc.
- Inroads to Opportunities
- Louisiana State University Health New Orleans
- Mid-Atlantic ADA Center
- National Advisory Board
- National Council on Independent Living
- National Disability Institute
- National Down Syndrome Congress
- National Federation of the Blind Indiana
- North Carolina Council on Developmental Disabilities
- nTIDE Jobs Report
- ODEP News Bulletin
- Pennsylvania Rehabilitation Council
- Rehabilitation and Community Providers Association (RCPA)
- SD Network
- The Arc (National, Florida, Illinois, New Jersey, and Wisconsin)
- The Mighty
- The Missouri Association of Sheltered Workshop Managers
- The Road We've Shared
- Together for Choice
- United Cerebral Palsy Association of San Diego
- University of Cincinnati Center for Excellence in Developmental Disabilities
- Virginia Network of Private Providers
- Vocational Services Inc.
- Washington State Fathers Network
- Westmoreland County Blind Association
- Wireless RERC
- World at Work
- Wrong Planet
- Yahoo! (Lifestyle and News)

Participant Summary and Dialogue Activity

The *Section 14(c) National Online Dialogue* opened for participation at 8 a.m. ET on May 20, 2019 and closed at midnight on June 21, 2019. Below is the information on the number of dialogue visits*, registrants, participation rates, location of registrants, and profile information provided by registrants during registration.

Visitor and Participants During the Dialogue

- Total unique visits: 25,862
- Total page views: 136,040
- Total unique visitors*: 16,636
- Total number of registrants : 3,694
- Total number of registrants who participated**: 2,038 (55% of registrants)
- Average pages per visit: 5.26

- Average visit duration (minutes): 6:26
- Average number of sessions per visitor: 1.55
- Returning visitors: 17.5%
- Bounce rate (percentage of participants who leave after viewing the first page of the dialogue): 48%



**Visitors are individuals who have viewed the dialogue, but not all may have registered to participate.*

***"Participation" includes submitting posts (e.g., perspectives, comments, considerations, ideas, etc.) to the dialogue's online platform.*

Reported State Affiliation of Dialogue Registrants

<u>State or Territory</u>	<u>Total Number</u>	<u>Percentage of Total</u>
Alabama	60	1.7%
Alaska	5	0.1%
Arizona	26	0.7%
Arkansas	115	3.2%
California	365	10.2%
Colorado	51	1.4%
Connecticut	33	0.9%
Delaware	13	0.4%
District of Columbia	51	1.4%
Florida	128	3.6%
Georgia	78	2.2%
Hawaii	9	0.3%
Idaho	17	0.5%
Illinois	366	10.2%
Indiana	64	1.8%
Iowa	34	0.9%
Kansas	85	2.4%
Kentucky	32	0.9%
Louisiana	19	0.5%
Maine	20	0.6%
Maryland	87	2.4%
Massachusetts	40	1.1%
Michigan	46	1.3%
Minnesota	93	2.6%
Mississippi	17	0.5%
Missouri	136	3.8%
Montana	8	0.2%
Nebraska	24	0.7%
Nevada	20	0.6%
New Hampshire	2	0.1%
New Jersey	45	1.3%
New Mexico	34	0.9%
New York	150	4.2%
North Carolina	74	2.1%
North Dakota	9	0.3%

