

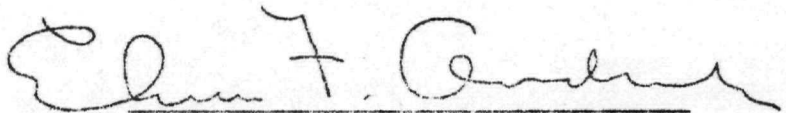
R-83a

TITLE 29 -- LABOR
CHAPTER V -- WAGE AND HOUR DIVISION

PART 524 -- REGULATIONS APPLICABLE TO EMPLOYMENT OF
HANDICAPPED PERSONS PURSUANT TO SECTION
14 OF THE FAIR LABOR STANDARDS ACT.

The following amendment to Regulations --
Part 524 -- (Regulations Applicable to Employment of
Handicapped Persons pursuant to Section 14 of the
Fair Labor Standards Act) is hereby issued. Said
amendment makes an addition to Part 524 by adding
thereto a new Section, to follow Section 524.90, to
be Section 524.91. Said amendment shall become
effective upon my signing the original and upon the
publication thereof in the Federal Register, and shall
be in full force and effect until repealed by regula-
tions hereafter made and published by me.

Signed at Washington, D. C., this ninth day of November
1938.



Elmer F. Andrews, Administrator
Wage and Hour Division
Department of Labor

It appearing that a substantial number of handicapped individuals are provided remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature in charitable organizations and institutions conducted not for profit but for the purpose of carrying out a recognized program for the rehabilitation of such individuals; and

It appearing advisable for the Administrator to give further consideration to the special problems affecting the employment of such handicapped individuals at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act; and

It being the intention of the Administrator to appoint an advisory committee to make recommendations with respect to permanent regulations and procedure providing for the employment of handicapped individuals in charitable organizations and institutions of the type described above at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act;

Therefore, in view of the foregoing, the following regulation is hereby issued:
SECTION 524.91 TEMPORARY CERTIFICATE OF EXEMPTION FOR HANDICAPPED INDIVIDUALS EMPLOYED BY CERTAIN CHARITABLE NON-PROFIT INSTITUTIONS AND ORGANIZATIONS DURING PERIOD BEFORE NORMAL PROCEDURE IS IN FULL OPERATION. Notwithstanding any provision in Section 524.90 of Part 524 (providing a temporary certificate of exemption during period before normal procedure is in full operation), from October 24, 1938, to February 1, 1939, or such earlier date as the Administrator may after notice determine, this regulation shall be deemed to be a certificate authorizing charitable organizations and institutions conducted not for profit but for the purpose of carrying out a recognized program of rehabilitation for handicapped individuals and of providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature, to employ (or suffer or permit to work) handicapped individuals for such purposes at wage rates less than the minimum rate applicable under Section 6 of the Fair Labor Standards Act, subject to the following conditions:

- (a) the earning capacity of the employee for the particular position held by him or for the work which he is suffered or permitted to do must be, or must be honestly believed by the employer to be, substantially impaired by age or physical or mental deficiency or injury;
- (b) in no event shall the minimum wage paid any such handicapped individual during this period of temporary exemption be less than that proportion of the minimum wage applicable under Section 6 which the handicapped individual's earning capacity bears to the earning capacity of a non-handicapped worker.