EMPLOYMENT

NDSC POSITION

The National Down Syndrome Congress (NDSC) believes that competitive integrated employment (CIE) should be an expected life activity and the preferred employment outcome for people with Down syndrome and other disabilities. People with Down syndrome should have opportunities to find meaningful employment, earn competitive wages, advance in their careers, and achieve greater financial independence based on their individual preferences, interests, and strengths.

Competitive integrated employment means working alongside people without disabilities in community settings, earning at least minimum wage and receiving comparable wages, benefits, and opportunities for advancement. Achieving CIE requires individualized employment supports and coordinated systems, including education, Vocational Rehabilitation (VR), workforce development, and Medicaid-funded Home and Community-Based Services (HCBS).

Despite advances in disability rights laws and policies, people with Down syndrome continue to face substantial barriers to employment, including inadequate services and funding, fragmented systems, employer misconceptions, and outdated policies that discourage work. NDSC supports eliminating subminimum wages and unnecessary segregation, strengthening employment services and supports, and expanding opportunities for economic security, independence, and full community inclusion.

POLICY PRIORITIES

NDSC supports policies that expand access to competitive integrated employment and eliminate barriers that prevent people with Down syndrome and other disabilities from

obtaining and maintaining meaningful employment. NDSC opposes policies that perpetuate segregated employment, permit subminimum wages, or weaken essential employment supports.

NDSC's highest employment priorities are to:

- **Eliminate subminimum wages under Section 14(c) of the Fair Labor Standards Act and phase out segregated employment programs**, including through legislation such as the Transformation to Competitive Integrated Employment Act (TCIEA), while providing individualized supports to help workers transition to competitive integrated employment;
- **Establish Employment First as the standard nationwide**, making CIE the preferred outcome for people with disabilities, supported by accountability measures and public reporting on employment outcomes;
- **Protect and strengthen Medicaid-funded employment supports**, including HCBS employment supports, such as job coaching, supported and customized employment, transportation, and ongoing workplace supports, and expand access without waiting lists or service limitations;
- **Strengthen Vocational Rehabilitation and transition services**, including access to pre-employment transition services (Pre-ETS), paid work experiences, internships, and other opportunities that prepare students with Down syndrome for CIE; and
- **Improve coordination and accountability across education, Vocational Rehabilitation, Medicaid, and workforce development systems** to ensure timely access to individualized employment services and long-term employment success.

Additional Priorities

NDSC also supports policies that:

- Reform the AbilityOne Program to ensure that federal purchasing and contracting opportunities promote competitive integrated employment, fair wages, meaningful career advancement, and workplace inclusion rather than perpetuating segregated employment settings;
- Expand access to high-quality, person-centered employment services, including supported employment, customized employment, self-employment, and entrepreneurship;
- Strengthen the Direct Support Professional (DSP) workforce through improved wages, training, and retention strategies;
- Expand opportunities for inclusive postsecondary education, career training, apprenticeships, and paid work experiences;
- Modernize SSI and SSDI work incentive earnings, and asset rules, protect access to Medicaid and Medicare, and expand benefits counseling to reduce financial barriers to employment;

- Increase employer engagement through education, technical assistance, reasonable accommodations, and inclusive hiring practices;
- Promote career advancement, increased wages, and economic mobility, not simply initial job placement;
- Preserve meaningful access to person-centered, community-based non-employment activities based on individual preferences and choices; and
- Uphold and enforce the civil rights protections of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Supreme Court's Olmstead decision to prevent discrimination and unnecessary segregation.

BACKGROUND AND LEGAL FOUNDATION

Federal disability laws and policies increasingly recognize the right of people with disabilities to work in integrated settings and receive equal employment opportunities. The ADA, Rehabilitation Act, Workforce Innovation and Opportunity Act (WIOA), and Supreme Court's *Olmstead* decision established important protections and prioritized access to competitive integrated employment. WIOA defines CIE as work performed in integrated settings, paid at or above minimum wage, with comparable wages, benefits, and advancement opportunities.

Despite these protections, Section 14(c) of the Fair Labor Standards Act continues to permit certain employers to pay workers with disabilities less than minimum wage. A growing number of states have eliminated or are phasing out subminimum wages, and federal legislation such as the Transformation to Competitive Integrated Employment Act (TCIEA) seeks to end this practice while supporting transitions to CIE.

The federal AbilityOne Program creates employment opportunities for people who are blind or have significant disabilities through federal purchasing contracts. However, concerns remain that some participating nonprofit agencies operate segregated workplaces with limited opportunities for integration and career advancement. Reforming AbilityOne to prioritize CIE and meaningful career pathways is essential to ensuring federal employment programs reflect modern disability rights principles.

Medicaid-funded HCBS, Vocational Rehabilitation, and other employment supports are critical to helping people with Down syndrome obtain and maintain employment. Yet inadequate funding, workforce shortages, and poor coordination continue to limit access. Strengthening these systems is essential to ensuring people with Down syndrome can work, build financial security, and participate fully in their communities.

Key Authorities

- Fair Labor Standards Act of 1938, Pub. L. No. 75-718, 52 Stat. 1060 (1938), Section 14(c)
- Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355 (1973), including Sections 503 and 504 and Title VI
- Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq.
- Social Security Act, including Medicaid HCBS authorities under Sections 1915(c), 1915(i), and 1915(k)
- Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327 (1990)
- Olmstead v. L.C., 527 U.S. 581 (1999)
- Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-128, 128 Stat. 1425 (2014)
- Medicaid HCBS Settings Rule, 79 Fed. Reg. 2948 (Jan. 16, 2014)
- Lane v. Brown, No. 3:12-cv-00138-ST (D. Or. 2015)
- Javits-Wagner-O'Day Act, 41 U.S.C. §§ 8501–8506 (AbilityOne Program)