

Instructions for Forms WH-201

The Payment of Subminimum Wages to Full-Time Students Under Section 14(b) of the Fair Labor Standards Act

Section 14(b) of the Fair Labor Standards Act (FLSA) authorizes certain types of employers to pay subminimum wages – wages less than the Federal minimum wage – to full-time students, but only after applying for and receiving a certificate from the U. S. Department of Labor.

A full-time student, for purposes of this limited exception, is a student who receives primarily daytime instruction at the physical location of a bona fide educational institution, in accordance with the institution's accepted definition of a full-time student. A full-time student retains that status during the student's holiday recess, summer, and other vacations if local law requires attendance at the end of the vacation period. If attendance is not mandatory, full-time student status is determined by the student's intention stated to the employer. A student who has graduated from high school and informs the employer of plans to attend a college or university on a full-time basis at the end of the vacation period may be presumed to be a full-time student.

Full-time students may be employed under the subminimum wage provisions of Section 14(b) in retail or service establishments or in agriculture. An institution of higher education may also employ its full-time students at subminimum wages after making proper application. Such employment is permitted to the extent necessary in order to prevent the curtailment of opportunities for employment of full-time students.

Employers with proper certification may pay full-time students 85 percent of the applicable statutory minimum wage. The current minimum wage is \$5.15 per hour, therefore, full-time students employed under Section 14(b) must receive at least \$4.38 per hour. There are restrictions of the number of hours that an individual full-time student may be employed at subminimum wages.

There are three different kinds of applications that may be used to apply for authority to pay full-time students subminimum wages under Section 14(b):

WH-201 Designed to be used by an Institution of Higher Education that wishes to employ its student's at special minimum wages. A separate application must be submitted for every campus where such students will be employed at less than the minimum wage.

Completed applications should be forwarded to:

U. S. Department of Labor
Employment Standards Administration
Wage and Hour Division
attn: FTS certification
525 Griffin Street. Room 800
Dallas, Texas 75202
Tele: (972)850-2600
Telefax: (972) 850-2601

Application for Authority for an Institution of Higher Education to Employ its Full-Time Students at Subminimum Wages Under Regulations 29 CFR Part 519

U. S. Department of Labor
 Employment Standards Administration
 Wage and Hour Division
 525 South Griffin Street, Room 800
 Dallas, Texas 75202



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

OMB No.: 1215-0080
 Expires: 11/30/2005

This is an application for an institution of higher education to obtain authority to employ its full-time students at subminimum wage rates under Section 14(b) of the Fair Labor Standards Act (FLSA). The wage rates paid full-time students under Section 14(b) may not be less than 85 percent of the applicable minimum wage under Section 6 of the FLSA. Temporary authority to employ full-time students at subminimum wages is effective when this form is properly completed and forwarded to the address listed above. This temporary authority may be effective for a period of up to one year, provided that within 30 days of the forwarding, the Administrator of the Wage and Hour Division does not deny the application, issue a certificate with modified terms or conditions, or expressly extend the 30-day period of review. See reverse for more information about temporary authority. Please submit one copy of the completed form to the address shown above. Retain a completed copy for your records. No authorization may be granted unless a completed application has been received.

1. This is (check one):

- Initial Application
- Renewal Application (complete following):

Current Certificate Number: _____

Certificate Expiration Date: ____/____/____

2. Name of college or university that will be employing full-time students at subminimum wages:

Federal Employer Identification Number (EIN): _____

A separate application is required for each campus where full-time students will be employed at subminimum wages. Provide the address of the campus covered by this application:

Street Address: _____

City: _____ State: _____ Zip: _____

3. Mailing Address (if different than street address): _____

City: _____ State: _____ Zip: _____

7. Representations, certification, and signature:

I certify, as set forth in Regulations Part 519 Subpart B, governing the employment of full-time students at subminimum wages, that the following conditions exist at the above campus:

- a. The granting of the authority requested is necessary to prevent curtailment of opportunities for employment;
- b. The employment of full-time students at subminimum wages will not create a substantial probability of reducing the full-time employment opportunities of other persons;
- c. Full-time students are available for employment at subminimum wages;
- d. Abnormal labor conditions, such as a strike or lockout, do not exist in the unit(s) of the campus for which authority is sought
- e. Full-time students will not be employed at subminimum wages in unrelated trades or businesses, as defined and applied under Section 511 through 514 of the Internal Revenue Code;
- f. There are no serious outstanding violations of the provisions of the previous authority to employ full-time students nor of other provisions of the Fair Labor Standards Act;
- g. The granting of the authority will not result in a reduction of a wage rate paid to a current employee, including student employees.

