

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
Washington

LEARNER REGULATION AS REVISED BY WAGE AND HOUR ADMINISTRATOR

New regulations applicable to the employment of learners as provided by the Fair Labor Standards Act were issued today by Colonel Philip B. Fleming, Administrator of the Wage and Hour Division of the U. S. Department of Labor. (Federal Register August 16, 1940)

"The revised regulations are based upon the experience we have had in administering the former regulations issued under section 14 of the act," Colonel Fleming commented today. "In their general provisions, they closely follow the original. The new regulations, like the old ones, provide for industry hearings so that business and labor may have a fair opportunity to present facts and make suggestions in shaping the administrative policy of the division."

One of the important features of the new regulations is the specific provision for the filing of applications for learners by employers who do not fall under an industry classification for which a public hearing has been held on the subject of learners.

Changes were made in the provision for learners necessary to replace normal labor turnover. When the applicant makes a prima facie showing that experienced workers are not available, the certificate will be issued by the division forthwith, unless it appears that the exemption is not necessary to prevent curtailment of opportunities for employment.

Changes have also been made with respect to the cancellation of certificates. When a certificate authorizing the employment of learners is canceled on the ground that such certificate is not necessary to prevent curtailment of

opportunities for employment, learners who have already been employed under the certificate will be permitted to finish their learning period. In commenting on this change Colonel Fleming stated that this plan was not only fairer to the worker, but also would help the employer.

When a certificate is canceled because the employer has violated its terms, the cancellation will become effective as of the date of the violation. If it is found that any employer has been guilty of fraud in obtaining a certificate, or in hiring workers thereunder, the certificate will be canceled as of the date it was issued.

The employer, in the event of the cancellation of a certificate, or the denial of an application, may either ask for a reconsideration by the Administrator's authorized representative who made the decision, or ask for a review by the Administrator.

It is stipulated in these regulations that each learner shall be designated as such in the records kept by the employer and in addition that all learners shall be listed together as a separate group on the payroll record.

As in the old regulations, no person may be employed as a learner at less than the regular minimum rates, unless the employer holds a special certificate authorizing such employment.

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