

Resolution of the SFGW Board of Directors

Affirming SFGW Commitment to Employ and Compensate People of All Abilities Equally

- WHEREAS,** The Fair Labor Standards Act (FLSA) Section 14(c) authorizes employers, after receiving a certificate from the United States Department of Labor (DOL) Wage and Hour Division (WHD), to pay special commensurate wages –wages that can be less than the than the Federal minimum wage- to workers who have disabilities when the disability directly impacts productivity on the job being performed; and
- WHEREAS,** The certificate also allows the payment of wages that are less than the prevailing wage to workers who have disabilities for the work being performed on contracts subject to the McNamara-O’Hara Service Contract Act and the Walsh-Healey Public Contracts (and not less than \$10.35 effective January 1, 2018 for certain contracts covered under Executive Order 13658);; and
- WHEREAS,** Under FLSA Section 14 (c), disabilities that may affect productive capacity include blindness, mental illness, , cerebral palsy, and substance addiction when that disability directly impacts productivity on the job being performed; and
- WHEREAS,** FLSA Section 14 (c) allows employers to pay these employees less than the federal minimum wage even if their disability is related to age or injury when the disability directly impacts productivity on the job being performed; and
- WHEREAS,** San Francisco Goodwill (SFGW) believes that people of all abilities deserve to be fairly compensated for their work; and
- WHEREAS,** SFGW has a long standing practice of paying employees equal wages for work being performed regardless of disabilities; and
- WHEREAS,** SFGW **has never utilized 14 (c) certificates and** supports paying employees with disabilities equal wages

NOW, THEREFORE, BE IT RESOLVED, that the SFGW Board of Directors opposes the use of FLSA Section 14 (c) certificates and supports equal pay for people of all abilities.