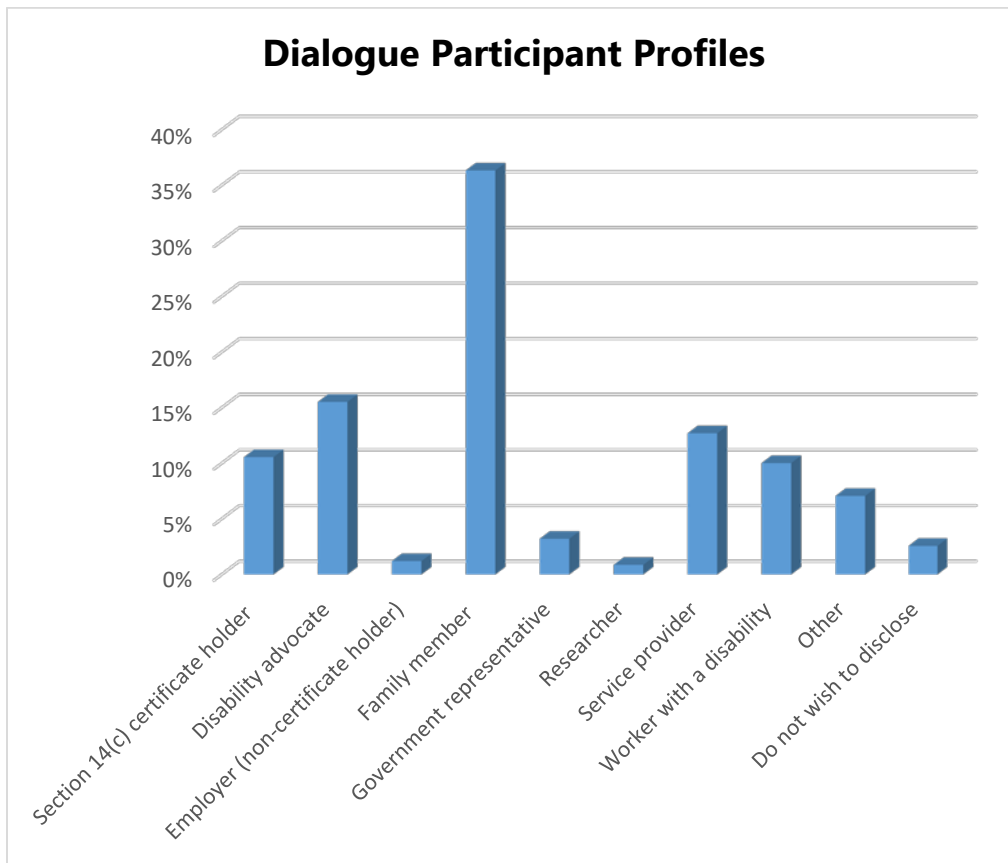
State or Territory	Total Number	Percentage of Total
Ohio	135	3.8%
Oklahoma	22	0.6%
Oregon	34	0.9%
Pennsylvania	400	11.1%
Rhode Island	11	0.3%
South Carolina	26	0.7%
South Dakota	8	0.2%
Tennessee	45	1.3%
Texas	98	2.7%
Utah	39	1.1%
Vermont	16	0.4%
Virginia	73	2.0%
Washington	82	2.3%
West Virginia	7	0.2%
Wisconsin	233	6.5%
Wyoming	4	0.1%

Dialogue Registrant Profiles

When registering for the dialogue, participants were asked a series of questions including how they would characterize their affiliation to Section 14(c). They were only able to select one of the predetermined choices. Below is a summary* of the responses:

- Section 14(c) certificate holder: 378 (10.5%)
- Disability advocate: 556 (15.5%)
- Employer (non-Section 14(c) certificate holder): 43 (1.5%)
- Family member of someone with a disability: 1,302 (36%)
- Federal, State, or Local Government Representative: 115 (3%)
- Researcher: 31 (1%)
- Service provider: 455 (13%)
- Worker with a disability: 359 (10%)
- Other: 253 (7%)
- Do not wish to disclose: 92 (2.5%)

