

# NOTICE TO WISCONSIN WORKERS WITH DISABILITIES PAID AT SPECIAL MINIMUM WAGE

## Wisconsin Minimum Wage, Hours of Work and Overtime Laws

Generally, employees are covered by Wisconsin's minimum wage and overtime law provisions. The law requires payment of not less than the minimum wage for all hours worked, and payment of time and one-half an employee's regular rate of pay for all hours worked over forty in a work week. There may be other requirements. **Child labor law provisions apply to employees under 18 years of age.**

## Special Minimum Wages under DWD 272.09

Workers whose disabilities impair their ability to perform their work may be employed under a special minimum wage license issued by the Department of Workforce Development. This establishment has such a license. The rates must reflect the productivity of the worker compared to the productivity of a worker not disabled for similar work, and to the wages paid to experienced workers performing the same or similar work in the vicinity.

To be able to pay less than the standard applicable minimum wage, this facility must also have a certificate under Section 14(c) of the Fair Labor Standards Act (FLSA), issued by the US Department of Labor.

**Effective July 22, 2016**, the FLSA prevents this establishment from employing persons 24 years of age or younger at a special minimum wage unless certain conditions are met. The Division of Vocational Rehabilitation (DVR) will provide documentation that these conditions have been met. DVR will also provide career counseling and information and referral services designed to promote opportunities for competitive, integrated employment, regardless of age, to individuals who are known to be employed at special minimum wages every six months for the first year of the individual's subminimum wage employment and annually thereafter for the duration of such employment.

## Worker Notification

The employer shall inform orally and in writing, each worker with a disability, and parent and/or guardian if appropriate, of the terms of the special minimum wage license under which the worker is employed.

## Review Process, Complaints, or Questions

A request for reconsideration or review under this law must be filed within 60 days after learning of the action. **To file such a request, make a complaint, for answers to questions about the law, or for a complete copy of the law, contact:**

**STATE OF WISCONSIN  
DEPARTMENT OF WORKFORCE DEVELOPMENT  
EQUAL RIGHTS DIVISION**

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MADISON WI 53708

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**Website: <https://dwd.wisconsin.gov/er/>**

The Department of Workforce Development is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format or need it translated to another language, please contact us: