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Part 522-

TITLE 29, CHAPTER V
CODE OF FEDERAL REGULATIONS

Part 522

Regulations Applicable to Employment of Learners

Pursuant to Section 14

of the Fair Labor Standards Act of 1938

(52 Stat. 1060)

NOVEMBER 1938



UNITED STATES DEPARTMENT OF LABOR

WAGE AND HOUR DIVISION

Regulations

Applicable to Employment of Learners

Pursuant to Section 14 of

The Fair Labor Standards Act¹

Section 522.1.—Application for learners.

Application may be made to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C. to employ learners in an occupation at a wage lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 whenever employment at such lower rate is necessary to prevent curtailment of employment opportunities.

Section 522.2.—Applications by groups or individuals.

Such application may be filed by an employer or employee or group of employers or employees. Preferential consideration will be given, however, to applications filed by groups or organizations which are deemed to be representative of the interests of a whole industry or branch thereof.

Section 522.3.—Consideration on basis of industry.

All applications filed under these regulations will be considered and acted upon on the basis of the needs of the employees and employers in the industry as a whole rather than on the basis of the needs of individual employees or employers in the industry.

Section 522.4.—Information in applications.

The application shall—

- (a) Identify the industry and occupation or occupations therein in which learners are requested to be employed at wages lower than the minimum wage applicable under Section 6;
- (b) Describe the processes to be learned in the occupation;
- (c) State average hourly earnings of experienced workers in such occupation;
- (d) State why learners should be employed at a wage lower than the minimum wage applicable under Section 6;
- (e) Set forth the proposed hourly wage rate at which learners will be compensated; and
- (f) Include any other information believed to be pertinent.

¹ Issued under authority contained in sec. 14, 52 Stat. 1060.

(This section as amended by the Administrator on November 7, 1938, and published in the Federal Register November 9, 1938.)

Section 522.5.—Hearings.

A hearing will be held before the Administrator or his authorized representative on such application at which all interested parties will be afforded an opportunity to present evidence and to be heard. A notice of the time, place, and scope of the hearing will be published in the Federal Register and made public by a general press release at least 5 days before the date of such hearing.

Section 522.6.—Witnesses.

The Administrator or his authorized representative may cause to be brought before him at such hearing any witness whose testimony he deems material to the matters in issue, including any witness deemed by the Administrator or his authorized representative to be competent to testify whether experienced workers, as shown by the records of the public employment office or offices in the region where such industry or branch thereof is located, are available for employment in the occupation or occupations for which learners are requested to be employed at wages lower than the minimum wage applicable under Section 6.

(This section as amended by the Administrator on November 7, 1938, and published in the Federal Register November 9, 1938.)

Section 522.7.—Burden of proof on applicants.

The applicants shall have the burden of showing at such hearing that the minimum wage applicable under section 6 will curtail employment opportunities for learners in the occupation or occupations of the industry designated in the application.

Section 522.8.—Further regulations for certificates.

If upon the hearing the Administrator or his authorized representative determines that a lower wage rate than the rate applicable under Section 6 is necessary for an occupation or occupations of the industry to prevent curtailment of employment opportunities, the Administrator will issue regulations providing for the employment of learners in such occupation in the industry under special certificates at such lower wage (subject to such limitations as to time, number, proportion and length of service) as the Administrator or his authorized representative has found to be necessary on the basis of the evidence presented at the hearing.

Section 522.9.—Petition for review.

Any person aggrieved by the action of an authorized representative of the Administrator under these regulations may within 15 days

after the action of such representative file a petition with the Administrator requesting a review by the Administrator of the action of the representative. If the request for review is granted, all interested parties will be afforded an opportunity to be heard either in support or in opposition to the matters prayed for in the petition. A notice of the time and place and scope of the hearing will be published in the Federal Register and made public by a general press release at least 5 days before the date of such hearing.

Section 522.10.—Petition for amendment of regulations.

Any person wishing a revision of any of the terms of the foregoing regulations applicable to learners 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 believes that reasonable cause for amendment of the regulations is set forth, 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, either in support or in opposition to the proposed changes.

Approved by the Administrator, October 12, 1938.

Published in the Federal Register, October 15, 1938.