

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

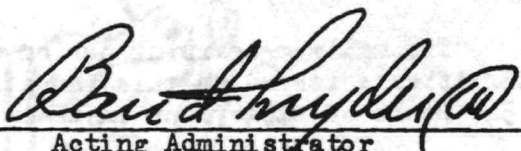
TITLE 29 - LABOR

CHAPTER V - WAGE AND HOUR DIVISION

PART 522 - SECTIONS 522.081 TO  
522.090 - REGULATIONS APPLICABLE TO  
THE EMPLOYMENT OF LEARNERS IN THE  
INDEPENDENT TELEPHONE INDUSTRY.

The following Regulations - Part 522, Sections 522.081 to 522.090 (Regulations Applicable to the Employment of Learners in the Independent Telephone Industry), are hereby issued. These Regulations repeal and supersede all Regulations previously issued applicable to the employment of learners in the Independent Telephone Industry and shall become effective upon my signing the original and upon the publication thereof in the Federal Register, and shall remain in force and effect until hereafter modified.

Signed at Washington, D. C. this 19th day of September, 1940.

  
Acting Administrator  
Wage and Hour Division  
Department of Labor

Published in Federal Register, September 27, 1940

SECTION 522.081 - ISSUE OF SPECIAL CERTIFICATES

Special Certificates authorizing the employment of learners at subminimum rates under terms herein set forth shall be issued to applicants in the Independent Branch of the Telephone Industry making application on forms furnished by the Wage and Hour Division when it appears that experienced workers are not available, providing that:

- (a) The issue of a Special Certificate will create no unfair competitive labor cost advantage, and
- (b) will not impair or depress working standards established for experienced commercial switchboard operators employed in the industry.

SECTION 522.082 - NUMBER OF LEARNERS

- (a) Except under unusual circumstances, as stated in (b) below, the number of learners which may be employed in an exchange at any one time at a subminimum hourly wage under a Special Certificate may not exceed:

One in exchanges employing up to 8 operators, or  
Two in exchanges employing 9-18 operators, or  
Three in exchanges employing 19-30 operators, or  
Four in exchanges employing 31-44 operators, or  
In exchanges employing 45 or more operators learners in addition to 4 may be employed at less than the minimum rate in the ratio of one learner for each additional 15 operators employed in the exchange.

- (b) If the applicant is faced with circumstances unusual to regular operations or with other exceptional circumstances which it is believed require learners in excess of those provided in (a) above, and if such facts are set forth as a part of an application, action shall be taken approving or denying that application pursuant to the provisions of Section 522.5 B of the Regulations of the Wage and Hour Division.

SECTION 522.083 - LEARNING PERIOD

The maximum learning period which may be provided under a Special Certificate issued in this industry shall not extend beyond the first 320 hours of employment in training for and in switchboard operation.

SECTION 522.084 - LEARNER HOURLY RATE

The minimum hourly rate to be provided in the Special Certificate for learners during the learning period shall be not less than 25 cents per hour.

SECTION 522.085 - DURATION OF CERTIFICATES

Special Certificates authorizing the employment of learners in accordance with Section 522.082(a) shall be valid for a period of one year unless sooner revoked for cause. Special Certificates authorizing the employment of learners in accordance with Section 522.082(b) shall be valid for a period not greater than that necessary to complete the training of the total number of additional learners required and may not be used for purposes of meeting regular labor turnover requirements.

SECTION 522.086 - PROVISIONS OF LEARNER CERTIFICATES

All Special Certificates shall include, among other matters, the learner occupation; length of learning period; and rate set forth hereinabove; the definition of a learner; the purpose for which issued; the period during which the Certificate remains in effect; the requirement that the Certificate shall be posted continuously during its validity in a conspicuous place in the plant where the learners are to be employed; and a prohibition against the violation of any of the terms and conditions set forth in the Certificate.

SECTION 522.087 - REVOCATION OF SPECIAL CERTIFICATES

- (a) Any Special Certificate may be cancelled if it is found that it is not necessary to prevent a curtailment of opportunities for employment. In the absence of fraud or misrepresentation learners already hired under a Special Certificate may be retained under the terms of the Certificate if the learning period extends beyond the date on which the Certificate has been cancelled.
- (b) Any Special Certificate shall be cancelled as of the date of issue if it is found that the Certificate has been obtained by fraud or misrepresentation. When a Certificate has been obtained by fraud or misrepresentation the employer shall be liable to the employee for wages established by the Act as if no Certificate had been issued.
- (c) Any Special Certificate shall be cancelled as of the first date of violation if it is found that any of its terms have been violated, and the employer shall be liable to those employed under such Certificate, from the date of violation, for wages established by the Act as if no Certificate had been issued.

SECTION 522.088 - NOTICE OF ISSUANCE OR CANCELLATION OF SPECIAL CERTIFICATES

Notice of the issuance or cancellation of each Special Certificate pursuant to these Regulations shall be published in the Federal Register.

SECTION 522.089 - DEFINITIONS

- (a) The Independent Branch of the Telephone Industry as referred to herein includes only those companies which are engaged in the commercial operation of telephone exchanges and which are not owned or controlled by the American Telephone and Telegraph Company (Bell System) or its subsidiaries.
- (b) Learners are persons who have had less than 320 hours of employment in the Telephone Industry as commercial switchboard operators.
- (c) Experienced commercial switchboard operators are persons who have had not less than 320 hours of employment in the Telephone Industry as commercial switchboard operators. In order to be considered available such persons must be capable of equaling the performance of a worker of average or ordinary skill and experience.

SECTION 522.090 - RECORDS TO BE KEPT

The name of each learner and occupation in which each is employed shall be entered on the pay roll record of the exchange to which the Special Certificate is issued. The names of all persons employed as learners shall be listed together in a separate group on the pay roll record.