

Application for a Certificate to Employ Messengers/Learners at Subminimum Wages

U.S. Department of Labor
 Wage and Hour Division
 230 South Dearborn Street, Room 530
 Chicago, Illinois 60604



OMB No.: 1235-0001
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INSTRUCTIONS: Completion of Form WH-209 is required to obtain certificates to employ messengers/learners at special minimum wage rates under the Fair Labor Standards Act (FLSA). Regulations 29 C.F.R. Part 520 govern such employment and set forth the conditions governing the issuance of a messenger/learner certificate. If application is being made for authorization to employ messengers at special minimum wages as provided by the Regulations, please keep in mind that only employers or groups of employers who are primarily engaged in delivering messages or letters may make such application. Please submit one copy of the completed form and any attachments to the address shown above. Retain a completed copy for your records. Post a copy of the first page of this application in a conspicuous place in each department of your plant or business where you propose to employ messengers/learners at subminimum rates. If you are applying for authorization to employ learners at subminimum wages, please refer to the supplemental instructions and complete this form in its entirety. If you are applying for authorization to employ only messengers at subminimum wages, please complete only items 1, 2, 3, 4, 5(b), 6(a), 6(b), 7, 9, 10, 11, and 12.

Part I. Information Required of All Applicants

- 1. a. Name and Address, Including ZIP Code, of Establishment for Which Application Is Made
- 2. This Application Is for:
 - Learner Certificate
(Number of learners to be employed at subminimum wages _____)
 - Messenger Certificate
(Number of messengers to be employed at subminimum wages _____)
- b. Other Name(s) Used in Past 2 Years
 - None
- 3. a. Is your establishment operating under a collective bargaining agreement?
 - Yes No
- c. Name and Address of Parent Company
- b. If "Yes," Give Name of Union(s)

| 4. a. Give Specific Nature of Business/Industry (List Each Major Facet and, if a Manufacturer, Give Definite Description of Each Product Manufactured.) | Percentage of Production or Business Done |
|---|---|
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- b. Are messengers/learners to be employed at subminimum wages on all products/activities listed in Item 4? Yes No
 If "No," mark with an asterisk (*) the product(s)/activity(ies) on which such messengers/learners are to be employed.

Public Burden Statement

Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. This report is authorized by section 14(a) of the FLSA. 29 U.S.C. § 214(a). Your response is required to obtain a benefit. 29 C.F.R. § 520.402. While completion of this form is voluntary, authority to pay less than the applicable minimum wage will not be granted unless a properly completed application is submitted. The Department of Labor uses the information provided on this application in determining whether to authorize employment of student-learners at wages lower than the Federal minimum wage.

Public reporting burden for this collection of information is estimated to average 20 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, DC 20210.

DO NOT SEND THE COMPLETED FORM TO THIS OFFICE.

Part II.

5. a. Efforts to recruit experienced workers in the occupation(s) for which learners are requested.

Indicate efforts made to recruit experienced workers in the occupation(s) for which learners are requested. You must submit with this application written evidence from the local public employment service office serving your locality that an order for experienced workers was placed with that office not more than 15 days prior to the date of this application.

Date of enclosed written evidence from the local public employment service office:

| Other Recruiting Efforts (Describe) | Date | Number of Experienced Workers | |
|-------------------------------------|------|-------------------------------|------|
| | | Referred or Applying | Hire |
| | | | |
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5. b. State why the employment of messengers/learners at subminimum wages is necessary to prevent curtailment of employment opportunities.