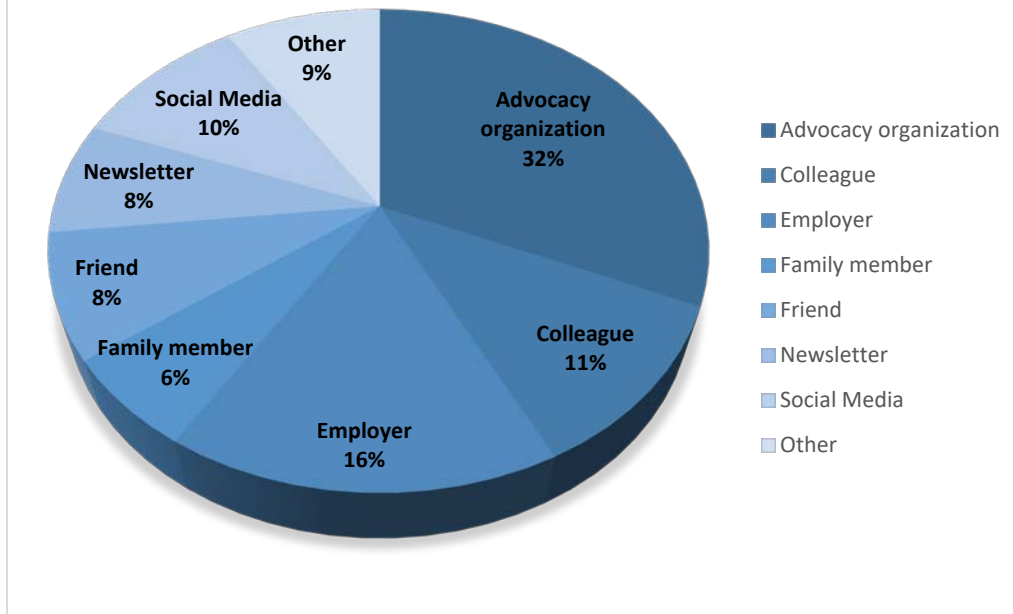
**Note: 110 registrants did not complete the registration questions and are not included in this data or the state-by-state data.*



In addition to their affiliation, dialogue registrants were asked how they heard about the dialogue. Again, the choices were predetermined, but for this question, participants were allowed to choose more than one answer. Below is a summary of the responses:

- Advocacy organization: 1352 (31.5%)
- Colleague: 475 (11.1%)
- Employer: 698 (16.3%)
- Family member: 260 (6.1%)
- Friend: 356 (8.3%)
- Newsletter: 324 (7.6%)
- Social Media: 435 (10.1%)
- Other: 388 (9%)

How Registrants Heard About Dialogue



Review and Analysis of Contributions

Key Themes and Takeaways

All the contributions to the dialogue submitted online, by phone, or via email were reviewed by the ODEP and ePolicyWorks team. The purpose of this effort was to provide the Department with valuable information and perspectives from key stakeholders in an effort to better understand the issue.

From the dialogue, the following topics emerged as key concerns among different stakeholders in the discussion around Section 14(c):

Caregiver Employment – Many family members/caregivers to people with severe disabilities rely on section 14(c) employment as a place for their dependents to go and be safe and occupied during the day, thereby allowing themselves to work and support their families. Alternatives to section 14(c) need to take into account this concern.

Income Limitations – People with severe disabilities often have higher healthcare costs and other expenses. As such, they simply cannot support themselves if paid subminimum wages. On the other hand, opportunities for competitive, integrated employment need to balance very real concerns about potentially losing benefits, especially healthcare. People with severe disabilities and their families need education around this issue in order to make informed choices.

Role of Schools – Given that schools may be Section 14(c) certificate holders and serve as potential employers for students under these certificates, educational institutions must also play a key role in helping ensure and promote other options for individuals with severe disabilities transitioning from school to work.

Elderly Employees – Sheltered workshops often include elderly individuals with limited competitive integrated work experience. These individuals may not transition into competitive, integrated employment as easily as younger workers. Specific options for serving the needs of these individuals need to be explored, including for when they no longer want to work.

Employer Incentives and Supports – Financial and other incentives for employers can support competitive, integrated employment, but are often underutilized. Employers also may need help understanding what accommodations individuals need and how to implement them. Employers cannot be expected to understand the needs of employees with severe disabilities on their own, and expecting them to do so will not result in success. Effective job matches are essential in this regard.

