

# A Self-Advocate's Guide to Employment Policy



# Introduction: Presenter

The presenter's name is **Nina Stoller**. Nina uses they/them/theirs pronouns.

Nina is the **Policy Coordinator** for the Autistic Self Advocacy Network (ASAN).

Nina works on **disability employment** policy for ASAN.

Five people at ASAN helped Nina with their webinar. Donnie Denome, Reid Caplan, Jules Good, and Greg Robinson helped Nina.

# Introduction: the Autistic Self Advocacy Network

The **Autistic Self Advocacy Network (ASAN)** is a group of autistic adults who work on issues that affect autistic people and other people with intellectual and developmental disabilities.

ASAN works to make sure all people with disabilities have equal rights and can get the support we need to live our best lives.

ASAN works on policy issues, like rules and laws that affect people with disabilities.

We make sure that people with disabilities are included in the process to make policies about disability. Nothing About Us, Without Us!

# Overview

This webinar will cover ASAN's toolkit, "**Real Work For Real Pay: A Self-Advocate's Guide to Employment Policy**". Website:

<https://autisticadvocacy.org/policy/toolkits/employment/>

The **Autistic Self Advocacy Network** wrote the toolkit. There's both Plain Language and Easy Read versions of the toolkit, "Real Work for Real Pay."

This webinar is one part of a series hosted by **National Council on Independent Living (NCIL)** and their **Employment Resource Hub + Peer Network**.

# Topics

This webinar will answer the questions:

- What are the **goals of disability employment policy**?
- What are some **current issues** that disability employment policy addresses?
- What can self-advocates do to **positively influence policy**?

# Goals of Disability Employment Policy

**Employment** means having a job. Disabled workers should have the same chance to improve their employment opportunities as nondisabled workers.

Disabled people should be able to get the **same kind of jobs** as non-disabled people.

Disabled workers should get **paid the same amount of money** as non-disabled workers who are doing the same job.

Disabled workers **should not be separated** from non-disabled workers. Instead, disabled workers should get jobs **in their community**.

# What does it mean to say “Disabled workers should get jobs in their community”?

This does not mean people with disabilities have to work in the middle of the community, like at a city coffee shop where there are lots of customers.

Someone could work at a factory outside of town where they only see other workers during the day. As long as this job doesn't keep disabled workers away from non-disabled workers, it can still be called “community-based”, even if it is not right in the community.

**What are some current issues that disability employment policy addresses?**

To answer that question, we first need to define and understand some words.



# Centers for Independent Living (CILs)

A **Center for Independent Living (CIL)** is a place for people with disabilities to learn self-advocacy from other disabled people. CILs are also a place for disabled people to get many types of services from other disabled people.

Every state has a CIL. Some states have more than one CIL. The different CILs are in different parts of the state.

Link: <https://www.ilru.org/projects/cil-net/cil-center-and-association-directory>

- In the future, the directory will be at NCIL's website.

# Services of Centers for Independent Living (CILs)

Here are some of the services that CILs give to disabled people:

- CILs have classes and training about how to live independently.
- CILs have classes and training about how to self-advocate.
- CILs give information about other places to get disability services.
- CILs have **peer counseling**. Peer counseling is a service where disabled people can talk to a peer worker. A **peer worker** is a disabled person who gets special training in helping other disabled people. Disabled people can use peer counseling to get help with the things that they care about. People talk to a peer worker about mental health, relationships, jobs, housing, and many other topics.

# Goals of Centers for Independent Living (CILs)

All services from **CILs** have the same three goals:

1. A goal of CILs is to help disabled people move from an **institution** back into the community. An institution is a place where a lot of people with disabilities live.
  - People in institutions usually did not decide to live there. They were put there by someone else.
  - Institutions are not run by the people who live in them. Institutions are run by the people who work in them. Institutions are also called congregate settings.

# Goals of Centers for Independent Living (CILs)

All services from **CILs** have the same three goals:

- A goal of CILs is to help people with disabilities who might have to go to an institution unless they get help. This can help people stay in the community, not an institution. CILs can use different ways to figure out who needs help to stay out of an institution. But one way they must use is asking the person if they think they need help to stay out of an institution.
- A goal of CILs is to help disabled high school students who need a lot of support in their everyday lives go to college.

# Rules that CILs Must Follow

These are some of the rules that **Centers for Independent Living (CILs)** must follow:

- CILs are based in the community. CILs are not institutional or congregate settings.
- CILs give services to people with different types of disabilities.
- CILs are created and led by people with different types of disabilities. The people who work at CILs must be people with disabilities. The disabled people who lead CILs get to make important decisions about how CILs work.

