

Instructions for Form WH-205: Application to Employ Student-Learners at Subminimum Wages

Section 14(a) of the Fair Labor Standards Act (FLSA) authorizes the payment of subminimum wages – at rates not less than 75 percent of the applicable minimum wage under section 6(a) of the FLSA – to a student-learner after the employer has applied for an authorizing certificate from the U. S. Department of Labor. Temporary authority to pay the subminimum wage is granted to the employer when the application is forwarded to the Department as long as the appropriate school official has signed the application. This temporary authority will remain in effect for thirty days. At the end of 30 days, the application will become the permanent special student-learner certificate unless, after review, the Administrator of the Wage and Hour Division denies the application, issues a certificate with modified terms and conditions, or expressly extends the period of review.

Under section 14(a), a student-learner is a student who is at least sixteen years of age (or at least eighteen years of age if employed in an occupation which the Secretary of Labor has declared to be particularly hazardous), who is receiving instruction in any accredited school, college or university and who is employed by an establishment on a part-time basis, pursuant to a bona fide vocational training program. The regulations addressing the application process and employment of student-learners at subminimum wages are contained in 29 CFR Part 520.

Employers wishing to employ student-learners at subminimum wages under section 14(a) must first complete and submit form WH-205.

WH-205 *Application to Employ Student-Learners at Subminimum Wages*

This application must be submitted by employers who wish to employ student-learners at subminimum wages pursuant to a bona fide vocational training program. The application must be signed by the employer, the appropriate school official, and the student-learner who will be employed at subminimum wages before it is submitted. A separate application must be submitted for each student-learner.

Completed applications should be forwarded to the Wage and Hour Division Regional Office which services the geographic area where the student-learner will be employed.

To locate the Regional Office with jurisdiction over a particular State, click <http://www-test.dol.gov/esa/contacts/whd/whdkeyp.htm>

Application for Authorization to Employ A Student-Learner at Subminimum Wages



Note: Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number.

OMB No. 1215-0005
 Expires: 07-31-2003

Form WH-205 is completed by an employer to obtain certification to employ student-learners at wages lower than the Federal minimum wage to prevent curtailment of opportunities for employment. Submission of this information is voluntary, but failure to submit the information will prohibit the Wage and Hour Division from authorizing the employment of student-learners at subminimum rates. U.S.C. 201 et.seq.

The school officials' certification in Item 27 of the application provides temporary authority to employ the named student-learner under the terms proposed in the application which are in accordance with section 520.502 and 503 of the Student-Learner Regulations (29 CFR 520). The authority begins on the date the application is forwarded to the Regional Office of the Employment Standards Administration. At the end of 30 days, this authority is extended to become the approved certificate unless the Administrator or his/her authorized representative denies the application, issues a certificate with modified terms and conditions, or expressly extends the period of review. Note that the certificate is valid for no more than 1 school year and does not extend beyond the date of graduation.

| OFFICIAL USE ONLY | |
|-----------------------|-------|
| A. Control number | _____ |
| B. Effective date | _____ |
| C. Expiration date | _____ |
| D. Reviewing official | _____ |

READ CAREFULLY THE INSTRUCTIONS FOR COMPLETING THIS FORM. PRINT OR TYPE ALL ANSWERS

| | | | |
|---|--|---|--|
| 1. Name and address, including Zip Code, of Establishment making application: | | 3A. Name and address of Student-Learner: | |
| 2. Type of business and products manufactured, sold, or services rendered: | | B. Date of Birth: (Month, day, year) | |
| 5. Proposed beginning date of employment (Month, day, year) | | 4. Name and address, including Zip Code, of school in which Student-Learner is enrolled. | |
| 6. Proposed ending date of employment (Month, day, year) | | | |
| 7. Proposed graduation date (Month, day, year) | | | |
| 8. Number of weeks in school year | | 17. Title of student-learner occupation: | |
| 9. Total hours of school instruction per week | | 18. Number of employees in this establishment | |
| 10. Number of school hours directly related to employment training | | 19. Number of experienced employees in Student-Learner's occupation | |
| 11. How is employment training scheduled (Weekly, alternate weeks, etc.)? | | 20. Minimum hourly wage rate of experienced workers in item 19 | |
| 12. Number of weeks of employment training at subminimum wages | | 21. Subminimum wage(s) to be paid Student-Learner (if a progressive wage schedule is proposed, enter each rate and specify the period during which it will be paid): | |
| 13. Number of hours of employment training a week | | | |
| 14. Are Federal Vocational Education Funds being used for this program? | | | |
| 15. Was this program authorized by the State Board of Vocational Education? | | 22. Is an age or Employment Certificate on file in this establishment for this Student-Learner? (If not, see instructions). <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 16. If the answer to item 15 is "No", give the name of the recognized educational body which approved this program: | | 23. Is it anticipated that the Student-Learner will be employed in the performance of a government contract subject to the Walsh-Healey Public Contracts Act or the Service Contract Act? <input type="checkbox"/> Yes <input type="checkbox"/> No | |

ATTACH SEPARATE PAGES IF NECESSARY

24. Outline the school instruction **directly** related to the employment training (list courses, etc.)

25. Outline training on-the-job (describe briefly the work process in which the student-learner will be trained and list the types of any machines used).

26. Signature of Student-Learner

I have read the statements made above and ask that the requested certificate, authorizing my employment training at subminimum wages and under the conditions stated, be granted by the Administrator or his/her authorized representative.

Print or type name of Student

Signature of Student

Date

27. CERTIFICATION BY SCHOOL OFFICIAL

I certify that the student named herein will be receiving instruction in an accredited school and will be employed pursuant to a bona fide vocational training program, and that the application is properly executed in conformance with sections 520.502 and 503 of the Student- Learner Regulation.

(Print or type name of official)

Signature of School Official

Date

Title _____

Tel. No. _____

(Include Area Code)

28. CERTIFICATION BY EMPLOYER OR AUTHORIZED REPRESENTATIVE:

I certify, in applying for this certificate, that all of the foregoing statements are, to the best of my knowledge and belief, true and correct.

(Print or type name of employer or representative)

Signature of employer or representative

Date

Title _____

Tel. No. _____

(include Area Code)

ATTACH SEPARATE SHEETS IF NECESSARY

Public Burden Statement

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Administrator, Wage and Hour Division, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210. **DO NOT SEND THE COMPLETED FORM TO THIS OFFICE**