

Higher Education to Employ its Full-time Students at Subminimum Wages Under Regulations 29 C.F.R. Part 519

U.S. Department of Labor
 Wage and Hour Division
 230 South Dearborn Street, Room 514
 Chicago, Illinois 60604-1757



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

OMB No.: 1235-0001
 Expires: xx-xx-20xx

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.

8. Authorized representative (print or type)

9. Signature of authorized representative:

10. Title (print or type)

11. Date application forwarded to USDOL:

FOR USDOL USE ONLY

- Pending Denied Issued
- Withdrawn Revoked Issue/W Pend.

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: _____

Public Burden Statement

This collection of information is estimated to vary from 16 to 31 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, and maintaining your records. 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 than 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, 230 South Dearborn Street, Room 514, Chicago, Illinois 60604-1757.

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.**