Some service providers say they are CILs but they are not actually CILs. If a service provider is not led by disabled people, it is not a CIL.

# Words to Know About Employment

**Section 14(c)** is part of an existing law called the Fair Labor Standards Act (FLSA). Section 14(c) allows companies to get permission slips, called **14(c) certificates**.

Companies with 14(c) certificates are allowed to pay disabled workers less than minimum wage. **Minimum wage** is the smallest amount of money an employer can usually pay a worker for one hour of work.

When someone is paid less than minimum wage, it is called **subminimum wage**. Companies with 14(c) certificates are allowed to pay disabled workers subminimum wage.

# Words to Know About Employment

Most companies with 14(c) certificates keep disabled workers away from nondisabled workers. This is **segregation**. Segregation means keeping people with disabilities apart from people without disabilities.

Workplaces that segregate disabled workers are called **sheltered workshops**.

Employers who get 14(c) certificates often run sheltered workshops.

You might hear the term “community rehabilitation programs” but those are also sheltered workshops.

# Competitive Integrated Employment (CIE), part 1 of 4

There are better job options than 14(c) jobs.

These better jobs are called “**competitive integrated employment**” (CIE).

A job has to follow certain rules to be a **CIE** job. Those rules are on the next two slides.



# Competitive Integrated Employment (CIE), part 2 of 4

A job has to follow certain rules to be a **CIE** job:

- CIE jobs have to give **fair pay** to disabled workers. Fair pay means that workers make at least minimum wage. Fair pay also means that disabled workers get paid the same amount of money as nondisabled workers doing the same job.
- CIE jobs have to let disabled workers work with non-disabled workers. Right now, many disabled people only work with nondisabled people who are their bosses. CIE jobs have to let disabled people work with both disabled and nondisabled people doing the same jobs as us.

# Competitive Integrated Employment (CIE), part 3 of 4

A job has to follow certain rules to be a **CIE** job:

- CIE jobs have to let disabled workers access the same benefits as nondisabled workers. Benefits include things like health insurance and paid time off work.
- CIE jobs have to give disabled workers the same chance to improve their careers as nondisabled workers doing similar jobs. Some things that can help a worker improve their career are being promoted to a higher-level position and getting training to learn new skills.

# Competitive Integrated Employment (CIE), part 4 of 4

Some disabled workers need supported employment in order to be able to do CIE. **Supported employment** is a way to get help at work for disabled workers who need a lot of support in their everyday lives.

The services disabled workers can access through supported employment help disabled workers do their jobs by meeting their access needs. Giving disabled workers the support services we need costs less money than sheltered workshops.

# Examples of Employment

**Example 1:** Mark has an intellectual disability. He works four hours a day, five days a week in a factory that makes clothes. All of Mark's co-workers also have intellectual disabilities. He makes 1 dollar an hour for his work.

# Examples of Employment

**Example 1 — Mark:** This is **segregated employment**. This is a good example of what a sheltered workshop looks like.



# Examples of Employment

**Example 2:** Beth is deaf and has a developmental disability. She works 3 days a week making car parts. Most of Beth's co-workers were her classmates in high school. Her co-workers are also disabled and have high support needs. Beth makes 8 dollars an hour for her work, which is the minimum wage in her state.

# Examples of Employment

**Example 2 — Beth:** This is **segregated employment**. Beth is making the minimum wage. But, her job is still segregated employment. That is because Beth only works with other disabled people, separate from non-disabled people.



# Examples of Employment

**Example 3:** Joe and his friends all have Down Syndrome. They are all janitors at the local elementary school. When classes are going on, they go around the school and clean. They also clean the classrooms after school is over. They make minimum wage for their work.



# Examples of Employment

**Example 3 — Joe:** This is **segregated employment**. Joe and his friends are working in the same building as non-disabled people. But, they are doing a different job. They still do not get to be around non-disabled people that much. This type of work is also called an **enclave**. That is when disabled people are in the same space as nondisabled people, but are still separated.

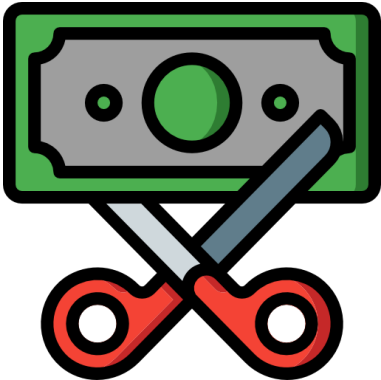


# Examples of Employment

**Example 4:** Ahmed is autistic. He works at a bookstore. Ahmed has a nondisabled coworker named Carlos. Ahmed and Carlos do the same job alongside each other. They both organize the books onto shelves and work at the cash register. They both graduated college and know a lot about books. Ahmed makes \$20. Ahmed's nondisabled coworker makes \$25.

