

WAC 296-127-430 Conditions for granting a subprevailing wage certificate. (1) A subprevailing wage certificate may be issued to a nonprofit vocational rehabilitation program if the application is in proper form and sets forth facts showing:

(a) A wage below prevailing rate is necessary to prevent curtailment of the worker's with a disability opportunities for employment;

(b) The disability impairs the earning capacity of the worker for the work to be performed;

(c) The percentage of full productivity at which the worker with a disability functions; and

(d) A description of the duties to be performed by each worker with a disability;

(e) The nature of the disability; and

(f) An addendum containing a detailed explanation of the nature of the disability.

(2) The industrial statistician shall not require a nonprofit vocational rehabilitation program to provide the information required in subsection (1)(f) of this section if it provides a notarized copy of a federal certificate granted by the United States department of labor under section 14(c) of the Federal Fair Labor Standards Act and any documentation deemed necessary by the industrial statistician identifying the workers with a developmental disability, a description of the duties to be performed, and the percentage of productivity at which each worker functions.

(3) The director or an authorized representative of the director may require the submission of additional information to that required by subsection (1) or (2) of this section shown on the application and may require the worker with a disability to take a medical examination where it is deemed necessary in order to determine whether or not the issuance of a certificate is justified.

[Statutory Authority: Chapter 39.12 RCW. WSR 19-15-119, § 296-127-430, filed 7/23/19, effective 8/23/19. Statutory Authority: RCW 39.12.022. WSR 90-19-061, § 296-127-430, filed 9/17/90, effective 10/18/90.]