

U. S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
Washington, D. C.

REGULATIONS ON VOCATIONAL STUDENT EMPLOYMENT  
DISCUSSED BY WAGE-HOUR HEAD

The Wage and Hour Division today gave recognition to the growing importance of vocational training programs throughout the United States. Colonel Philip B. Fleming, Administrator of the Fair Labor Standards Act, released special regulations covering the part-time employment of student-learners in vocational training programs. (Federal Register, August 2, 1940) Under these regulations special certificates will be issued authorizing the employment of student-learners at wage rates lower than those applicable under the Act, if such employment is in connection with a bona fide vocational training program.

The regulations define a "bona fide vocational training program" to mean "a program providing for part-time employment of student-learners for a part of the working day, or for alternating weeks, or for limited periods during the year, such employment providing training which is supplemented by related instruction given the student-learner as a regular part of his school course by the school, college, or university."

"While the regulations were written primarily to cover certain types of programs using Federal funds under the Smith-Hughes and George Deen Acts, any other legitimate vocational training programs operated by accredited schools, colleges, or universities, may receive consideration under the regulations," said Colonel Fleming. The Acts referred to by Colonel Fleming were approved in 1917 and in 1936 respectively, and they authorized the appropriation of Federal funds to be used in various types of vocational training.

"In the preparation of these regulations," said Colonel Fleming, "officials of the Federal Office of Education, vocational education representatives from

various State educational boards, representatives of professional associations in this field, as well as representatives from industry, labor organizations, and interested Government agencies, were consulted.

"Of course, these regulations, like the Act itself, apply only to such part-time vocational training students as are employed in interstate commerce or in the production of goods for interstate commerce. Under the regulations any school official may file an application for a certificate in behalf of an employer or a student-learner. Since the Fair Labor Standards Act applies to employers and employees, these applications must be signed in each case by the employer as well as the prospective student-learner.

"These regulations describe the conditions under which student-learners may be employed for instruction purposes at wage rates lower than those applicable under the Fair Labor Standards Act. All certificates will fix rates to average over the period covered not less than 75 percent of the statutory minimum wage rate or any applicable minimum rate established by a Fair Labor Standards Act wage order. Acceptance of applications by the Division will not necessarily indicate that the requested certificates will be issued. Among the conditions set forth in the regulations to safeguard fair labor standards are the following: No student-learner certificate will be issued:

"(1) When the issuance of such a certificate will tend to prevent the development of apprenticeships in accordance with the Administrator's regulations, or when the issuance of such certificate would impair established apprenticeship standards in the occupation involved;

"(2) When it is found that employment of student-learners at sub-minimum wage rates will tend to depress the wage rates or working standards of experienced workers in the same occupations;

"(3) When the employment of a student-learner will displace a regular

worker or when such employment will fill a job or position which would otherwise be filled by a regular worker."

"Nor will certificates be authorized," Colonel Fleming continued, "when training is confined to manual operations and processes, with no definitely organized plan of school instruction providing for teaching technical knowledge and related information. Other circumstances which may result in the denial of certificates include training solely for development of high-speed on a single operation, or when the number of student-learners in one establishment is more than a small proportion of the establishment's working force.

"When the employment of a student-learner will displace the regular worker or when such employment will fill a job or position which would otherwise be filled by a regular worker the certificate will not be issued, nor will it be granted when it is found that the occupation in which it is proposed to train the student-learners involves no skill and requires no significant training period."

A set of instructions to guide school officials in filling out and filing application forms are being prepared in cooperation with the Office of Education. These instructions and application forms may be obtained direct from the office of the Administrator, Wage and Hour Division, U. S. Department of Labor, Washington, D. C.

###