

Article 100 - Work, Labor and Employment

85.

(b) (1) The Commissioner may determine rates less than the fixed minimum wage for those handicapped by physical or mental disability upon the circumstances of the individual case and shall issue certificates for such periods of time as stated therein.

(2) In lieu of the issuance of certificates, the Commissioner shall accept a "sheltered workshop certificate" or a "work activities certificate" issued by the U. S. Department of Labor if it is filed with the Commissioner within ten days after receipt of certification by the certificate holder. However, the acceptance of a "sheltered workshop certificate" or a "work activities certificate" does not apply automatically to individuals who have continued to work in a "sheltered workshop" or a "work activities center" after completion of any training program run by the "sheltered workshop" or "work activities center."

(3) If the certificate is revoked by the U. S. Department of Labor, the Commissioner may revoke his acceptance of the certificate. At any time prior to revocation of a certificate by the U. S. Department of Labor, the Commissioner may cause an investigation to be made, and upon 30 days prior written notice by certified mail to the certificate holder, hold a hearing to determine if there is good cause to revoke the Commissioner's acceptance of a certificate issued by the U. S. Department of Labor.

(4) If the Commissioner fails to determine rates less than the fixed minimum wage as provided under this section for an individual "sheltered workshop" or "work activities center" and if a certificate issued by the U.S. Department of Labor is not applicable, that individual "sheltered workshop" or "work activities center" may request an exemption from the Commissioner. After investigation and hearing, the Commissioner may exempt that individual "sheltered workshop" or "work activities center" from the fixed minimum wage provisions under the Wage and Hour Law.

(5) THIS SUBSECTION DOES NOT APPLY TO ANY BLIND INDIVIDUAL WHO WORKS IN THE SHELTERED WORKSHOPS OF THE BLIND INDUSTRIES AND SERVICES OF MARYLAND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

Approved May 13, 1986.
