

KNOW YOUR RIGHTS

Employer requirements for paying subminimum wages to workers with disabilities under section 14(c) of the Fair Labor Standards Act

Usually workers must be paid at least the federal minimum wage. Sometimes, however, an employer may pay less than the minimum wage to a worker with a disability. This is **only legal** if the employer has a certificate from the Department of Labor **and** fulfills **all** the following requirements:

1. A worker's pay rate may be less than the minimum wage **only** if the worker's disability reduces his or her ability to do the job.
2. Employers must tell each worker in person **and** in writing that he or she will earn less than the minimum wage. Employers may provide this notice by making copies of the certificate available. Employers must also tell each worker's parent or guardian whenever it is appropriate.
3. A worker's pay must be based on (1) the amount other employers pay their employees and (2) the worker's ability to do the job.
 - At least once a year, employers must ask other employers in the area how much they pay experienced employees who do the same job. A worker's pay rate may change based on this information.
 - Workers paid hourly must be tested within 30 days of starting a new job to determine their ability to do the job. Because their ability may change, they must be retested every six months. Retesting may result in a change to a worker's pay rate.
4. If a worker performs services for the federal government, the contract may require that he or she be paid at least \$10.10 per hour.

Any employee who think he or she is not being paid properly may call or write to the Wage and Hour Division to complain. Also, a worker, or his or her parent or guardian, may write to the Wage and Hour Division to have his or her pay rate reviewed by an administrative law judge.

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Any worker who is fired or treated differently because he or she complained or helped in an investigation may call the Wage and Hour Division for help. Workers may also take the employer to court.

For information on accommodations, transition services and competitive integrated employment, visit www.dol.gov/odep



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR



Scan this code with your smartphone to view the FLSA Section 14(c) webpage.

www.dol.gov/whd

1-866-487-9243

TTY: 1-877-889-5627



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Rights for Workers with Disabilities

**Section 14(c) and
Subminimum Wage
Employment**



UNITED STATES DEPARTMENT OF LABOR

