

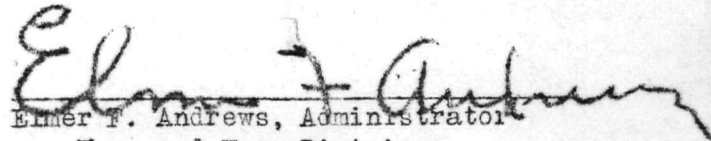
TITLE 29 -- LABOR  
CHAPTER V -- WAGE AND HOUR DIVISION

PART 524 -- Regulations Applicable to Employment of  
Handicapped Persons pursuant to Section  
14 of the Fair Labor Standards Act.

SECTION 524.90 -- TEMPORARY CERTIFICATE OF EXEMPTION DURING PERIOD  
BEFORE NORMAL PROCEDURE IS IN FULL OPERATION. \*

The following regulation -- Section 524.90 -- is hereby issued.  
Said Regulation -- Section 524.90 -- shall become effective upon my  
signing the original and upon the publication thereof in the Federal  
Register and shall be in force and effect until repealed by regula-  
tions hereafter made and published by me.

Signed at Washington, D. C., this 18th day of October 1938.

  
Elmer F. Andrews, Administrator  
Wage and Hour Division  
Department of Labor

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\* Section 524.90 issued under the authority contained in Sec. 14,  
52 Stat. 1060.

SECTION 524.90 TEMPORARY CERTIFICATE OF EXEMPTION DURING PERIOD BEFORE NORMAL PROCEDURE IS IN FULL OPERATION.

From October 24, 1938, to February 1, 1939, this regulation shall be deemed to be a certificate authorizing employers to continue in their employ handicapped workers at wage rates less than the minimum rates applicable under Section 6 of the Fair Labor Standards Act, subject to the following conditions:

- (a) The earning capacity of the employee for the particular position held by him must be, or must honestly be believed by the employer to be, substantially impaired by age or physical or mental deficiency or injury.
- (b) Such handicapped worker must have been employed by the employer on or before October 17, 1938, at a rate less than the normal minimum rate prescribed in Section 6 of the Act.
- (c) If the employer had in his employ on October 17 any non-handicapped worker or workers similarly employed, the handicapped worker must have been employed at that date at a rate less than the rate paid to such non-handicapped workers.
- (d) In no event shall the wage paid to the handicapped employee during this period of temporary exemption be at a rate less than 75 percent of the normal minimum rate applicable under Section 6 of the Act.

- (e) For the purposes of this regulation no alleged handicapped worker shall be temporarily exempted if, prior to October 17, 1938, more than 5 percent of the workers were employed by the employer to perform similar work at the same rate of pay as that received by such alleged handicapped worker; provided, that this limitation shall not apply in the case of employment by non-profit or semicharitable organizations.
- (f) The temporary exemption herein provided shall terminate on December 1, 1938, as to any particular employee claimed to be handicapped, unless prior to that date the Administrator shall have received an application for exemption as prescribed in Part 524, Title 29, Chapter V, Regulations Applicable to Handicapped Persons. If a special certificate is issued on the basis of such application, it will supersede the temporary certificate provided by this Section. If any such application is denied, prior to February 1, 1939, the temporary exemption, as to the named employee, will become inoperative immediately upon notice to the employer of such denial. \*