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Title 22@ Social Security

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Division 1@ Employment Development Department

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Subdivision 1@ Director of Employment Development

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Division 3@ Employment Services Programs

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Part 1@ Employment and Employability Services

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Chapter 1.5@ Employment Training Panel

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Article 2@ Proposal Process

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Section 4418@ Wage Criteria

4418 Wage Criteria

The Panel shall establish wage requirements for the minimum hourly wage a trainee must earn at the end of the employment retention period (ETP Minimum Wage). The ETP Minimum Wage shall be based on statewide wage data for the previous fiscal year, provided by the Employment Development Department's Labor Market Information Division (LMID). The ETP Minimum Wage shall be established for each calendar year on a county-by-county basis. Furthermore, the Panel shall review the ETP Minimum Wage annually, and make revisions as needed based on LMID data.

(b)

The Panel may use commission earnings to determine a trainee's hourly wage, if there is a reliable history of commission payment by the employer and if actual payment can be verified. As used herein, "commission" means a percentage or proportion of the sale price, for services rendered in the sale of goods or services, paid to employees whose principal job duty is sales.

(c)

The panel may include bonuses in determining a trainee's hourly wage, if there is a reliable history of bonus payment by the employer and if actual payment can be verified. As used herein, "bonus" means compensation paid in addition to salary, hourly wage, or commission. Bonuses are payable in addition to any other

compensation, and are normally paid to reward extraordinary work or induce continued employment.

(d)

The Panel may include mandatory service charges paid to a trainee, in determining his or her hourly wage, if actual payment can be verified. As used herein, "mandatory service charges" means a non-voluntary surcharge for service that is: (1) imposed on the patron of a business, and (2) added to the amount due for goods, food, drink or articles sold to the patron, and (3) taxable to the employer as a portion of gross receipts, and (4) payable to the trainee in its entirety, or payable as a fixed percentage that is subject to prior approval by the Panel.

(1)

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(2)

added to the amount due for goods, food, drink or articles sold to the patron, and

(3)

taxable to the employer as a portion of gross receipts, and

(4)

payable to the trainee in its entirety, or payable as a fixed percentage that is subject to prior approval by the Panel.

(e)

The Panel may include the dollar amount of health benefits paid to a trainee in determining his or her hourly wage. As used herein, "health benefits" means payments made by the employer toward the cost of medical, dental or vision care insurance. These employer payments may be made as follows:(1) full or partial premium payments to a health insurance plan regardless of whether the plan is

sponsored by the employer, or (2) contributions to a cafeteria plan administered under Internal Revenue Code Section 125 for the reimbursement of medical costs.

In every instance, these employer payments must be reliable and verifiable before they may be included in the hourly wage determination.

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contributions to a cafeteria plan administered under Internal Revenue Code Section 125 for the reimbursement of medical costs. In every instance, these employer payments must be reliable and verifiable before they may be included in the hourly wage determination.