

Youth Seeking Subminimum Wage Employment

February 2018

Purpose: To inform staff of DVR's responsibilities to and necessary documentation for youth (ages 14-24) with disabilities known to be seeking subminimum wage employment.

Rationale: DVR must develop a new process, or use an existing process, to document the completion of actions related to youth known to be seeking subminimum wage employment (34 CFR 397.10). Section 511 of the Workforce Innovation and Opportunity Act (WIOA) defines DVR's role in working with youth known to be seeking subminimum wage employment. Youth with disabilities must satisfy certain requirements prior to starting work at subminimum wage and DVR must document these service requirements (34 CFR 397.20).

Procedures: This process applies to all youth known to be seeking subminimum wage employment with a 14 (c) employer. Documentation is held in the IRIS case file and provided to the youth.

This document describes different scenarios and process requirements for youth known to be seeking subminimum wage employment. Youth (ages 14-24) with a disability must complete an application for DVR and receive **both** career counseling and information and referral services **prior** to working at subminimum wage employment. Youth may also receive additional pre-employment transition services (Pre-ETS). Consult with local and BCS management prior to case closure and throughout the process as needed.

Typically, a youth known to be seeking subminimum wage employment will be referred to DVR to learn more about its program and services.

Youth Interested in Competitive, Integrated Employment (CIE)

A youth with a disability interested in seeking competitive, integrated employment will take the following steps:

1. Complete an application for DVR and be found eligible for DVR services.
2. Develop and implement an approved Individualized Plan for Employment (IPE).
3. Work toward the employment goal listed in their IPE for a reasonable length of time with reasonable accommodations, appropriate supports, and services, including supported employment services and customized employment services.

If at any time a youth decides to no longer participate in the process, or is unsuccessful in finding competitive, integrated employment after following the steps above, the DVR case must be closed as unsuccessful or ineligible before the youth may enter subminimum wage employment.

Note: DVR staff are encouraged to consult with their team members and supervisors regarding case closure reasons in these circumstances, as they are determined on an individual, case-by-case basis. It would **not** be appropriate to select "Too Severe to Benefit from DVR Services" in these instances.

Note: A "reasonable period of time" is individualized for each consumer, accounting for the youth's disability and vocational goals and the anticipated length of time to complete services listed in the IPE.

Documentation upon Completion of Required DVR Activities: If the youth has participated in Pre-ETS, the information below is required as part of DVR required activity completion documentation, and must be provided to the youth within 45 days of an unsuccessful case closure. Youth do not have to receive **all** Pre-ETS, only those that are necessary and appropriate.

1. Youth's name.
2. Eligibility status, including summary of reason for the determination.
3. Descriptions of the Pre-ETS services/activities completed.
4. Name of the provider of those services/activities completed.
5. Date of the service/activity completion.
6. Signature and date of the individual documenting the completion of required services/activities.
7. Signature and dates of the DVR representative and the school representative, if applicable.
8. Date and method of transmittal of the documentation to the youth.
9. Signature and date of the person transmitting the documentation.
10. DVR will scan and attach documentation to IRIS case file.

Youth Seeking Subminimum Wage Employment (Not Interested in CIE)

After consultation with local and BCS management, if a youth completes an application for DVR and states they are no longer interested in CIE at any point in the process, close the youth's case as ineligible:

1. As with any ineligibility decision, discuss the closure with the youth and their support team.
2. You **must** provide career counseling and information and referral prior to case closure.
 - Career counseling should include the benefits of competitive, integrated employment and working with DVR, including supported employment and customized employment.
 - Information and referrals should include information on resources that provide competitive, integrated employment in the local community.
3. If an eligibility has not been completed, close the youth's case in the eligibility tab. Select "Ineligible – not interested in competitive integrated emp" for the closure reason.

4. If an eligibility has already been completed, close the youth's case in the closure tab. Select "Ineligible – not interested in competitive integrated emp" for the closure reason.
5. Provide them a copy of an ineligibility letter that indicates they are not interested in competitive, integrated employment. Staff should encourage youth to talk with their MCO or IRIS case manager regarding this letter.

Refusal to Participate

If a youth is requesting documentation to seek subminimum wage employment, but refuses to apply to DVR, provide them with documentation of their refusal.

The information below is required as part of refusal to participate in DVR required activities documentation. If a youth refuses to participate with DVR, DVR must provide the youth with documentation of their refusal within 10 calendar days. DVR must maintain a copy of this record of refusal. DVR will scan and attach completed documentation to IRIS case file.

1. Description of refusal and the reason for the refusal.
2. Signature and date of the youth, or their representative.
3. Signature and date of the DVR representative or school representative, if applicable.
4. Date and method of transmittal of the documentation to the youth.
5. Statement informing the youth and/or the youth's representatives that refusal to participate in DVR required activities means that the youth will not be eligible for subminimum wage employment with a 14(c) employer.

Note: DVR staff are encouraged to consult with their team members and supervisors regarding case closure reasons in these circumstances, as they are determined on an individual, case-by-case basis. It would **not** be appropriate to select "Too Severe to Benefit from DVR Services" in these instances.

Forms

- 511 Letter, [DVR-18310-E](#)
- Pre-Employment Transition Services Received, [DVR-18311-E](#)
- Youth Refusal to Participate in DVR Required Activities, [DVR-18309-E](#)