

**Section 511 Subminimum Wage Employment
Provisions for JCs with Open Case Files**

Youth with Disabilities	
<p>A. Youth seeking subminimum wage employment must apply for IVRS services</p>	<p>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 Wage Cover Sheet to IRSS. A copy of this form must be provided to the youth within 10 calendar days.</p>
<p>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.</p>	<p>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”.</p> <p>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”.</p>
<p>C. IVRS staff completes the Subminimum Wage Cover Sheet and provides a copy of the Subminimum Wage Cover Sheet, along with applicable documentation, to the youth/guardian.</p>	<p>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:</p> <ul style="list-style-type: none"> ● A death in the family; ● Extreme medical risk; ● Natural disasters; ● Extended health reasons, etc. <p>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.</p> <p>II. For students with disabilities, IVRS staff should keep the Local Education Agency (LEA) staff informed throughout this process.</p>

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 presents career counseling required and information and referral services along with the certificate documenting the individual's participation in the services.

- I. A copy of the certificate will be electronically stored and the date of the meeting will be tracked.
- II. Follow up meetings will be tracked as long as the individual remains in SMW employment:
 - A. 6 months from the first meeting
 - B. Annually after the 6 months follow up

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 role 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.

- 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 provides a copy to the individual/guardian.. No other documentation is required for all other individuals with disabilities.

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 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](#)