

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

TITLE 29 -- LABOR

CHAPTER V -- WAGE AND HOUR DIVISION

PART 521

REGULATIONS APPLICABLE TO EMPLOYMENT  
OF APPRENTICES PURSUANT TO SECTION 14  
OF THE FAIR LABOR STANDARDS ACT.

The following amendments to Regulations - Part 521 - (Regulations Applicable to Employment of Apprentices Pursuant to Section 14 of the Fair Labor Standards Act) are hereby issued. These amendments, amending all Sections of said Regulations, shall become effective upon my signing the original and upon publication thereof in the Federal Register and shall be in force and effect until repealed or modified by regulations hereafter made and published.

Signed at Washington, D. C., this 15 day of February, 1940.

*Harold D. Jacobs*

Harold D. Jacobs, Administrator  
Wage and Hour Division  
Department of Labor

WHEREAS, it having been found by me upon investigation that in order to prevent curtailment of opportunities for employment, it is necessary to make special provision for the employment of apprentices at minimum-wage rates fixed in the apprenticeship agreement, where such rates are less than the minimum wage rates applicable under Section 6 of the Fair Labor Standards Act of 1938, I hereby prescribe the following Rules and Regulations governing the employment of apprentices:

SECTION 521.1 - DEFINITION OF APPRENTICE

For the purpose of these Rules and Regulations, the term "Apprentice" shall mean: a person, at least sixteen years of age, who is employed to learn a skilled trade pursuant to the terms of a written Apprenticeship Agreement with the employer, which Agreement provides (a) for not less than 4,000 hours of reasonably continuous employment for such person and (b) for participation of the apprentice in an approved schedule of work experience through employment, and (c) for at least 144 hours per year of supplemental instruction at classes in subjects related to that trade.\*

SECTION 521.2 - APPROVAL OF APPRENTICESHIP AGREEMENT

Whenever the employment of an apprentice is desired at a rate or rates less than the minimum-wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938, the employer, or his authorized agent, shall obtain the approval of the Apprenticeship Agreement under which the apprentice is employed, by the State apprenticeship council (or corresponding apprenticeship authority), if such council (or authority) has been approved by the Federal Committee on Apprenticeship. If no such duly approved apprenticeship council (or authority) exists in the State, then the Apprenticeship Agreement must be approved by the Federal Committee on Apprenticeship, U. S. Department of Labor, Washington, D. C.\*

SECTION 521.3 - APPLICATION FOR SPECIAL CERTIFICATE

After obtaining approval of the written Apprenticeship Agreement, as required in Section 521.2, application may be made to the Administrator or his authorized representative for a Special Certificate authorizing the employment of the apprentice at the wage rate or rates, lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act, specified in the Apprenticeship Agreement. Such application shall be made upon official forms furnished by the Wage and Hour Division.\*

SECTION 521.4 - APPLICATION TO BE JOINT

Such application shall be signed by both the employer

and the apprentice and must be accompanied by the Apprenticeship Agreement or a true copy thereof approved as provided in Section 521.2.\*

SECTION 521.5 - ISSUANCE OF SPECIAL CERTIFICATES

If, upon an examination of such application and the accompanying Apprenticeship Agreement, the Administrator or his authorized representative is satisfied that the application and the Agreement comply with the provisions of the foregoing Regulations, and that not less than 4,000 hours of reasonably continuous employment is required to prepare a worker of normal ability for the skilled occupation designated in the Apprenticeship Agreement, he will issue a Special Certificate authorizing the employment of the named apprentice at the rate or rates (less than the minimum wage applicable under Section 6) and for the length or lengths of time specified in the Agreement. Such rate or rates and the length of time for which they are applicable shall be set forth in the Certificate.\*

SECTION 521.6 - COPIES OF SPECIAL CERTIFICATES

One copy of the certificate will be given the apprentice and one copy will be given the employer, who shall keep the same on file with his employment record.\*

SECTION 521.7 - WAGES FOR APPRENTICES

No employer shall employ any apprentice at a wage rate less than the minimum wage applicable under Section 6 of the Fair Labor Standards Act until he has obtained a Special Certificate as specified in these Regulations. No employer shall employ any apprentice under a Special Certificate at a wage rate less than the rate applicable in such Certificate.\*

SECTION 521.8 - PETITION FOR REVIEW

Any person aggrieved by the action of an authorized representative of the Administrator under these regulations, either in granting or denying a Certificate for the employment of an apprentice, may, within 15 days after the action of such representative, or within such further time as the Administrator, for cause shown, may allow, file a petition with the Administrator requesting a review by the Administrator of the action of the representative and praying for such relief as is desired. If the request for review is granted, all interested parties will be afforded an opportunity to be heard, or otherwise to present their views, either in support or in opposition to the matters prayed for in the petition. A notice of the time and place and scope of any hearing will be published in the Federal

Register and made public by general press release at least 5 days before the date of such hearing: Provided, that if review is granted by the Administrator in a case where the petitioners are requesting the cancellation of a Special Certificate, a notice of the time and place of any hearing will be sent by registered mail to the apprentice and his employer at their last known address or addresses.\*

SECTION 521.9 - PETITION FOR AMENDMENT OF REGULATIONS

Any person wishing a revision of any of the terms of the foregoing Regulations applicable to apprentices may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator finds that a reasonable cause for amendment of the Rules and Regulations has been shown, the Administrator will either schedule a hearing, with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, both in support and in opposition to the proposed changes.\*

\*Issued under the authority contained in Section 14, 52 Stat. 1060.