



Ohio Administrative Code Rule 4101:9-1-01 Applicability of rules.

Effective: December 19, 2014

(A) In order to prevent curtailment of opportunities for employment, to avoid undue hardship, and to safeguard the minimum wage rates under Ohio minimum wage law, the director of the department of commerce is authorized to issue rules pursuant to section 4111.06 of the Revised Code permitting to the extent necessary, employment in any occupation at wages lower than the state minimum wage of individuals whose earning capacity is impaired by physical or mental impairment or injuries.

(B) A special license is required to employ individuals with a disability at less than the state minimum wage and until a state license is issued or a federal certificate is obtained a workshop or individual employer has no authority to pay its covered employees with a disability less than the minimum wage. The following types of licenses may be issued by the department:

- (1) Work activity center program license;
- (2) Sheltered workshop program license;
- (3) Temporary individual license for on-the-job training;
- (4) Individual license in regular business or industry;
- (5) Individual license in a community rehabilitation program (if less than the licensed program rate).

(C) Subject to section 5123.022 of the Revised Code, the director pursuant to such rules as she or he shall prescribe may authorize a special license for payment of less than the minimum wage but at wages which are commensurate with those paid to employees who do not have disability workers in industry for essentially the same type, quality and quantity of work.

(D) The director may issue licenses authorizing payment of rates to individuals at less than the minimum wage for individuals with multiple disabilities and other individuals whose earning



capacity is so severely impaired that they cannot earn the minimum wage.

(E) No exemption is provided from the maximum hour and overtime pay provisions of the law.

(F) If a license is desired application must be made to the "superintendent of the division of industrial compliance, Department of Commerce, 6606 Tussing Road, Reynoldsburg, Ohio 43068."

(G) No provision of any license issued under this chapter shall excuse noncompliance with any federal or state law or municipal ordinance establishing higher standards.

(H) Rules in this chapter shall apply to all employees with a disability within the state of Ohio. Any employer or his agent, or the officer or any agent of any corporation who violates any of the provisions of this chapter or who interferes with the director or her or his duly authorized representative in the enforcement of rules in this chapter shall be subject to the penalties as set forth in section 4111.99 of the Revised Code.