# Examples of Employment

**Example 4 — Ahmed:** This is integrated employment and it is above minimum wage. But it's *not* “competitive integrated employment”. Ahmed and his nondisabled coworker both have similar training, experience, and skills. But Ahmed makes less money than his nondisabled coworker who is doing the same exact job as him. So it's not CIE.



# Examples of Employment

**Example 5:** Sally works in a fast-food restaurant on weekday afternoons. She started out making the salads. Now, her non-disabled co-worker is teaching her how to use the fryer. Sally makes the same amount of money as all of her nondisabled coworkers.

# Examples of Employment

**Example 5 — Sally:** This is **competitive integrated employment (CIE)**. Sally is doing the same work as her non-disabled co-workers. That means it is a “real job”. Sally is making the same amount of money as her co-workers. That means she gets “real wages”.



# Examples of Employment

**Example 6:** Harold is blind and has an intellectual disability. He gets distracted easily. Harold needs a lot of job training and someone to help him stay on-track. He works in the laundry section of a hotel folding towels and sheets. A job coach helps Harold set up his work station each day and keeps him on task. Harold works five days a week for three hours each day for minimum wage pay.

# Examples of Employment

**Example 6 — Harold:** This is **competitive integrated employment (CIE)**. This is an example of what **supported employment** might look like.



# CIE is Better Than Sheltered Workshops

**Integrated employment is the best choice.** Some people think working in a sheltered workshop helps disabled people. They think it helps the disabled people get integrated employment later. They are wrong.

People have done a lot of research about sheltered workshops. They did research to find out if working in a sheltered workshop helps disabled people get jobs in the community. They talked to people with disabilities.



# CIE is Better Than Sheltered Workshops

Here's what the researchers found out. Working in a sheltered workshop does not help disabled people get more jobs. People who never worked in a sheltered workshop did better:

- They got more money.
- They worked more hours.
- It cost less money to support them.

Researchers asked people who had been in both kinds of jobs which kind they liked better. Most people said they like integrated employment better than being in a sheltered workshop.

# Laws About Disability

The **Americans with Disabilities Act (ADA)** is a law that applies to the whole United States. The ADA says that governments and most public places have to be accessible to people with disabilities.

Sometimes, people disagree about what the ADA says. When that happens, it gets decided by judges in court. **Courts** and **judges** are part of the legal system. The legal system makes decisions about what is against the law. The **U.S. Department of Justice (DOJ)** and the **Supreme Court** are part of the legal system. The Department of Justice makes sure that states follow the law. The Supreme Court has the final say on how laws work.

# Laws About Disability

***Olmstead*** is a decision the United States Supreme Court made. The decision was about what the ADA means.

***Olmstead*** says disabled people have the right to live and work in their community if that fits disabled people's' needs.

Living and working in the community *always* fits the needs of disabled people.  
**Everyone can live and work in their community!**

# Integration and *Olmstead*

When someone lives in an institution or works in a sheltered workshop, it is much harder for them to exercise their rights. When someone lives and works in their community, it is much easier for them to exercise their rights.

If the Department of Justice finds out that a state isn't following the ADA and *Olmstead*, they can make the state make changes to follow the law. That happened in Utah in 2024, Rhode Island in 2014, and Oregon in 2022.

**The law agrees that disabled people have the right to live and work in the most integrated setting possible.**

Disabled people deserve to work at the same places and for the same pay as nondisabled people.

**What can self-advocates do to make that happen?**

# What is Rulemaking?

Government agencies can write a **proposed rule**. A proposed rule is an idea for a rule. A government agency will ask the public for their opinions about the proposed rule.

- There are two ways for the public to share their opinions about the proposed rule. We'll talk about this next.

After the public shares their opinions, the agency decides if they will make or pass the rule.

- People do not have to follow a proposed rule unless it gets passed.
- If the rule is finalized, the agency makes sure the rule is followed.

# Using Rulemaking To End 14(c)

The **U.S. Department of Labor** is making a proposed rule about 14(c). The U.S. Department of Labor makes sure businesses follow laws that protect workers.

We want to convince DOL to get rid of 14(c) using a proposed rule. Getting rid of 14(c) means that employers would no longer be allowed to pay disabled people less than minimum wage.

We also want to tell DOL about ways that disabled people can get good jobs instead. We want to tell them that people with disabilities can do **competitive integrated employment**.

# The Public Can Share Their Opinions About Rules

The agency has meetings with the public about the proposed rule. These meetings are with the **Office of Information and Regulatory Affairs** or **OIRA** (oh-eye-rah).

