



Policy No. 5.03	Subject: Subminimum Wage Employment (Section 511)
Section: Employment	Revised: 12/2021
Signature: Eric Evans, Bureau Chief	Version: FINAL

1. SCOPE OF SERVICES

It is the philosophy and belief of IVRS that all individuals can and should be provided information on the opportunities of working in a competitive integrated environment. IVRS also recognizes that there are times when an individual, even after information is provided to them either through IVRS or through another entity, still desires to work in subminimum wage employment. An individual can choose to make an informed choice at any point in the VR process.

2. DEFINITIONS

Competitive Integrated Employment (CIE): refer to the [Competitive Integrated Employment](#) policy.

Minimum Wage: Refer to the [Department of Labor](#) definitions. Subminimum Wage: Employment of individuals at wage rates below the minimum wage.

Students with Disabilities: Individuals with disabilities who are 21 years of age or younger in a recognized educational program.

Youth with Disabilities: Individuals with disabilities who are 24 years of age or younger.

3. AGENCY EXPECTATIONS

For youth seeking subminimum wage:

- a. Youth seeking subminimum wage employment must apply for IVRS services.
 - i. If the youth refuses to apply for IVRS services, then IVRS staff complete the Subminimum Wage Cover Sheet. On the Client Profile in IRSS, indicate the youth was seeking subminimum wage and document the refusal in the case notes, including uploading a copy of the Subminimum



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Wage Cover Sheet to IRSS. A copy of this form must be provided to the youth within 10 calendar days.

- b. Within 30 days of the youth's decision to pursue subminimum wage employment IVRS staff must engage in a full discussion, including career counseling and guidance, with the youth regarding the purpose of the VR program and the role that VR can play in assisting youth with disabilities to achieve CIE, or supported employment with reasonable accommodations and appropriate services and supports. This discussion must be summarized in the case notes.
 - i. If the youth decides to seek subminimum wage employment before eligibility is determined, IVRS staff must still complete the eligibility. Because the youth made an informed decision not to seek CIE, the youth would be determined ineligible for VR services. The case is then closed after the eligibility determination, using reason for closure "Ineligible: applied pursuant to Section 511 but does not want competitive integrated employment".
 - ii. If the youth decides to seek subminimum wage employment after eligibility is determined, the case is closed using reason for closure "Ineligible after an eligibility determination".
- c. IVRS staff completes the Subminimum Wage Cover Sheet and places it in the hard copy of the case file in the appropriate section as outlined in the Order of Case Filing policy. IVRS staff also provides a copy of the Subminimum Wage Cover Sheet, along with applicable documentation, to the youth/guardian.
 - i. Documentation must be provided to the youth/guardian within 45 days, or 90 calendar days if additional time is needed for extenuating circumstances. Extenuating circumstances are defined as:
 - A death in the family;
 - Extreme medical risk;
 - Natural disasters;
 - Extended health reasons, etc.

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Local Education Agency (LEA) staff absence due to summer break is not considered an extenuating circumstance and IVRS staff, in this situation, would provide to the student the IVRS documentation with a notation that the LEA staff failed to provide the information.

- ii. For students with disabilities, IVRS staff should keep the LEA staff informed throughout this process.

For all other individuals with disabilities who are employed at, or are seeking, subminimum wage employment, career counseling and information and referral services must be provided.

- a. If the individual refuses to apply for IVRS services, then IVRS staff completes the Subminimum Wage Cover Sheet. On the Client Profile in IRSS, indicate the individual was seeking subminimum wage and document the refusal in the case notes, including uploading a copy of the Subminimum Wage Cover Sheet form to IRSS. A copy of this form must be provided to the individual within 10 calendar days.
- b. If the individual is working with a CRP and has been made known to IVRS, IVRS staff can satisfy the requirements in one of two ways:
 - i. IVRS staff presents career counseling required and information and referral services along with the certificate documenting the individual's participation in the services.
 - ii. IVRS staff contracts for career counseling required and information and referral services, and IVRS provides the certificate documenting the individual's participation in the services.
- c. If the individual is on the IVRS caseload, or is interested in IVRS services, and makes the decision to pursue subminimum wage employment, IVRS staff must engage in a full discussion with the individual. This discussion includes career counseling and guidance regarding the purpose of the VR program and the roll that VR can play in assisting individuals with disabilities to achieve CIE, or supported employment with reasonable accommodations and appropriate services and supports. This discussion must be summarized in the case notes.

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- i. If the individual decides to seek subminimum wage employment before eligibility is determined, IVRS staff must still complete the eligibility. Because the individual made an informed decision not to seek CIE, the individual would be determined ineligible for VR services. The case is then closed after the eligibility determination, using reason for closure “Ineligible: applied pursuant to Section 511 but does not want competitive integrated employment”.
- ii. If the individual decides to seek subminimum wage employment after eligibility is determined, the case is closed using reason for closure “Ineligible after an eligibility determination”.
- iii. IVRS staff completes the Subminimum Wage Cover Sheet and places it in the hard copy of the case file in the appropriate section as outlined in the Order of Case Filing policy. No other documentation is required for all other individuals with disabilities. IVRS staff also provides a copy of the Subminimum Wage Cover Sheet to the individual/guardian.

IVRS may provide a copy of the documentation that is given to the individual directly to the entity holding a Section 14(c) certificate, after getting informed written consent in the form of a [Release of Information \(R-407\)](#) from the individual or the individual’s representative, as applicable, to do so. It is important to note that IVRS must transmit the documentation to the individual with a disability because the working relationship is between IVRS and the individual, not IVRS and the employer. However, in the interests of coordination and efficiency, the individual could give permission to IVRS to also provide a copy of the documentation directly to the individual’s current employer. [RSA-FAQ-21-05](#)

4. EXCEPTIONS

- a. None

5. APPLICABLE FORMS/DOCUMENTS

- a. [Subminimum Wage Cover Sheet](#)
- b. [Certificate of Attendance Form](#)

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c. [Release of Information \(R-407\)](#)