

EARNING A SUBMINIMUM WAGE



*What Youth
and Families
Need to
Know*



The Workforce Innovation and Opportunity Act (WIOA) is designed to help people with disabilities have increased access to and experience with community employment that pays the federal minimum wage or higher. The Act focuses specifically on ensuring that students and young adults who are 24 years and younger have an opportunity to explore competitive employment before working for subminimum wages.

To achieve this goal, the portion of WIOA known as Section 511 sets forth requirements to ensure that young people with disabilities have a meaningful opportunity to work in competitive integrated jobs.

Subminimum wage (less than the federal minimum wage) is allowable when an employer holds a special 14(c) certificate from the U.S. Department of Labor and the person meets the criteria to be paid a subminimum wage. Most certificate holders in Minnesota are employment and day service providers that provide day training and habilitation (DT&H) and/or pre-vocational services (pre-voc) through a Home and Community Based waiver.

It's important to note that WIOA does not prohibit subminimum wages. It does require Minnesota's Vocational Rehabilitation Services (VRS) to engage all youth with disabilities, who are 24 and younger, in an informed choice process that prioritizes integrated work in the community that pays at least the federal minimum wage before working for a subminimum wage.



FOR YOUTH AGES 24 AND UNDER

Under the new federal regulations, anyone with a disability age 24 or younger will explore competitive integrated employment before moving into a subminimum wage job. The youth will:

- ▶ Receive either pre-employment transition services from Vocational Rehabilitation Services (VRS) or transition services under IDEA (special education) from their schools.
- ▶ Apply to the Vocational Rehabilitation program and either a) be determined ineligible for services, or b) be accepted for services but unsuccessful in getting a job after a reasonable period of time. As part of this requirement, each person must have an opportunity for work experiences that move her/him toward her/his job goal.
- ▶ Receive career counseling, and information and referrals to public programs and other locally available resources that offer employment-related services and supports designed to attain competitive integrated employment.

For students in high school or an 18-21 transition program

Vocational Rehabilitation counselors will work with the school to coordinate informed choice meetings with youth and parents or guardians, particularly youth whose current goal is to earn a subminimum wage. Counselors will explain the WIOA requirements and provide an opportunity for the student to apply for VR services. If possible, county case managers should participate in these meetings so that supports and services are coordinated. The VR counselors will help students and their parents or guardians to navigate the process of learning how to obtain and maintain competitive integrated employment.

For youth who are no longer in school

Youth with disabilities ages 24 and under who are no longer in school and are seeking to earn a subminimum wage must also apply to the Vocational Rehabilitation program and complete the activities listed above. County case managers can still authorize for employment and day services while the VRS process proceeds, the services just cannot pay the youth subminimum wages and cannot duplicate the services the youth is receiving through VRS.

Can schools contract for subminimum wage employment?

No. WIOA also restricts schools from contracting with section 14(c) certificate holders for the purpose of operating a program for a youth under which work is compensated at a subminimum wage.

WIOA focuses on increasing people with disabilities' access to opportunities that build success in competitive integrated employment. Please contact your local Vocational Rehabilitation Services office if you have any further questions. You can find out which office is closest to you by calling 651-259-7366.