

Draft Certification Criteria

Criteria 1

(d) Clarify in simple terms what organizations can apply for certification:

(d) An applicant for CRP certification must be a governmental entity or private nonprofit program operated under criteria established by the Commission and under which individuals with disabilities produce products or perform services for compensation.

Criteria 2

(e) Clarify the CRP requirements to include the acknowledgement by the individual of the disability determination form being utilized by the program:

(e) A certified CRP must:

(1) maintain payroll, human resource functions, accounting, and all relevant documentation showing that the employees who produce products or perform services under the State Use Program are persons with disabilities;

(2) ensure that documentation includes approved disability determination forms signed by the individual which shall be subject to review at the request of the Agency or the CNA under authority from the Commission, with adherence to privacy and confidentiality standards applicable to such CRP and employee records; and

(3) maintain records, including contracts with other entities, in accordance with generally accepted accounting principles, and all laws relevant to the records.

Criteria 3

Amend (f) (8) to include clarification of the employees paid, a plan to phase out this practice and the statement of explanation for the current employees paid under the exemption certificate:

(8) Copy of the wage exemption certificate (WH-228) if below minimum wages will be paid ~~to clients or~~ to individuals with disabilities who will be employed, **a plan to pay every individual minimum wage or higher before an application for recertification** and a statement of explanation of circumstances requiring subminimum wages **including the following: ~~;~~ and**

- (a) the individual's person-centered employment plan,
- (b) evidence that the individual could not meet the goals on their person-centered employment plan
- (c) evidence that the individual cannot do another job at minimum wage or higher,
- (d) a plan to transition them to minimum wage or higher within one year,
- (e) a plan to provide, at certain prescribed intervals-every six months for the first year of the individual's subminimum wage employment and annually thereafter for the duration of such employment-career counseling, peer counseling, and information and referral services, designed to promote employment related services and supports designed to enable the individual to explore, discover, experience, and attain competitive integrated employment to individuals with disabilities, regardless of age
- (f) If the individual is 24 years of age or younger, include documentation that the individual exercised all available services prior to being employed for less than minimum wage

Criteria 4

(9) notarized statement that the CRP agrees to maintain compliance with the requirement that at least seventy-five percent (75%) of the CRP's total hours of direct labor, for each contract, necessary to perform services or reform raw materials, assemble components, manufacture, prepare, process and/or package products will be performed by persons with documented disabilities consistent with the following definition set forth in this Chapter

Criteria 5

Amend to add a statement to address state agencies or others misuse of the program:

A CRP shall promptly report instances of state agencies and/or organizations using the Program in a manner that does not meet the intended purpose to increase competitive, integrated employment opportunities for individuals with disabilities.

Criteria 6

(8) Copy of the wage exemption certificate (WH-228) if below minimum wages will be paid to individuals with disabilities who will be employed, accompanied by a statement of explanation of circumstances justifying

payment of subminimum wages, and a transition plan detailing the CRP's intention to phase out the practice of paying subminimum wages.

Criteria 7

Is there a limit to the number of agencies to approve for CRP certification that has also requested wage exemption? Given the current climate concerning wages, it would be good to include a statement that encourages agencies with exemption status to aspire to raise wages or include in the certification requirements a gradual plan to raise wages to the minimum over a specified period of time.

Under what circumstances is a waiver granted? Perhaps give a few examples of what circumstances qualify for a waiver.

Criteria 8

Make the requirements for compliance regarding quarterly reports mirror the requirements in section (L) regarding percentage compliance. Item (K) * is needs a defined timeline of when a warning letter is sent and when a contract risks suspension, same as the timeline outlined in Item (L) *.

(K). Use the same guidelines "...for two quarters in any four quarter period must submit a written explanation..." for items (K) and (L) since they both deal with non-compliance issues. * (see below)

**** (k) The CRP will submit quarterly wage and hour reports to the CNA. These reports are due no later than the last day of the month following the end of the quarter. If the CRP fails to submit reports on time, the Council will send a warning letter and a representative of the CRP may be requested to appear before the Council. If compliance is not achieved in a consistent and timely manner, the Council, at its discretion, may consider the suspension of the CRP's State Use Program contract***

(l) It is imperative that CRPs maintain compliance with the State Use Program in regard to percentage requirements related to administrative costs, supplies cost, wages, and hours of direct labor necessary to perform services and/or produce products. Compliance will be monitored by the CNA and violations will be reported promptly to the Council. A violation will result in a warning letter from the Council and the CNA will offer assistance as needed to

achieve compliance. A CRP that fails to meet compliance requirements, without a waiver from the Council, for two quarters in any four quarter period must submit a written explanation and a representative of the CRP will be requested to appear before the Council. State Use Program contracts may be suspended and/or certification revoked if compliance is not immediately and consistently maintained. In order to attain re-instatement, the CRP must apply for re-certification following the procedures outlined in this chapter

New Certification

- Required to submit business a plan
- Required submit integrated employment plan
- Required plan for training and career counseling to your employees

Recertification

- Did this entity successfully adhere to performance measures? **Yes No**, attach explanation
- In the past 3 years, has this entity failed to meet the 75/25 ratio more than 1 time in a four quarter period? **Yes**, attach explanation **No**