



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

June 10, 2019

The Honorable Bobby Scott
Chair, Education and Labor Committee
2176 Rayburn House Office Bldg.
Washington, DC 20515

Hon. Virginia Foxx
Ranking Member, Education and Labor Committee
2462 Rayburn House Office Bldg.
Washington, DC 20515

Dear Chairman Scott and Ranking Member Foxx:

As co-chairs of the Consortium for Citizens with Disabilities (CCD) Rights Task Force, we write to express our strong support for the Protecting Older Workers Against Discrimination Act (POWADA) (H.R. 1230) and the Transformation to Competitive Employment Act (H.R. 873). CCD is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, integration, and inclusion of children and adults with disabilities in all aspects of society.

POWADA would correct a Supreme Court decision, *Gross v. FBL Financial Services, Inc.*, that narrowly interpreted the Age Discrimination in Employment Act to require that unlawful discrimination be the “but-for” cause of an employer’s conduct in order to be actionable. Some courts have also applied this but-for cause requirement to claims of disability-based employment discrimination under the Americans with Disabilities Act (ADA), making it harder for people with disabilities to prevail on workplace discrimination claims.

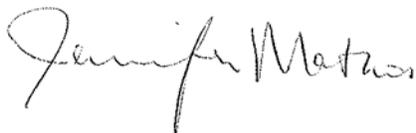
POWADA is an important opportunity to restore workplace rights for people with disabilities. People with disabilities have the lowest employment rates of any group tracked by the Bureau of Labor Statistics, and their labor force participation rate has consistently been less than half of that of people without disabilities. Attitudinal barriers among employers are among the top reasons for these low rates. It is critically important to address barriers to employment for people with disabilities, and POWADA would help do that.

We also support the Transformation to Competitive Employment Act, which was discussed along with POWADA in your May 21, 2019 hearing on Eliminating Barriers to Employment. This bill would provide incentives to assist providers of subminimum wage employment for people with disabilities to transform the services that they provide to focus instead on competitive integrated employment, and would make grants available to state agencies to collaborate in developing the services needed to support the individuals served by these providers to secure and maintain competitive integrated employment.

The Transformation to Competitive Employment Act represents an important step toward ending the practice of paying subminimum wages to employees with disabilities under Section 14(c) of the Fair Labor Standards Act and expanding the supported employment services needed to ensure that people with disabilities who are served in subminimum wage sheltered workshops to receive the services they need to secure and maintain competitive integrated employment. This bill is another important measure that would bring needed expansion of real employment opportunities for people with disabilities.

We stand ready to work with you to help secure passage of H.R. 1230 and H.R. 873, both of which are important steps to address barriers to full and meaningful employment of people with disabilities.

Sincerely,



Jennifer Mathis
Bazelon Center for Mental Health Law



Mark Richert
National Disability Institute



Samantha Crane
Autistic Self-Advocacy Network



Heather Ansley
Paralyzed Veterans of America



Kelly Buckland
National Council on Independent Living

Co-Chairs
CCD Rights Task Force