



We Can Eliminate the Subminimum Wage for Workers with Disabilities

The Council is asking for your support to repeal AS § 23.10.070

What Does This Statute Say?

- AS § 23.10.070 sets out an exemption from the minimum wage standards for “an individual whose earning capacity is impaired by physical or mental deficiency, age, or injury, at the wages and subject to the restrictions and for the period of time that are fixed by the commissioner” (Quoted in part).

Why Should We Remove This Law?

- A worker with a disability could compete and excel at jobs with minimum wages and higher wages. This law could be used to unfairly pay workers with disabilities less than the minimum wage in the future.
- Removing this statute will keep Alaska consistent with Alaska Employment First Act of 2014. The Employment First Act requires vocational services to help people with disabilities to become gainfully employed at minimum wage or higher.

History

In 2018, regulation 8 AAC § 15.120 was repealed. That regulation described the process an employer needed to follow to hire a worker with a disability for a subminimum wage. The next step is repealing the statute that allowed for the regulation in the first place.

At the time the regulation was repealed Department of Labor and Workforce Development Acting Commissioner Greg Cashen stated that “workers who experience disabilities are valued members of Alaska’s workforce. They deserve minimum wage protections as much as any other Alaskan worker.”

In the past, minimum wage exemptions were considered necessary to help people with disabilities to get work. We know of many examples of where workers with disabilities are able to compete in the workplace on their own merits. This statute has outlived its usefulness.