

WEBPAGE: <https://www.dol.gov/agencies/whd/forms/wh226>

## **Instructions for Form WH-226: The Payment of Special Minimum Wages to Workers with Disabilities Under Section 14(c) of the Fair Labor Standards Act**

### **Instructions for Forms WH-226 & WH-226A: Application for Authority to Employ Workers with Disabilities at Subminimum Wages & Supplemental Data Sheet 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 the payment of subminimum wages to workers with disabilities whose productivity is impaired by their disabilities after the employer has applied for and received an authorizing certificate from the U.S. Department of Labor. Employers apply for subminimum wage certificates using the Online Section 14(c) Certificate Application or form WH-226 and supplemental form WH-226A.

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>.

The Department has determined that the issuance of section 14(c) certificates are no longer necessary to prevent curtailment of employment opportunities. As such, the Department is no longer accepting applications for a section 14(c) certificate from initial applicants—employers who are not already operating with a valid certificate. Renewal applications are being accepted throughout the 3-year phaseout period ending on [DATE]. See [LINK] for additional information.

**[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 renew their authority to pay subminimum wages under FLSA section 14(c). 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 site where workers with disabilities are employed at subminimum wages. The directions for completing the WH-226A are included with the form.

**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>.

Completed paper applications should be forwarded to:

U. S. Department of Labor  
Wage and Hour Division

230 South Dearborn Street, Room 530  
Chicago, Illinois 60604

### **Certificate Renewal Process**

During the certificate phaseout period, only renewing employers can submit an application using the [online](#) application system or paper forms. Renewing applicants must complete all applicable items on the application. During the phaseout period, 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, or until the end of the phaseout period, whichever comes first.

### **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 locations 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 section 14(c) program requirements. Call 1-866-4US-WAGE (1-866-487-9243).