



Ohio Administrative Code

Rule 4101:9-1-03 Application for individual license.

Effective: December 19, 2014

(A) An application for a license authorizing the employment of individuals with a disability at less than the minimum wage shall be made upon forms provided by the superintendent of the division.

(B) An application for an individual license must be submitted for each worker for whom an individual rate is required.

(C) The application shall set forth the nature of the disability, a description of the occupation at which the individual with a disability is to be employed, and the wage the employer proposes to pay the individual with a disability.

(D) There can be no substitution for payment of a remuneration on account of a service provided; nor may services provided be used to off-set payment of the authorized wage.

(E) Subject to section 5123.022 of the Revised Code, the superintendent may require the submission of additional information to that shown on the application and may require the individual with a disability to take a medical or psychological examination in order to determine whether the issuance of a license is justified.

(F) Learning period of employment. During a learning period of employment not to exceed ninety working days from the date of employment, a commensurate wage or a rate of not less than fifty per cent of the minimum wage, whichever is less, shall be paid.

(1) Eighty hours of this learning period shall be used to determine the individual's productive capacity by utilization of a performance and merit rating form. At the end of the first eighty hours of the learning period of employment, application for the individual license and the performance and merit rating form shall be sent, in duplicate, to the department requesting a wage rate which shall be commensurate with the individual's demonstrated productive capacity.



(2) For an employer who does not have a sheltered workshop or work activities center license, an application to the superintendent is required during the ninety-working-day learning period of employment, for issuance of a temporary license for payment at the commensurate wage or at not less than fifty per cent of the minimum wage, whichever is less.

(3) Under these rules the superintendent may issue a ninety-working-day temporary license for the on-the-job trainees during the learning period permitting the payment of a commensurate wage or a rate of not less than fifty per cent of the minimum wage, whichever is less. Such temporary license may be issued only for the ninety-working-day learning period of employment.

(G) In instances where workers who do not have a disability are employed at piece rates, workers with a disability in the same occupation shall be paid at the full piece rate.

(H) The terms of any license, including the wage rate specified therein may be amended by the superintendent or his or her authorized representative upon written notice to the parties concerned if the facts justify such amendment.