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LME-MCO Communication Bulletin #J239

Date: March 14, 2017

To: LME-MCOs

From: Mabel McGlothlen, Team Leader for System Performance and Project Management, DMH/DD/SAS and Deb Goda, Behavioral Health Unit Manager, Community Based Services, DMA

Subject: Subminimum Wage Employment

The purpose of this bulletin is to share updated information regarding subminimum wage employment for youth resulting from the Workforce Innovations Opportunity Act (WIOA) <http://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>.

Effective **July 22, 2016**, subminimum wage employment for youth (age 14-24) cannot be considered until the following documentation is available to the subminimum wage employer:

1. The individual must receive either Pre-Employment Transition Services (PETS) from Vocational Rehabilitation (VR) while qualifying as a student with a disability or transition services under Individuals with Disabilities Education Act from a school setting.
2. The individual must apply for VR services and:
 - a. The individual must be determined ineligible for VR services. An individual cannot be determined ineligible due to the severity of the disability without first engaging in a trial work plan. Social Security Income/Social Security Disability Income recipients must be presumed eligible if they intend to reach an employment outcome.

OR

- b. The individual must be determined eligible and after receiving services under an Individual Plan for Employment (IPE) for a reasonable period of time be unsuccessful in achieving competitive integrated employment. A reasonable period of time is defined as the anticipated time frame to receive services on the IPE. For supported employment, this may be 24 months with extensions if justified.

AND

3. VR must provide career counseling and information about and referral to other resources available locally that offer employment-related services and supports designed to enable the individual to explore, discover, experience and attain competitive integrated employment.

The subminimum wage employer is in violation if paying subminimum wage to a youth as defined above without the above referenced documentation in hand. When considering subminimum wage employment for your members, please be aware of the requirements as noted above. Please contact the local VR office (<http://www.ncdhhs.gov/divisions/dvrs/vr-local-offices>) when a youth with a disability (age 14-24) is interested in pursuing subminimum wage employment.

Please contact Alice Farrar with questions at alice.farrar@dhhs.nc.gov or 919-855-3572.

Previous bulletins can be accessed at:

<http://www.ncdhhs.gov/divisions/mhddsas/joint-communication-bulletins>

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