

**5200.0030 SUBMINIMUM WAGE RATES FOR WORKERS WITH DISABILITIES.**

Subpart 1. **Permit required.** Subminimum wage rates may be paid to workers with disabilities only after receiving a permit from the Labor Standards Division. If no permit is issued, a worker, no matter how severely disabled, shall be paid the minimum wage. The subminimum rate will be based on the extent to which the worker's performance is limited but in no case may it fall below 50 percent of minimum wage, except as provided under subpart 4. "Performance" is based on a time study of workers with disabilities as compared to a time study of nondisabled workers on the same job. The time study must be conducted under the same working conditions for the disabled and the nondisabled.

Subp. 2. **Limit on work force at subminimum wage.** No profit-making organization may employ disabled workers at a subminimum wage for more than ten percent of its total work force unless granted a special permit by the commissioner of labor and industry to exceed the ten percent limitation.

Subp. 3. **Rehabilitation facilities.** Rehabilitation facilities are excluded from the percentage limitations of numbers of employees and percentage of minimum wage contained in subparts 1 and 2, but not from the permit requirement.

Subp. 4. **United States labor permits.** Permits issued by the United States Department of Labor under Code of Federal Regulations, title 29, part 524 or 525, authorizing subminimum wage rates shall be accepted by the division in lieu of the permit required in subpart 1. Where the worker would otherwise be employed in a rehabilitation facility, the commissioner of labor and industry may grant a special permit authorizing a wage rate of less than 50 percent of the minimum wage.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740; L 1988 c 689 art 2 s 268; L 2005 c 56 s 2*

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