

Changes to WH-226 and WH-226A

The most significant proposed changes to the WH-226 include:

1. The attestations that are in the current form (Item 15) have been moved to Item 1.
2. Adding new questions about whether the employer has previously applied for or held a 14(c) certificate in current Items 1-4, (renumbered on the draft forms as Items 2-5) clarifying legal name versus trade name and adding a space for email in item 3, clarifying the legal name and trade name of the parent organization or entity requesting to employ workers with disabilities at subminimum wages in Item 4, and asking if the employer is a State or local educational agency in Item 5.
3. In the “DOL use only” box, the Department has added date of action along with action checkboxes.
4. Removing Item 5 on the current WH-226 relating to the primary disability group employed by the applicant.
5. Adding a question in new Item 8 about whether the employer currently has or expects to enter into a contract with the Federal Government that is covered by Executive Order 13658.
6. New Items 9 through 12 (former Items 9 through 11) reduce the number of prevailing wage surveys and time studies collected to one that is representative of hourly paid employees and one each for a piece rate job and modify the type of survey samples that may be submitted (e.g., the prevailing wage survey sample must be from the job or contract on which the largest number of employees were paid on an hourly/piece rate basis).
7. New Item 13 incorporates former Item 12 and adds a clarifying question about the number of workers for which the facility is a representative payee.
8. New Item 16 identifies and requests information with respect to requirements for section 14(c) employers under WIOA.
9. Accompanying instructions for completing the form are expanded to assist applicants in completing the form.

The most significant proposed changes to the WH-226A include:

1. Removing Item 4 about the end date of the applicant's most recently completed fiscal quarter.
2. Adding new Item 5 about whether work is performed at the work site/establishment under a contract that may be covered by Executive Order 13658.
3. Increasing the data collected for each worker with a disability who was paid a subminimum wage rate during the employer's most recently completed fiscal quarter from four categories to eleven. Under the current collection, the Department gathers from the renewal applicant the following limited data on the applicant's employees with disabilities who were paid subminimum wages during the applicant's most recently completed fiscal quarter:

- (1) Name of Worker with a Disability
- (2) Primary Disability
- (3) Type of Work
- (4) Average Earnings per Hour

Under new Item 7 of the revised WH-226A, the Department will gather this information and add to the collection:

- (1) Number of Jobs this Worker Performs at this Worksite
- (2) Average Number of Hours Worked Per Week on All Jobs
- (3) Prevailing Wage Rate for the Job Employee Worked Most Hours at a Subminimum Wage in the Most Recently Completed Fiscal Quarter
- (4) Productivity Measure/Rating for that Job
- (5) Commensurate Wage Rate/Average Earnings Per Hour for that Job
- (6) Total Hours Worked for that Job
- (7) Whether the Worker Performs Work for the Employer at Any Other Worksite

4. The Department also updated and expanded the instructions for the WH-226A.