Individual Employment Supports – In order to transition to competitive, integrated employment, individuals in section 14(c) employment may need intensive pre-employment job matching and on-the-job supports, including one-on-one onsite job training and job coaching. This may be especially true for people with significant mental health conditions.

Employment First – Employment First and other state and national programs need continued funding to support competitive, integrated employment in order to ensure successful transition and supports for both individuals and employers. These programs, and the people managing them, serve as an important facilitator between the different stakeholders involved in this issue. The existence of these programs also sends a signal that competitive, integrated employment is prioritized.

Enforcement – Section 14(c) certificate holder abuses emerge when individuals and companies don't follow the law. Some stakeholders feel that the Federal Government should spend more resources to enforce the law as it exists in order to prevent exploitation.

Finances – Paying minimum wage or higher would require some section 14(c) certificate holders to close their doors. The fiscal impact on these organizations that would come from eliminating Section 14(c) needs to be acknowledged and addressed in order to facilitate effective communication and cooperation between all parties involved.

Increased Options – There is a need for more alternatives to section 14(c) employment, such as internships, entry-level jobs, and other opportunities for individuals with severe disabilities to explore competitive, integrated employment. However, the rising minimum wage has made it more difficult to find entry-level jobs for many workers without skills and experience. Early work experiences (while still in school) are essential in this regard.

Geographic Differences – Obtaining competitive, integrated employment in a rural area has its own specific challenges. In areas with more limited employment options for all workers, it is difficult to find both jobs and the required support services to help people transition successfully. Transportation is one of the biggest issues here, especially considering that some certificate holders offer it as part of wrap-around services.

Safety – Employers, individuals with disabilities and family members/caregivers express concern about the safety (from both a physical and emotional perspective) of their loved ones with severe disabilities in some competitive, integrated employment settings. Section 14(c) employment provides a safe space for individuals with disabilities.

Socialization – Section 14(c) employment settings also offer social connections that are critical to the well-being of individuals with severe disabilities. These connections may not exist in a competitive, integrated setting, where other workers and supervisors likely do not have experience working with people with severe disabilities. Lack of socialization opportunities at work may lead some people to not succeed and thus, eventually, isolation at home.

States as Model Employers – State and local governments should be serving as model employers for people with disabilities, including people with severe disabilities, and actively recruiting and hiring them or contracting to firms who do so.

Wrap-Around Services – Many section 14(c) certificate holders offer support services including transportation, healthcare, personal hygiene, etc. To successfully transition to competitive, integrated employment, many individuals would need to obtain these services elsewhere. These services have value that should be considered in addition to the wages paid.

Contributions Categorized by Topics

Of the total participant contributions, the following is a breakdown of posts that specifically included policy recommendations, lessons learned from transitioning, and other actionable ideas and important considerations related to Section 14(c).

- 112 posts included policy recommendations related to Section 14(c).
- 88 posts highlighted experiences with transitioning, mostly on a state level.
- 77 posts had to do with support services and how they would need to be integrated into any changes to Section 14(c).
- 46 posts discussed competitive, integrated employment, and another 33 ideas discussed barriers that exist for competitive, integrated employment.
- 35 posts discussed the possible economic impacts of changes to Section 14(c).
- 30 posts shared employer perspectives regarding Section 14(c) and how it relates to their businesses.
- 26 posts mentioned Workforce Innovation and Opportunity Act (WIOA) and its impact on Section 14(c).
- 17 posts discussed the educational system and its role in competitive, integrated employment and the use of Section 14(c) certificates.
- 15 posts highlighted current state laws around subminimum wage and competitive, integrated employment.
- 13 posts mentioned Employment First and its impact on states.
- 13 posts discussed the perceived disincentives to competitive, integrated employment for Section 14(c) certificate holders and their employees.
- 12 of the posts called out issues specific to rural areas.