

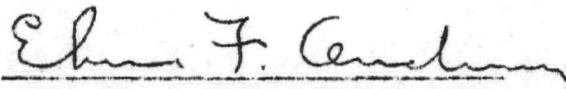
UNITED STATES DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
WASHINGTON, D. C.

TITLE 29 - LABOR  
CHAPTER V - WAGE AND HOUR DIVISION

PART 522 - REGULATIONS APPLICABLE TO THE EMPLOYMENT OF  
LEARNERS PURSUANT TO SECTION 14 OF THE FAIR  
LABOR STANDARDS ACT OF 1938

The following amendments to Regulations - Part 522,  
as amended - (Regulations Applicable to the Employment of  
Learners Pursuant to Section 14 of the Fair Labor Standards  
Act of 1938) are hereby issued. By virtue of these amend-  
ments a new alternative sub-paragraph (d) is added to Sec-  
tion 522.5, a clarifying amendment is made to Section 522.9,  
Section 522.12 is repealed and a clarifying amendment is made  
to Section 522.13.

Signed at New York, N. Y. this 10th day of October,  
1939.



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

SECTION 522.5 - PROCEDURE UPON APPLICATION FOR SPECIAL CERTIFICATE

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(d) Issue a special certificate pursuant to an order made after an industry hearing held under Section 522.4 or Section 522.13 hereof, if any such order has been made for the industry in which the applicant desires to employ learners.

SECTION 522.9 - TERMS OF SPECIAL CERTIFICATES

No Special Certificate shall be applicable to more than one plant. Each Special Certificate shall specify the number or percentage of learners who may be employed under the certificate, the learning period, the time when and the wage rate at which such persons may be employed.

SECTION 522.12 - COMPLETION OF LEARNING PERIOD

This section 522.12 is hereby repealed.

SECTION 522.13 - PETITION FOR REVIEW

Any person aggrieved by the action of an authorized representative of the Administrator following an industry hearing under Section 522.4, or by way of denying or granting a special certificate under subparagraph (a) or (c), of Section 522.5, or by way of affirming or cancelling a special certificate under subparagraph (b) of Section 522.5, or by way of any action taken under subparagraph (d) of Section 522.5, may, within fifteen days after publication of such action, file a petition for review thereof. The petition for review will be examined by the Administrator or an authorized representative who has taken no part in the action which is the subject of review. If this petition is granted, all interested parties will be afforded an opportunity to present their views either in support of or in opposition to the matters prayed for in the petition and the Administrator or an authorized representative who has taken no part in the action under review may hold a hearing thereon. Action taken upon such review shall be final and shall take effect immediately upon publication.

UNITED STATES DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
Washington, D. C.

The following is a revision of paragraph VI of the Explanation of Regulations Applicable to Employment of Learners issued by the Administrator and published in the Federal Register May 23, 1939. This revised paragraph shall become a part of the Explanation and supersede paragraph VI as originally issued.

VI. Curtailment of Opportunities for Employment

The Administrator is authorized to provide for the employment of learners at a wage lower than the statutory minimum wage only to the extent necessary to prevent curtailment of opportunities for employment. No application will be deemed to set forth a necessity to prevent curtailment of such opportunities unless it clearly states that the applicant has made diligent efforts to secure experienced workers and is unable to obtain them. No certificate will be issued if it is found that experienced workers are available.

No application (except as indicated below) will be deemed to set forth a necessity to employ learners at subminimum wage rates unless it clearly establishes that the employment at the minimum wage applicable under Section 6 of the Act of the number of workers sought to be employed as learners would be so burdensome that a reasonable employer in the circumstances of the applicant would not ordinarily hire the additional inexperienced employees for operation of new plants, plant expansion, or to replace normal plant labor turnover, thus making probable a resultant curtailment of opportunities for employment. Unless the application establishes such a necessity, no certificate will be issued.

However, if, as a result of an industry hearing held pursuant to Section 522.4 or Section 522.13 of the regulations, it has been found necessary to authorize the employment of learners at subminimum wage rates in the industry in which the applicant desires to employ learners, the applicant need not offer proof of his need for a special certificate, as required above, except as to any number of learners sought to be

employed in excess of the number or percentage for which a need has been determined after such industry hearing. In all cases, however, the application must clearly state that the applicant has made diligent efforts to secure experienced workers and is unable to obtain them.

Elmer F. Andrews

Elmer F. Andrews  
Administrator