

RCW 49.46.170 Employment of individuals with disabilities at less than the minimum wage—State agencies prohibited. (1) Beginning July 1, 2020, no state agency may employ an individual to work under a special certificate issued under RCW 49.12.110 and 49.46.060 for the employment of individuals with disabilities at less than the minimum wage. Any special certificate issued by the director to a state agency for the employment of an individual with a disability at less than minimum wage must expire by June 30, 2020. For the purposes of this section, "state agency" means any office, department, commission, or other unit of state government.

(2) After July 31, 2023, the director may not issue any new special certificates under RCW 49.12.110 and 49.46.060 for the employment, at less than the minimum wage, of individuals with disabilities.

(3) (a) Special certificates that have not expired as of July 31, 2023, remain valid until the certificate expires.

(b) The director may extend, no more than once and for no longer than one year, the duration of a special certificate that was valid as of July 25, 2021, only under the following circumstances:

(i) The individual employed under the special certificate is an "eligible person" as defined under RCW 71A.10.020; and

(ii) The employer requests the extension of the special certificate.

(4) Ninety days before the expiration of the special certificates under this section, the director shall provide written notice to the employer, the employee, and the employee's legal guardian, legal representative as defined under RCW 71A.10.020, or other individual authorized to receive information on behalf of the employee, of the following:

(a) The expiration date of the special certificate;

(b) The employer's option to extend the special certificate if the conditions under subsection (3) of this section are met; and

(c) Upon request, the contact information for the department of social and health services and a statement that provides the supportive services available to the individual with disabilities.

(5) For the purposes of allowing the department of social and health services to prioritize services and existing individualized technical assistance to individuals advancing to at least minimum wage employment, the department of labor and industries may share information, such as individuals' contact information and expiration dates of special certificates[,] with the department of social and health services. [2021 c 97 § 3; 2019 c 374 § 1.]