

**612:10-7-163. On-the-job training**

(a) When on-the-job training will best suit the client's needs, this type of training can be considered. In order for the client to gain work experience and obtain employment, OJT can be provided in conjunction with any other DRS service. This service does not require client participation in cost of services.

(b) In selecting on-the-job training sites, the counselor must assure the items in (1) - (6) of this Subsection are met:

(1) The individual or business must have enough work to provide the client sufficient training.

(2) The business or individual must be able to provide proper equipment.

(3) The individual who actually does the training must be the employer, or an employee of the business, and have the knowledge, skill, and ability to train the client.

(4) Time must be devoted daily to the training of the client.

(5) It is expected the client will be employable after a reasonable period of training.

~~(6) The trainer must be willing to pay the client for work done after an initial period of training.~~ The employer must be willing to consider the client for any open position, full or part time, after the initial training period.

~~(c) The counselor must ensure the client does not become a subsidized employee. The client can be expected to do some productive work, but the trainer must realize the primary goal is to learn a vocation.~~

~~(d)~~(c) There is no specific length of time for on-the-job training, as the length of time needed for training will vary with the complexity of the job being learned.

~~(e)~~(d) Individuals and businesses which provide on-the-job training are expected to abide by the Wage and Hour Laws applicable to their particular businesses. If the business is subject to the Wage and Hour Law, compensate OJT participants according to applicable minimum wage and hour regulations under the Fair Labor Standards Act. The employer must pay the client at least the applicable minimum wage unless the counselor issues a sub-minimum wage certificate. This permits the employer to pay less than the minimum wage for a specified period of time if the client has a severe disability.

- 45 ~~(f)~~(e) On-the-job training payments are ~~not to be used as reimbursement for, or in~~  
46 ~~lieu of wages or~~and benefits paid by the employer. ~~There is no relation between~~  
47 ~~the tuition rate paid to the employer and wages paid to the client.~~  
48 ~~Tuition~~Reimbursement is paid to the ~~trainer~~employer who pays the client just like  
49 his or her own employees. It is not permissible for the ~~trainer~~employer to endorse  
50 the ~~tuition~~reimbursement check and give it to the client in lieu of wages.  
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52 ~~(g)~~(f) ~~Tuition~~Reimbursement for on-the-job training is paid on a monthly basis.