

DBRA-5

July 11, 1973

This is in reply to your letter of June 6, 1973, regarding the employment of students during the summer months on Government contract work subject to the labor standards provision of the Davis-Bacon Act.

Please be advised that it is the Department of Labor's position that students may be so employed and paid less than the applicable journeyman's prevailing wage rate if they are bona-fide students employed on a temporary basis for the summer months only, and are part of a bona fide Youth opportunity Program. Furthermore, although your letter does not indicate whether or not you are a party to a collective bargaining agreement, if you are unionized, the collective bargaining agent must agree to this summer employment.

If you are not unionized, you and the contracting agency may, by agreement, reclassify such bona fide students at rates below the journeyman's rate. In this latter event, the specific provisions of the agreement should be reduced to writing and a copy furnished this office through the contracting agency. Of course, such employment must be in accordance with applicable statutory age and minimum wage requirements.

We trust the above will be of assistance. If you have further questions, this office will be pleased to provide guidance on the particular facts involved.

Sincerely,

Warren D. Landis
Assistant Administrator