

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 323, Page 25, Section 171.033, Line 89,
2 by inserting after all of said section and line the following:

3
4 "178.935. 1. For the purposes of this section, the following terms mean:

5 (1) "Certificate", authorization issued to employers by the department to pay special wages
6 to workers who have disabilities for the work being performed;

7 (2) "Commensurate Wage", a wage paid to a disabled person when his or her disability
8 impairs his or her productive and earning capacities for the work being performed. The wage shall
9 be commensurate with the worker's productivity as compared to the wage and productivity of an
10 experienced worker who is not disabled.

11 2. Notwithstanding any provision of law to contrary, the department, to the extent necessary
12 to prevent the curtailment of opportunities for employment, shall provide for the employment, under
13 special certificates, of disabled persons at sheltered workshops, at wages which are:

14 (1) Lower than the wage rate applicable under sections 290.500 to 290.530;

15 (2) Commensurate with those paid to nondisabled workers, employed in the vicinity in
16 which the persons under the certificates are employed, for essentially the same type, quality, and
17 quantity of work; and

18 (3) Related to the person's productivity.

19 3. The department shall not issue a certificate under subsection 2 of this section unless the
20 sheltered workshop provides written assurances to the department of the following:

21 (1) In the case of persons paid on an hourly rate basis, wages paid in accordance with
22 subsection 2 of this section shall be reviewed by the sheltered workshop at periodic intervals at least
23 once every six months; and

24 (2) Wages paid in accordance with subsection 2 of this section shall be adjusted by the
25 sheltered workshop at periodic intervals, at least once each year, to reflect changes in the prevailing
26 wage paid to experienced nondisabled persons employed in the locality for essentially the same type
27 of work.

28 4. Notwithstanding the provisions of subsection 2 of this section, no sheltered workshop
29 shall be permitted to reduce the hourly wage rate prescribed by certificate under this section of any
30 disabled worker for a period of two years from such date without prior authorization from the
31 department."; and

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33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.

Action Taken _____ Date _____