

 Vocational Rehabilitation	Action Request Transmittal
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Pete Karpa, Deputy Director
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Number: VR-AR 17-02
Issue date: January 19, 2017
End date: July 22, 2017

Topic: Subminimum wage – WIOA Part 397

Subject: Vocational Rehabilitation requirements – when a VR client wants to remain in subminimum wage employment while receiving VR services

Applies to (check all that apply):

<input checked="" type="checkbox"/>	Vocational Rehabilitation – All Staff
<input type="checkbox"/>	Vocational Rehabilitation – Executive Team
<input type="checkbox"/>	Vocational Rehabilitation - Administration
<input type="checkbox"/>	Vocational Rehabilitation – Branch Managers
<input type="checkbox"/>	Other (please specify)

Introduction:

The Department of Labor, Wage and Hour Division, now requires individuals who want to continue working at subminimum wage to annually receive two specified services from VR. WIOA requires VR to provide those services to individuals they know are working at subminimum wage even if they are not VR clients. The deadline (end date) for provision of the two services is 7/22/17.

When an individual who is not a VR client or their provider agency requests VR services solely to remain in their subminimum wage employment, refer them to your Regional Field Service Manager. These individuals will not normally receive the specified VR services at a branch office.

When an individual is already a VR client and they choose to stay in a subminimum wage employment while receiving VR services, follow the “Action Required” directions in this transmittal.

The two services VR must provide in order for individuals to remain in their current subminimum wage positions are:

- Career counseling
- Information and referral

These services are customary VR services provided to participants who proceed into plan.

When a VR client requests VR services in order to stay in subminimum wage employment, VR staff should follow the steps in “Action Required”, below.

Action Required:

VR staff must follow these procedures for those individuals of any age who want to continue working at subminimum wage employment and are also a VR client:

1. Request verification that the individual is currently working at subminimum wage employment. This verification could come from the entity who holds the subminimum wage section 14(c) certificate, the individual’s case manager, or from VR Administrative staff. You might receive documentation or just emailed or verbal verification.
2. Complete the form that documents receipt of Career Counseling and information and Referral with the individual (the name of the form is “*Career Counseling, Information and Referral Documentation*”).
Follow the directions about how to complete the documentation of receipt of services (accompanying this transmittal).
3. VR staff and individual and guardian (if any) sign and date the form.
4. Scan the form and email it to Ann.Balzell@state.or.us. Give the original to the individual, with a CAP brochure. Direct them to take the form to the 14(c) employer and email the form to the 14(c) employer if email is available (make sure they are listed on a release of information signed by the individual).
5. Document provision of this service in ORCA and attach the scanned “*Career Counseling, Information and Referral documentation*” form.

Applicability:

Workforce Innovation and Opportunity Act, Part 397 – Limitation on use of subminimum wage

- 397.5 What definitions apply?
- 397.10 What documentation process must the designated state unit develop?
- 397.40 What are responsibilities of a designated state unit for individuals with disabilities, regardless of age, who are employed at subminimum wage?

Definitions:

- Federal minimum wage has the meaning given to that term in section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 206(a)(1))
- Special wage certificate means a certificate issued to an employer under section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)) and 29 CFR part 525 that authorizes payment of subminimum wages, wages less than the statutory minimum wage.

If you have any questions about this action request, contact:

Contact(s):	Ann Balzell		
Phone:	503-945-6975	Fax:	503-947-5010
Email:	Ann.Balzell@state.or.us		

Other Documents:

- Career Counseling, Information and Referral Documentation
- Directions: how to complete the documentation form
- DOL letter regarding requirements