

**This grid will be removed when the document is finalized.**

Version	Reviewer	Date	Action/Comments
1.0	John Winstead (cj)	4/10/24	Submitted to DRLI for review (3 docs: WH-226, 226A, and webpage)
1.0	Chris Jones	4/18/24	Reviewed, cleared; submitted to Bob for review.
1.0	Daniel Navarrete	04/25/2024	Suggested edits.
1.0	Chris Jones	4/26/2024	Reviewed, made edits, returned to FMLA for edits.
1.0	Helen Applewhaite	4/29/2024	Reviewed, clear with additional edits.
1.1	Chris Jones	5/1/2024	Reviewed, accepted edits
2.0	Chris Jones	5/1/2024	Submitted for SES review
2.0	Monty Navarro	5/13/2024	clear
2.0	Dieera Fitzgerald	05/15/24	clear

### **Wage and Hour Division**

## **Instructions for Section 14(c) Certificate Application: The Payment of Special Minimum Wages to Workers with Disabilities Under Section 14(c) of the Fair Labor Standards Act**

Section 14(c) of the Fair Labor Standards Act (FLSA) authorizes employers, after receiving a certificate from the Department of Labor, to pay certain employees wages that are less than the Federal minimum wage if their earning or productive capacity is limited as a result of a disability. The lower wage rate is permitted under limited conditions and only under certificates issued by the Department. For more detailed information about section 14(c), you may wish to visit our website at: <http://www.dol.gov/agencies/whd/workers-with-disabilities>.

Employers apply for subminimum wage certificates using the [Online Section 14\(c\) Certificate Application](#) or form WH-226 and supplemental form WH-226A.

**[WH-226](#)** **Application for Authority to Employ Workers with Disabilities at Subminimum Wages.** This application must be submitted by employers of workers with disabilities – such as Community Rehabilitation Programs, Hospitals, Schools operating work experience programs, and private businesses – who wish to obtain authority to pay subminimum wages under section 14(c) of the FLSA. An employer should submit a single WH-226. The instructions for completing the WH-226 are included with the form.

**[WH-226A](#)** **Supplemental Data Sheet for Application for Authority to Employ Workers with Disabilities at Subminimum Wages.** In addition to the WH-226, a separate WH-226A

must be submitted for each worksite where workers with disabilities are (or will be) employed at subminimum wages. The directions for completing the WH-226A are included with the form.

Submit completed paper applications to:

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

### **Certificate Renewal Process**

Employers can submit a renewal application using the [same online](#) application system as used for an initial application. Renewing applicants must complete all applicable items on the application. Applications to renew section 14(c) certificate authority should not be submitted earlier than 90 days prior to a current certificate's expiration date. This helps to ensure that employers are submitting the most recent and accurate information about workers who are being paid a subminimum wage. If the renewal application is properly filed with WHD before the existing certificate expires, the employer's existing authority to pay a subminimum wage continues in effect until the renewal application is either granted or denied.

### **Certificate Withdrawal**

Employers holding a 14(c) certificate who no longer pay a subminimum wage should contact the WHD Certification Team to withdraw their certificate. Employers should mail a letter on company letterhead providing the date the employer stopped, or will stop, paying a subminimum wage, the reason for withdrawal, and the worksites affected by the withdrawal, if applicable, to the WHD Certification Team at U. S. Department of Labor, Wage and Hour Division, 230 South Dearborn Street, Room 530, Chicago, Illinois 60604. As a courtesy, WHD will send the employer a confirmation notice after the withdrawal is processed.

### **Where to Obtain Additional Information**

- Employers with questions about completing a section 14(c) application or the application process may contact the WHD Certification Team at (312) 596-7195.
- Employers experiencing technical difficulties with the online application system may contact the WHD IT support team at [WHD.14cOnlineApplication.Help@dol.gov](mailto:WHD.14cOnlineApplication.Help@dol.gov).
- Employers who have feedback on the online application system, including suggestions for improvement, may submit it to WHD at [14conlineapplicationfeedback@dol.gov](mailto:14conlineapplicationfeedback@dol.gov). This e-mail address is only for online application system feedback; do not provide any information requiring a response.
- Employers may contact the [local WHD district office](#) to address any questions on how to properly comply with the section 14(c) requirements. Call 1-866-4US-WAGE (1-866-487-9243).

**Note:** In order to view, fill out, and print PDF forms, you need Adobe® Acrobat® Reader® version 5 or later, which you may download for free at <http://www.adobe.com/products/acrobat/readstep2.html>.

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