

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

TITLE 29 -- LABOR

CHAPTER V -- WAGE AND HOUR DIVISION

PART 520 -- Regulations Applicable to the Part-Time Employment of  
Student-Learners in Vocational Training Programs

The following regulations -- Part 520 -- (Regulations Applicable to the Part-Time Employment of Student-Learners in Vocational Training Programs) are hereby issued. These 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my signing the original and upon publication thereof in the Federal Register, and shall be in force and effect until repealed by regulations hereafter made and published.

Signed at Washington, D. C. this 25th day of July, 1940.



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Philip B. Fleming, Administrator  
Wage and Hour Division  
Department of Labor

Published in Federal Register, August 2, 1940.

REGULATIONS APPLICABLE TO THE PART-TIME  
EMPLOYMENT OF STUDENT-LEARNERS IN  
VOCATIONAL TRAINING PROGRAMS

SECTION 520.1 DEFINITIONS

As used in these Regulations:

(a) "Student-Learner" means a student who is receiving instruction in an accredited school, college or university and who is employed on a part-time basis pursuant to a bona fide training program which is under the supervision of a state board of vocational education or other recognized educational body.

(b) A "bona fide vocational training program" means 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.

SECTION 520.2 APPLICATIONS FOR STUDENT-LEARNER CERTIFICATES

Notwithstanding any of the provisions of the general learner regulations, Part 522 (Regulations Applicable to the Employment of Learners, Title 29, Chapter V, Code of Federal Regulations) applications for student-learner certificates may be filed with the Administrator of the Wage and Hour Division, United States Department of Labor by an officer of the school, college or university. Such application must be made on the official form furnished by the Wage and Hour Division, must clearly outline the vocational training program showing the nature of the processes in which he is to engage on the job and the related instruction furnished the student-learner in the school, college or university, and must set forth all additional information required by such form. Each application must be signed by the employer and by the student-learner.

SECTION 520.3 TERMS OF STUDENT-LEARNER CERTIFICATES

(a) Each certificate issued under these Regulations shall specify the length of time a student-learner may be trained by the employer through employment at a wage rate or rates less than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act. Such rate or rates shall be fixed in the certificate and shall average over the period covered by the certificate not less than 75 percent of the minimum wage rate applicable under Section 6 of the said Act.

(b) Where an application for a student-learner certificate involves an occupation for which a learner's wage rate and a learning period have been determined as a result of a public hearing under regulations, Part 522, such wage rate and such learning period shall be modified only upon a showing of inapplicability in the case of the particular student training program.

SECTION 520.4

HEARINGS ON APPLICATIONS

In considering one or more applications filed under these regulations the Administrator or his authorized representative may call a public hearing upon due notice published in the Federal Register, or may provide other opportunity for interested parties to present their views on the issues raised by such application or applications.

SECTION 520.5

EMPLOYMENT OF CHILD LABOR

(a) No student-learner certificate issued under these regulations shall authorize the employment of oppressive child labor as defined in Section 3(1) of the Fair Labor Standards Act or in orders and regulations issued by the Chief of the Children's Bureau pursuant thereto.

(b) No student-learner certificates issued under these regulations shall authorize noncompliance with any Federal or State law or municipal ordinance concerning child labor or establishing a minimum wage rate higher than that fixed in such certificate, or a maximum workweek lower than that established by the Fair Labor Standards Act.

SECTION 520.6

GENERAL POLICIES

(a) Where the vocational training program is operated under the Smith-Hughes and George-Deen Acts the Administrator or his authorized representative may consult with and require approval of any application by the state board of vocational education or the state or local representative advisory committee (consisting of an equal number of employers and employees) which has been established pursuant to official policies for the administration of vocational education. In any case, evidence may be required that the occupations selected for employment training, as well as the training plans for every student, have been approved by a state or local representative advisory committee if one exists.

(b) No certificates will be issued authorizing the employment-training of student-learners:

(1) When the issuance of such a certificate will tend to prevent the development of apprenticeships in accordance with the Administrator's regulations, Part 521, 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.

(4) When it is found that the occupation in which it is proposed to train the student-learner involves no skill and requires no significant learning period.

(5) When training is confined to manual operations and processes, with no definitely organized plan of school instruction providing for teaching technical knowledge and related industrial information.

(6) When training is confined to a single operation for the purpose of developing high production speed.

(7) When the number of student-learners to be employed in one establishment is more than a small proportion of its working force.

(8) When the occupational needs of the community or the industry do not warrant the training of new workers.

SECTION 520.7

PROHIBITION - FALSE EVIDENCE

(a) No employer shall employ any student-learner under a student-learner certificate in violation of any of the terms thereof.

(b) A student-learner certificate shall be null and void if the applicant shall have set forth any fact or facts in his application which he knew or had reasonable cause to believe to be false.

SECTION 520.8

REVOCATION OF CERTIFICATES

Any certificate issued under these regulations may be cancelled for cause. Before any certificate is cancelled, reasonable notice of the time when and the place where such cancellation is to be considered will be sent by registered mail to the student-learner, the employer and the officer of the educational institution involved, at their last known address or addresses.

SECTION 520.9

RECONSIDERATION AND REVIEW

(a) Upon the submission of additional material facts, an authorized representative may reconsider an application and may affirm, revise or reverse his former action.

(b) Notwithstanding the provisions of subsection (a) of this Section, any person aggrieved by the action of an authorized representative of the Administrator may within 15 days thereafter, or within such further time as the Administrator, for cause shown may allow, file a petition for review by the Administrator of the action of the authorized representative and pray for such relief as is desired. If such petition for review is granted, all interested parties will be afforded an opportunity to present oral or written argument before the Administrator or an authorized representative who

took no part in the action under review. Should a public hearing be determined upon by the Administrator, due notice of its time, place and scope will be published in the Federal Register and made public by a general press release.

SECTION 520.10 PETITION FOR AMENDMENT OF THESE REGULATIONS

Any person wishing a revision of any of the terms of the foregoing regulations may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If, upon examination of the petition, the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator or his authorized representative will either schedule a hearing before himself or his authorized representative with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views both in support of and in opposition to the proposed changes.