

September 20, 2021

Governor Gavin Newsom
State Capitol, Suite 1173
Sacramento, CA 95814

Re: SB 639 (Durazo): Minimum Wages: Persons with Disabilities – Request for Signature

Dear Governor Newsom:

Disability Rights Education & Defense Fund (DREDF) is pleased to support SB 639, a bill that prohibits employers from paying people with disabilities less than the minimum wage by 2025.

Section 14(c) of the Fair Labor Standards Act allows states to issue special certificates to employers to allow them to pay employees with disabilities less than the minimum wage, based on the purported impact that an employee's disability has on their ability to perform a job. This exemption is premised on the outdated notion that employees with disabilities do not deserve equal pay as their peers without disabilities. As a result there are now over 5,000 Californians with disabilities who work in segregated settings, some of whom are paid as low as 15 cents an hour for their labor.¹

This loophole was created prior to civil rights laws that protect employees with disabilities from discrimination in employment.² We now recognize that, people with disabilities are able to succeed in many diverse work environments, with and without supports. As a result, eight other states have already enacted laws to end this discriminatory practice.

In keeping with our proud role as national leaders in civil rights legislation, it is time that California does the same. SB 639 closes an outdated loophole to ensure that Californian's with disabilities are paid in the same manner as those without. For these reasons DREDF supports SB 639, and respectfully urge you to sign this bill into law.

Sincerely,

A handwritten signature in blue ink that reads "Susan R. Henderson".

Susan Henderson
Executive Director

cc: Jennifer Richard, Chief of Staff for Senator Durazo, Jennifer.Richard@sen.ca.gov
Gregory Cramer, Legislative Advocate, Disability Rights California,
Gregory.Cramer@disabilityrightsca.org

¹ U.S. Commission on Civil Rights. Report: Subminimum Wages: Impacts on the Civil Rights of People with Disabilities. <https://www.usccr.gov/pubs/briefing-reports/2020-09-17-Subminimum-Wages.php>

² (42 U.S.C. §12112(a))