

NC DIVISION OF SERVICES FOR THE BLIND POLICIES AND PROCEDURES VOCATIONAL REHABILITATION

Section:	S
Title:	Sub-Minimum Wage Employment
Current Effective Date:	09/16
Revision History:	09/16

Subminimum Wage Employment Requirements

If an individual earning subminimum wage becomes known to DSB-VR, the Workforce Innovation and Opportunity Act (WIOA) section 511 requires that:

1. VR must provide career counseling and information and referral to other available local programs to assist with achieving competitive integrated employment.
2. The subminimum wage employer must inform the individual about self-advocacy, self-determination and peer mentoring training opportunities, if available. The training opportunities must not be provided by an entity that has any financial interest in the individual's employment outcome, including any entity that holds a section 14 (c) certificate.

For individuals who were already employed at subminimum wage when section 511 took effect (July 22, 2016), the individual must receive career counseling and information and referral services at least once a year.

For individuals who begin employment at subminimum wage on or after the effective date of section 511 (July 22, 2016) the individual must receive career counseling and information and referral services six months after beginning employment and annually thereafter.

For individuals working at subminimum wage for employers with fewer than 15 employees DSB-VR must also inform the individual about self-advocacy, self-determination and peer mentoring training opportunities available.

The required timeframe in which to provide the above noted services begins on the date the individual becomes known to DSB-VR. An individual can become known to VR by any method including self-referral or referral from any other source.

Informed Choice and Participation Refusal

Individuals with disabilities continue to have a continuum of choices and options for employment ranging from competitive integrated employment to employment in Adult Development Vocational Programs (ADVP). Therefore, individuals with disabilities choosing to pursue or continue in subminimum wage may do so; however, the requirements noted above must be satisfied before the employer hires or continues to employ them at subminimum wages. If the individual refuses to participate in these required activities *Form VR-0511-AW: Waiver for Documenting Refusal of Services Required of Section 511* must be completed and provided to the individual within 10 calendar days of participation refusal.

Career Counseling/Information & Referral Documentation Requirements

Documentation of completion must be provided to the individual as soon as possible, but no later than 30 calendar days after completion of the career counseling unless there are exceptional and unforeseen circumstances. The following forms are required:

- Form dsb.4008sub-VR-C: Certificate of Completion for Career Counseling
- Form dsb.4008sub-VR-IR: Information and Referral Services Report (list of programs/agencies individual was referred to)
- Form dsb.4008sub-VR-DOC: Record of Transition & PETS Services Received (documentation of services provided as required by Section 511)

A copy of each must be given to the individual and the employer and a copy retained by the local DSB-VR office.

Additional requirements for Youth with Disabilities

A Youth with a Disability is defined as an individual with a disability between the ages of 14 and 24.

In order for a Youth with a Disability to be placed in a subminimum wage setting the following must occur:

1. The individual must have received either PETS services from VR while qualifying as a Student with a Disability or transition services under IDEA from a school setting.
2. The individual must apply for DSB-VR services and:
 - a. The individual must be determined ineligible for DSB-VR services. An individual cannot be determined ineligible due to the severity of the disability without first engaging in a trial work experience. SSI/SSDI recipients must be presumed eligible if they intend to reach an employment outcome.

OR

- b. The individual must be determined eligible and after receiving services under an IPE for a reasonable period of time be unsuccessful in achieving competitive integrated employment. A reasonable period of time is defined as the anticipated time frame to receive services on the IPE. For supported employment this may be 24 months with extensions, if justified.

AND

3. DSB-VR must provide career counseling and information about and referral to other resources available locally that offer employment-related services and supports designed to enable the individual to explore, discover, experience and attain competitive integrated employment.

The above noted must be documented clearly in the DSB-VR case file. Before employing a youth at subminimum wage the employer with a special wage certificate must review written documentation of the above and maintain a copy. An updated and fully completed *Form dsb.4008sub-VR-DOC: Record of Transition & PETS Services Received* should adequately document the PETS and Transition services the individual has received and the outcome of the VR program's efforts to assist

the individual to obtain competitive integrated employment. This should be viewed as a legal document that will be audited.

Documentation Requirements

- The following documents must be provided to the individual no later than 30 days after completion of the specific service or decision:
 - Form dsb.4008sub-VR-C: Certificate of Completion for Career Counseling (one completed for each PETS service received)
 - Form dsb.4008sub-VR-DOC: Record of Transition & PETS Services Received
 - Certificate of VR Eligibility/Ineligibility
 - Supported Employment Progress Reviews/Documentation
- Form dsb.4008sub-VR-YW: Waiver for Documenting Refusal of Services Required of Section 511 (youth age 14-24). Documents when such individuals do not wish to apply for VR services or participate in required section 511 activities. This form must be completed with a copy given to the individual within 10 days after refusing participation.