

## Section 511 of Title IV in Workforce Innovation and Opportunities Act

With to the reauthorization of the Workforce Innovation and Opportunity Act (WIOA), a new law (Section 511) has been added to the Rehabilitation Act. This law is effective on July 22, 2016 and implements new requirements for schools and employers/agencies who hold special wage certificates, commonly known as 14(c) certificates, under the FLSA (29 U.S.C. 214(c)). The 14(c) certificates are required for employers/agencies to hire youth with disabilities at subminimum wage or to continue to employ individuals with disabilities of any age at the subminimum wage level. In South Dakota this will apply to all Community Support Providers and the South Dakota Developmental Center. Section 511 also prohibits schools from contracting with sub-minimum wage providers for the purpose of operating a program in which youth with disabilities are engaged in subminimum wage employment.

Subminimum wage agencies are prohibited from hiring youth with disabilities at a sub-minimum wage level unless the youth (24 years of age or younger) are afforded meaningful opportunities to access services, including transition services so they may have the opportunity to achieve competitive integrated employment in the community. Before a youth with disabilities can be paid less than minimum wage, the individual must:

- Receive pre-employment transition services as defined in 34 CRF §361.48;
- Apply for Vocational Rehabilitation Services; and
- Receive career counseling and information on employment resources.

Form DHS-VR-359 was developed for the purpose of assuring that a youth with disabilities has the opportunity to achieve competitive integrated employment and providing the required documentation if a youth with disability is to be paid less than minimum wage.

## Documentation for Subminimum wage

**Student Name:** [Click here to enter text.](#)

**School:** [Click here to enter text.](#)

**Subminimum Wage Agency:** [Click here to enter text.](#)

**Form completed by:** [Click here to enter text.](#)

**Date form is completed:** [Click here to enter text.](#)

Effective 7/22/2016, pre-employment transition services that were made available to a youth with disabilities must be documented before completion of school and/or before starting employment at less than minimum wage.

Complete the form below documenting the date, description of services and opportunity for each of the following activities.

- (i) **Job exploration counseling;**  
[Click here to enter text.](#)
- (ii) **Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible;**  
[Click here to enter text.](#)
- (iii) **Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;**  
[Click here to enter text.](#)
- (iv) **Workplace readiness training to develop social skills and independent living; and**  
[Click here to enter text.](#)
- (v) **Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).**  
[Click here to enter text.](#)

How and when was the Vocational Rehabilitation Counselor contacted? [Click here to enter text.](#)

Date the individual applied for Vocational Rehabilitation Services: [Click here to enter text.](#)

Outcome/Status of VR Services: [Click here to enter text.](#)

A copy of this form should be placed in the school's file and the subminimum wage agency's file.