6. Hiring of Messengers/Learners

Include only messengers/learners at subminimum wages. If no messengers/learners have been hired at subminimum wages, indicate "None" in Column B.

| a. Messengers/Learners Occupations (List Occupations in Which Messengers/ Learners Have Been Employed at Subminimum Wages or for Which a Certificate Authorizing Such Wages Is Requested) | Messengers/Learners Hired in the Last 12 Months | | | |
|---|--|--|---|---|
| | b. Total Number Messengers/ Learners Hired at Subminimum Wages | c. Number of Learners Having Completed Authorizing Learning Period | d. Number of Learners Trained and Still Employed at the Statutory Minimum Wage or More | e. Number of Learners Still Being Trained at Subminimum Wages |
| 1) | | | | |
| 2) | | | | |
| 3) | | | | |
| 4) | | | | |
| 5) | | | | |

7. Monthly Employment

Enter data for the payroll period including the 12th day of each of the 12 most recent months for which data are available. For line (a) include working foremen and all nonsupervisory workers engaged in fabricating, processing, assembling, inspecting, receiving, packing, shipping, delivering, and other services closely associated with production operation/or business done. For line (b) show only the messengers/learners paid less than the statutory minimum wage in effect during the period.

| Month (Enter Year) | Jan. 20__ | Feb. 20__ | Mar. 20__ | Apr. 20__ | May 20__ | June 20__ | July 20__ | Aug. 20__ | Sept. 20__ | Oct. 20__ | Nov. 20__ | Dec. 20__ |
|---|--------------|--------------|--------------|--------------|-------------|--------------|--------------|--------------|---------------|--------------|--------------|--------------|
| a. Number of Production and Related Workers (Including Messengers/Learners) | | | | | | | | | | | | |
| b. Number of Messengers/Learners at Subminimum Wages | | | | | | | | | | | | |

8. Employment of All Production and Related Workers Except Learners Paid Subminimum Wages (See Supplemental Instructions)

| a. Occupations (List Same Occupations as in Item 6) | b. Number of Workers on Recent Payroll (Do Not Count Learners Paid Subminimum Wages) | Average Straight Time Hourly Earnings (Including Make-up) | | e. Number of Workers Paid Make-up to Statutory Minimum Wage on Most Recent Payroll |
|--|---|--|-------------------|--|
| | | c. One Year Ago | d. Recent Payroll | |
| 1) | | \$ | \$ | |
| 2) | | | | |
| 3) | | | | |
| 4) | | | | |
| 5) | | | | |
| 6) Other Production and Related Occupations | | | | |
| Total — All Production and Related Workers | | \$ | \$ | |

Part III. Representation, Certification, and Signature Required of All Applicants

I represent that, as set forth in Regulations 29 C.F.R. Part 520, this plant/business meets the following conditions with respect to the employment of messengers and/or learners:

- 1) The issuance of the certificate requested is necessary to prevent a curtailment of opportunities for employment.
- 2) The issuance of the certificate will not tend to create unfair competitive labor cost advantages or impair or depress working standards for experienced workers for work of a like or comparable character in the industry.
- 3) Messengers/learners are available for employment at subminimum wages.
- 4) Abnormal labor conditions such as a strike, lockout, or other similar condition, do not exist at this plant or establishment.
- 5) There are no serious outstanding violations of the provisions of a previous messenger/learner certificate issued to this plant or establishment or of other provisions of the Fair Labor Standards Act.
- 6) The notice of filing of application is posted.

With Respect to the Employment of Learners, I Further Represent That:

- 7) An adequate supply of experienced workers, as defined in the regulations, is not available for employment.
- 8) Experienced workers presently employed in the plant are afforded an opportunity, to the fullest extent possible, for full-time employment.

I certify that I have read the application and that to the best of my knowledge and belief the answers and information given in this form and any additional or supplemental statements are true; that the representations set forth above in support of this application to obtain a learner certificate are true; that I am duly authorized to sign this application; and know that the certificate, if issued, is subject to withdrawal or annulment in accordance with 29 C.F.R. Part 528.

9. Name and Title of Person Signing Application (Print or Type)

| | |
|---------------|----------|
| 10. Signature | 11. Date |
|---------------|----------|

12. Date Copy Sent to the Wage and Hour Division

SPACE FOR ADDITIONAL OR SUPPLEMENTAL INFORMATION
(Attach Additional Sheets if Necessary)

Show Numbers of Any Items Continued.