- OIRA meetings about 14(c) are currently happening right now.

The agency collects public comments on the proposed rule.

- The proposed 14(c) rule is not out yet. We cannot yet comment on the proposed rule. This will happen later. We don't know when this will happen.
- Once the comment period starts, the OIRA meetings stop.



# Asking for an OIRA Meeting

Video made by Jules Good, ASAN Programs Coordinator

Website to request meeting: <https://www.reginfo.gov/public/do/eo/neweomeeting>

YouTube link for the video: <https://youtu.be/2bqoDP-69Oc?feature=shared>

## What can we do?



# OIRA Meetings

Be sure to ask OIRA to release the proposed 14(c) rule **as soon as possible**.

The proposed 14(c) rule already been delayed. It was supposed to come out in September 2024. **We want it out now.**

# Submitting Comments

1. Go to the website [\[link not yet available\]](#)
2. It will say “Employment of Workers With Disabilities Under Special Certificates” on the top of the web page.
3. Click the green button that says “SUBMIT A FORMAL COMMENT”.



SUBMIT A FORMAL COMMENT

Comment\*  
..

What is your comment about?

Upload File(s)

[+ Add a file](#)

*Note: You can attach your comment as a file and/or attach supporting documents to your comment. [Attachment Requirements](#).*

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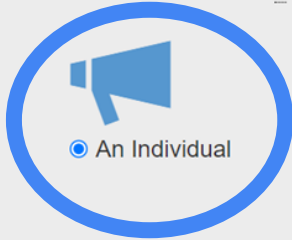
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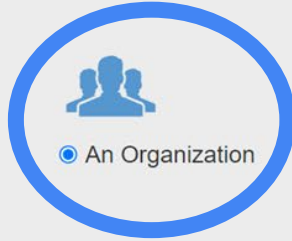
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# What To Say In OIRA Meetings & In Comments

1. Introduce yourself
2. Make your stance clear: No ✘ to 14(c). Yes ✔ to CIE.
3. **Explain why** you want 14(c) to end. **Explain why** you want competitive integrated employment (CIE) instead. You can explain by:
  - a. Telling a personal story (optional)
  - b. Sharing research, data, or other sources (optional)



# 1. Introduce Yourself

Sharing a bit about who you are helps OIRA and DOL understand who is impacted by this issue. Here are some examples of things you could say:

- I have a disability.
- I am autistic.
- I take care of someone with a disability.
- I have a family member with a disability.
- I work with a group of self advocates.
- I work with a disability rights group.

## 2. Making Your Stance Clear

Everything on the slide “[Goals of Disability Employment Policy](#)”:

- It's really important to say all of those parts, not only the part about subminimum wage.

### 3. Explaining Why CIE is Better Than 14(c) — Sharing a Personal Story

It is not enough to only say our stance. We also have to explain why our stance is correct.

One way to explain ourselves is to share a personal story. Examples of personal stories are on the next slides. If you have questions about how to share your person story, check out ASAN's toolkit, "Sharing Your Story for a Political Purpose": <https://autisticadvocacy.org/policy/toolkits/sharing/>

Make sure to only share your story if it relates to 14(c) and CIE.

### 3. Explaining Why CIE is Better Than 14(c) — Sharing a Personal Story — Examples

If you have worked in a sheltered workshop or a subminimum wage job, you can talk about what happened there.

If you used to work in a sheltered workshop and now you have competitive integrated employment instead, you can talk about what making that change was like for you. What services helped you transition from 14(c) to CIE?

If you have gotten employment support through a job coach or another type of help, you can talk about that.

### 3. Explaining Why CIE is Better Than 14(c) — Sharing a Personal Story — Examples

You can talk about anything your employer does to support you at your job, like giving you accommodations for your disability.

If you have had a hard time finding accessible, fairly-paid work because of your disability, you can talk about that.

You can talk about what types of support would help you be able to work.

### 3. Explaining Why CIE is Better Than 14(c) — Sharing Research, Data, or Other Sources

Things like research papers and news reports are types of sources. Sources are proof that shows what you are saying is true. Sharing sources can make your position more convincing. Here are examples of some good sources:

- Reports from your state that explain how your state encourages CIE.
- Fact-checked news articles that explain how bad 14(c) is.
- Resources from disability organizations such as:
  - Autistic Self Advocacy Network (ASAN), National Council on Independent Living (NCIL), National Association of Councils on Developmental Disabilities (NACDD), American Association of People with Disabilities (AAPD), Self Advocates Becoming Empowered (SABE), Green Mountain Self Advocates, ThinkWork, etc.

Questions?