DRAFT - NOT FOR FILING

4101:9-1-04 Application for a sheltered workshop license and/or work activities center license. AMEND

(A) Application for a sheltered workshop and/or a work activities center license shall be filed with the director of the department of commerce.

(B) The application for a sheltered workshop license and/or a work activities center license shall be submitted on forms provided by the department. A separate application may be required for each branch operated at a separate location or for each separate department requesting authority to pay wages lower than the minimum wage. The application shall be signed by the president of the board of directors (or corresponding official) and a duly authorized officer of the sheltered workshop or work activities center.

(C) The application shall contain a description of the nature of the disabilities of the persons served by the sheltered workshop or the work activities center, a description of the types of employment and the programs provided by the sheltered workshop or work activities center, and the earnings of each individual with a disability. A sheltered workshop or work activities center newly applying for a license which does not have individual earnings records on which to establish an appropriate license rate may be issued a temporary license under the terms and conditions applicable to sheltered workshops and work activities centers provided the sheltered workshop and work activity center presents satisfactory evidence that all of its clients will be compensated at wages at least commensurate with the industry.

(D) The director may issue a license for the employment of workers with a disability at wages lower than the minimum wage but at wages which are equitably related to the worker's demonstrated productive capacity in either a sheltered workshop or a work activities center.

(E) Workers must be paid more than the licensed wage rate if such worker earns more since the law requires workers with a disability to be paid wages commensurate with those paid ~~non-disabled workers~~workers without a disability in the area taking into consideration the type, quality and quantity of work produced.

(F) Sheltered workshops or work activities centers possessing an approved federal certificate need not apply for a state license but shall submit a copy of the federal approval letter. Some departments in a sheltered workshop or work activities center not subject to federal certification may be subject to state license and would therefore be required to apply for a state license.