

September 2016

**TO:** NYS 14C Certificate Holders

**FROM:** Frank Coco

**SUBJECT:** WIOA Section 511 Requirements for Subminimum Wage

**DATE:** September 14, 2016

The Workforce Innovation and Opportunity Act (WIOA) was enacted on July 22, 2014. Section 458 of WIOA amends Title V of the Rehabilitation Act of 1973 by adding a new Section 511 – Limitations on the Use of Subminimum Wage. This section limits the ability of employers to pay a subminimum wage to workers with disabilities and establishes the roles and responsibilities of State vocational rehabilitation agencies for providing career counseling and referral services every six months for the first year and annually thereafter.

In New York State there are two vocational rehabilitation agencies, the Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) and the New York State Commission for the Blind (NYSCB). The State agencies are currently working collaboratively to develop a process to ensure provision of these services. For additional detail you may reference part 397 in the federal regulations (page 157) or the US Department of Labor field bulletin.

We will be issuing procedures detailing how ACCES-VR will meet these new requirements. In the interim if you have any questions, please contact Michelle Barlow at (518) 473-6476. We look forward to working with you to provide career information to your employees earning subminimum wage.