

Instructions for Form WH-205: Application to Employ Student-Learners at Subminimum Wages

Section 14(a) of the Fair Labor Standards Act (FLSA) authorizes the payment of subminimum wages – at rates not less than 75 percent of the applicable minimum wage under section 6(a) of the FLSA – to a student-learner after the employer has applied for an authorizing certificate from the U. S. Department of Labor. Temporary authority to pay the subminimum wage is granted to the employer when the application is forwarded to the Department as long as the appropriate school official has signed the application. This temporary authority will remain in effect for thirty days. At the end of 30 days, the application will become the permanent special student-learner certificate unless, after review, the Administrator of the Wage and Hour Division denies the application, issues a certificate with modified terms and conditions, or expressly extends the period of review.

Under section 14(a), a student-learner is a student who is at least sixteen years of age (or at least eighteen years of age if employed in an occupation which the Secretary of Labor has declared to be particularly hazardous), who is receiving instruction in any accredited school, college or university and who is employed by an establishment on a part-time basis, pursuant to a bona fide vocational training program. The regulations addressing the application process and employment of student-learners at subminimum wages are contained in 29 CFR Part 520.

Employers wishing to employ student-learners at subminimum wages under section 14(a) must first complete and submit form WH-205.

WH-205 Application to Employ Student-Learners at Subminimum Wages

This application must be submitted by employers who wish to employ student-learners at subminimum wages pursuant to a bona fide vocational training program. The application must be signed by the employer, the appropriate school official, and the student-learner who will be employed at subminimum wages before it is submitted. A separate application must be submitted for each student-learner.

Completed applications should be forwarded to the Wage and Hour Division Regional Office which services the geographic area where the student-learner will be employed.

To locate the Regional Office with jurisdiction over a particular State, click <http://www-test.dol.gov/esa/contacts/whd/whdkeyp.htm>