

Application for Authority to Employ Six or Fewer Full-Time Students at Subminimum Wages in Retail or Service Establishments or Agriculture Under Regulations 29 C.F.R. Part 519

U.S. Department of Labor
 Employment Standards Administration
 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.: 1215-0032
 Expires: 11-30-2008

This is an application for retail or service establishments or agricultural employers to obtain authority to employ up to six full-time students at subminimum wage rates on any workday under Section 14(b) of the Fair Labor Standards Act (FLSA). The subminimum 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. The term **“employer” as used by this application means the highest structure of ownership or control and hence, may be more than one establishment or farm, i.e., the controlling conglomerate or enterprise would be the “employer.” Thus, the limit of six full-time students applies to the “employer” and not to each establishment or farm in the enterprise or business. Those seeking to employ more than six full-time students at subminimum wages throughout a single enterprise or business should complete and submit WH Form 200** (Application for Authority to Employ Full-Time Students at Subminimum Wages in Retail or Service Establishments or Agriculture). 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. A certificate may not be granted unless a properly completed application has been received and approved.

1. This is (check one):

- Initial Application
- Renewal Application (complete following):
 Current Certificate Number: _____
 Certificate Expiration Date: ____ / ____ / ____

Total number of full-time students paid subminimum wages during the most recent 12 months: _____

2. Name of Employer: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No.: (____) _____

Will you employ full-time students at the above location at subminimum wages? Yes No

Mailing Address (if different than street address):

City: _____ State: _____ Zip: _____

Federal Employer Identification Number (EIN): _____

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. If full-time students will be employed at subminimum wages at establishments other than that listed in block 2, provide the names and addresses of those establishments:

1. _____
2. _____
3. _____
4. _____
5. _____

3. Type of establishment(s) where full-time students will be employed at subminimum wages (check all that apply) and provide names and addresses of each establishment in block 4:

- Grocery Store Full Service Restaurant Convenience Store Fast Food Restaurant
- Clothing/Shoe Store Hotel/Motel Movie/Theater General Merchandise
- Hospital/Nursing Other Retail/Service, Specify Type: _____
- Agriculture, Specify Crop/Product _____

5. Representations, certification and signature:

I certify, as set forth in Regulations, 29 C.F.R. part 519, subpart B, that the employment of not more than six full-time students on any workday will not reduce the full-time employment opportunities of other workers.

6. Authorized representative (print or type)

7. Signature of authorized representative:

8. Title (print or type)

9. Date application forwarded to USDOL:

Public Burden Statement

This collection of information is estimated to vary from 11 to 21 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 (do not send the completed application to this address).

TEMPORARY NOTICE TO EMPLOYEES

THE EMPLOYER NAMED BELOW HAS FILED AN APPLICATION WITH THE WAGE AND HOUR DIVISION FOR AUTHORITY TO EMPLOY UP TO SIX FULL-TIME STUDENTS ON ANY WORKDAY AT THE ESTABLISHMENT(S) LISTED 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 Employer: _____

Name and Address of Establishment(s) Where Full-Time Students May Be Employed At Subminimum Wages Under This Temporary Notice:

- | | |
|----------------------------|----------------------------|
| 1. _____

_____ | 4. _____

_____ |
| 2. _____

_____ | 5. _____

_____ |
| 3. _____

_____ | 6. _____

_____ |

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. This temporary authority may only be issued if the following conditions are met (29 C.F.R. § 519.5):

- 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 establishment(s) for which authority is sought;
- e. 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;
- f. 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.

TOTHE EMPLOYER: It is required that you complete this notice and post it in a conspicuous place at each establishment where full-time students will be employed from the date the application is mailed to the Division and that it remain posted during the effective period of the temporary authority.