FOR USDOL USE ONLY

- Pending Denied Issued Issue/W Pending
- Withdrawn Revoked

Postmark Date ____/____/____ RO _____ DO _____

Print Cert. New Cert. No. _____

Effective ____/____/____ Expiration ____/____/____

Remarks _____

4. Person USDOL should contact regarding this application:

Name: _____

Telephone No.: (____) _____

5. If this is a renewal, list the number of full-time students employed at subminimum wages at this campus during the most recent 12 months. _____

6. List the number of full-time students employed at this campus during the previous 12 months regardless of wage rate: _____

8. Authorized representative (print or type)

9. Signature of authorized representative:

10. Title (print or type)

11. Date application forwarded to USDOL:

Public Burden Statement

This collection of information is estimated to vary from 15 to 30 minutes per response with an average of 23 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. If you have any comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the U. S. Department of Labor, Wage and Hour Division, Room S-3502, 200 Constitution Avenue, N.W. Washington, D.C., 20210 (please do not send the completed application to this address).

TEMPORARY NOTICE TO EMPLOYEES

THE INSTITUTION OF HIGHER EDUCATION NAMED BELOW HAS FILED AN APPLICATION WITH THE WAGE AND HOUR DIVISION FOR AUTHORITY TO EMPLOY ITS FULL-TIME STUDENTS AT A WAGE RATE NOT LESS THAN 85% OF THE STATUTORY MINIMUM ESTABLISHED UNDER SECTION 6 OF THE FAIR LABOR STANDARDS ACT (THE FEDERAL WAGE AND HOUR LAW). THIS AUTHORITY IS EFFECTIVE FROM THE DATE THE APPLICATION IS MAILED (POSTMARKED) TO THE DIVISION AND MAY REMAIN IN EFFECT FOR A PERIOD OF ONE YEAR.

Name of Institution

Of Higher Education: _____

Address of Campus Covered

by this Temporary Notice: _____

Date application was mailed to the Division: ____/____/____

Full-time students may be employed under the terms of this authority only outside of their scheduled hours of instruction and for not more than 8 hours a day or more than 20 hours a week when school is in session all week or more that 40 hours a week during the student's vacation. Full-time students must be employed in compliance with local ordinances, State laws, and other Federal laws, including child labor provisions. There is no authority to pay subminimum wages to full-time students for work under the Walsh-Healey Public Contracts Act or the Service Contract Act. In seeking this authority, the institution has made the following representations and certifications to the Division:

- 1) The granting of the authority requested is necessary to prevent curtailment of opportunities for employment,
- 2) The employment of full-time students at subminimum wages will not create a substantial probability of reducing the full-time employment opportunities of other persons;
- 3) Full-time students are available for employment at subminimum wages;
- 4) Abnormal labor conditions, such as a strike or lockout, do not exist in the unit(s) of the campus for which authority is sought;
- 5) Full-time students will not be employed at subminimum wages in unrelated trades or businesses, as defined and applied under Section 511 through 514 of the Internal Revenue Code;
- 6) There are no serious outstanding violations of the provisions of the previous authority to employ full-time students nor of other provisions of the Fair Labor Standards Act;
- 7) The granting of the authority will not result in a reduction of a wage rate paid to a current employee, including student employees.

Any interested person may send data or views concerning the application to the Wage and Hour Division, 525 South Griffin Street, Room 800, Dallas, Texas, 75202.

TO THE EMPLOYER:

It is required that you complete this notice and post it in a conspicuous place at the campus from the date the application is mailed and that it remain posted during the effective period of the temporary authority.