

CSG Client Services Guide	Date Issued 07/03/18	Subject Limitations on Use of Subminimum Wage	Section 275
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Federal Regulations

- [34 CFR 300](#)
- [34 CFR 361](#)
- [34 CFR 361.5](#) - Definitions
- [34 CFR 397](#)
- [29 CFR 525](#)

State Rules

- [5 CSR 20-500](#)

Section 275 LIMITATIONS ON USE OF SUBMINIMUM WAGE

Youth with a Disability

- Vocational Rehabilitation (VR) and local educational agencies (LEAs) must ensure that individuals with disabilities, especially youth with disabilities, have a meaningful opportunity to prepare for, secure, retain, advance in or regain competitive integrated employment including supported or customized employment.

NOTE: *Youth with a disability* means an individual with a disability who is 14 – 24 years of age.

275.1 Responsibilities Prior to Youth with Disabilities Starting Subminimum Wage Employment

- VR must ensure youth with disabilities have completed the following requirements prior to entering subminimum wage employment with an employer holding special wage certificates under section 14(c) of the Fair Labor Standards Act of 1938:

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- transition services under the Individuals with Disabilities Act and/or pre-employment transition services under the Workforce Innovation and Opportunity Act,
- applied for VR services and was found ineligible/unable to benefit; or
- applied for VR services and was found eligible;
 - had an approved Individualized Plan for Employment (IPE);
 - worked toward an IPE employment outcome for a reasonable period of time without success; and
 - the VR case was closed
- career counseling, including information and referrals to federal and state programs and other resources in the individual's geographic area.
- Documentation of completion of the above activities must be provided to the individual, consistent with the requirements under 34 CFR 397, by a qualified rehabilitation counselor employed by VR prior to entering subminimum wage employment.

275.2 Responsibilities to Individuals with Disabilities During Subminimum Wage Employment

Counseling and information services

- VR must provide individuals with disabilities with career counseling and information and referral services to federal and state programs and other resources in the individuals' geographic area that offer employment-related services and supports designed to enable the individuals to explore, discover, experience and attain competitive integrated employment. This information must be provided to the individuals, regardless of their age, or to the individuals' representative as appropriate, who are known by VR to be employed by an employer (or a contractor or subcontractor of that employer) that holds a special wage certificate described in section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)) at a subminimum wage level.

Required intervals

- For individuals employed at subminimum wage, the above described counseling and information services must be provided
 - once every six months for the first year of the individuals' subminimum wage employment and
 - annually thereafter for the duration of such employment.

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- Documentation of completion of the above activities must be provided to the individuals, consistent with the requirements under 34 CFR 397, by a qualified rehabilitation counselor employed by VR.