

Guidelines for Work Related Training for Youth with Disabilities

Fair Labor Standards Act (FLSA)

“The U.S. Department of Labor and Education are committed to the continued development and implementation of individual education programs, in accordance with IDEA, that will facilitate the transition of students with disabilities from school to employment within their communities. The transition must take place under conditions that will not jeopardize the protections afforded by the Fair Labor Standards Act to program participants, employers, or programs providing rehabilitation services to individuals with disabilities.”

Many of our youth engage in non paid career exploration, career assessment, and work related training activities. They are not considered “employees” of the businesses where they receive these services. However, it is important the the following guidelines set forth by FLSA are followed:

1. Youth with physical or mental disabilities need intensive ongoing support to perform in a work setting. Minimum wage or above is not immediately obtainable because of the disability.
2. Participation is for career exploration, assessment, and/or training and is under the supervision of school personnel. There is a clear beginning and ending date for the experience.
3. Worksite placements are clearly defined in the IEP, developed and designed for the benefit of the student, not for the benefit of the worksite.
4. Student and parents/guardians must be informed of the exploration, assessments, and training and voluntarily participate with the understanding that the components do NOT entitle the student to wages or other compensation for duties at the worksite.
5. Activities of the student do not result in an immediate advantage or benefit to the business.
6. Placements are made according to the Transition Plan/IEP.
7. Student are not automatically entitled to employment at the business at the conclusion of the time period stated in the Transition Plan/IEP.

If any of the above 7 guidelines are NOT followed, then an employer/employee relationship exists, and there is compensation due to the student.

Documentation of Work Related Activities in the Transition Plan/IEP.

1. Work related training is needed and why.
2. The student will enroll in a community work related training program.

Documentation of Activities for Work-Related Training

1. A Worksite form or training agreement with objectives and activities appropriate for the student must be a part of the student's plan.
2. Routine progress reports, with input from the business or training site personnel, and student self-assessment.

Hazardous Occupations as defined by the U.S. Department of Labor

Youth must be 18 years of age or older to work in the following occupations. It should also be considered whether or not the job is developmentally appropriate for the individual.

Manufacturing or storing explosives

Motor Driven Vehicle Operations (Students who are 17 may drive for their job with some restrictions)

Coal Mining

Logging

Mining

Power Driven Woodworking Machines

Exposure to Radioactive Substances

Power Driven Hoisting Apparatuses

Power Driven Metal Punching Machines

Power Driven Meat Processing Machines

Operation of Bakery Machines

Operation of Paper Product Machines

Manufacturing of Brick or Tile

Operation of a Circular Saw, Band Saw, and Guillotine Shears

Wrecking, Demolition, and Ship Breaking

Operations

Roofing Operations

Excavation Operations