

## §519.19

necessary by reason of the amendment of these regulations, or may withdraw a certificate and issue a replacement certificate when necessary to correct omissions or apparent defects in the original certificates.

### §519.19 Reconsideration and review.

(a) Within 15 days after being informed of a denial of an application for a full-time student certificate or within 45 days after FEDERAL REGISTER publication of a statement of the terms of the certificate granted, (subsequent to April 30, 1976, within 60 days after a certificate is granted), any person aggrieved by the action of an authorized officer in denying or granting a certificate may:

(1) File a written request for reconsideration thereof by the authorized officer who made the decision in the first instance, or

(2) File with the Administrator a written request for review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision and a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the reconsideration of an authorized officer may, within 15 days after such determination, file with the Administrator a written request for review.

(d) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(e) If a request for reconsideration or review is granted, the authorized officer or the Administrator may, to the extent he/she deems it appropriate, afford other interested persons an opportunity to present data, views, or argument.

[40 FR 6329, Feb. 11, 1975; 40 FR 22546, May 23, 1975]

### §519.20 Amendment or revocation of the regulations in this subpart.

The Administrator may at any time upon his/her own motion or upon written request of any interested person or persons setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to

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present data, views, or argument, amend or revoke any of the regulations of this subpart.

## PART 520—EMPLOYMENT UNDER SPECIAL CERTIFICATE OF MESSENGERS, LEARNERS (INCLUDING STUDENT-LEARNERS), AND APPRENTICES

### Subpart A [Reserved]

### Subpart B—What Are the General Provisions Governing the Employment of Messengers, Learners (Including Student-Learners), and Apprentices at Subminimum Wages?

Sec.

520.200 What is the legal authority for payment of wages lower than the minimum wage required by section 6(a) of the Fair Labor Standards Act?

520.201 How are those classifications of workers which may be paid subminimum wages under section 14(a) of the Fair Labor Standards Act defined?

520.202 How do persons who want to apply for a particular certificate find out what is needed?

520.203 What records does an employer have to keep when subminimum wage certificates are granted? How long do they have to be kept?

520.204 If someone does not agree with the Department of Labor's decision on a certificate, can the decision be appealed?

520.205 How do these rules affect other Federal, state and local laws and collective bargaining agreements?

### Subpart C—Definitions

520.300 Definitions.

### Subpart D—Messengers, Learners (Excluding Student-Learners), and Apprentices

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520.401 Are there any industries, occupations, etc. that do not qualify for a certificate to employ messengers, learners, or apprentices at subminimum wages?

520.402 How do I obtain authority to employ messengers, learners, or apprentices at subminimum wages?

520.403 What information is required when applying for authority to pay less than the minimum wage?

520.404 What must I demonstrate in my application for a messenger, learner, or apprentice certificate to receive a favorable review?

- 520.405 Must I notify my employees that I am applying for a certificate to employ messengers and/or learners at subminimum wages?
- 520.406 What happens once I have submitted my request for authorization to pay messengers, learners, or apprentices subminimum wages?
- 520.407 What is the subminimum wage for messengers and what must I do to comply with the terms of my certificate?
- 520.408 What is the subminimum wage for learners and what must I do to comply with the terms of my certificate?
- 520.409 When will authority to pay apprentices special minimum wages become effective and what is the special minimum wage rate?
- 520.410 How long does a messenger, learner, or apprentice certificate remain in effect?
- 520.411 Does a certificate authorizing payment of subminimum wages to messengers and/or learners remain in effect during the renewal process?
- 520.412 What records, in addition to those required by Part 516 of this chapter and section 520.203 of this part, must I keep relating to the employment of messengers, learners, or apprentices under special certificate?

**Subpart E—Student-Learners**

- 520.500 Who is a student-learner?
- 520.501 How do I obtain authority to employ student-learners at subminimum wages?
- 520.502 What information must an application to employ student-learners at subminimum wages contain?
- 520.503 What must I demonstrate in my application for a student-learner certificate to receive a favorable review?
- 520.504 When will authority to pay student-learners subminimum wages become effective?
- 520.505 How will I be notified that my request to employ student-learners at subminimum wages has been denied and can I appeal the denial?
- 520.506 What is the subminimum wage for student-learners and what must I do to comply with the terms of my student-learner certificate?
- 520.507 How long does my certificate remain in effect?
- 520.508 What records, in addition to those required by Part 516 of this chapter and section 520.203 of this part, must I keep when student-learners are employed?

AUTHORITY: Sec. 14, 52 Stat. 1062, 1064 (29 U.S.C. 214); secs. 2-12, 60 Stat. 237-244; (5 U.S.C. 1001-1011); 52 Stat. 1068, as amended, 29 U.S.C. 214.

SOURCE: 62 FR 64959, Dec. 9, 1997, unless otherwise noted.

**Subpart A [Reserved]**

**Subpart B—What are the General Provisions Governing the Employment of Messengers, Learners (Including Student-Learners), and Apprentices at Subminimum Wages?**

**§ 520.200 What is the legal authority for payment of wages lower than the minimum wage required by section 6(a) of the Fair Labor Standards Act?**

Section 14(a) of the Fair Labor Standards Act provides, in order to prevent curtailment of employment opportunities, for the payment of special minimum wage rates to workers employed as messengers, learners (including student-learners), and apprentices under special certificates issued by the Department of Labor.

**§ 520.201 How are those classifications of workers which may be paid subminimum wages under section 14(a) of the Fair Labor Standards Act defined?**

(a) A messenger is a worker who is primarily engaged in delivering letters and messages for a firm whose principal business is the delivery of such letters and messages.

(b) A learner is a worker who is being trained for an occupation, which is not customarily recognized as an apprenticeable trade, for which skill, dexterity and judgment must be learned and who, when initially employed, produces little or nothing of value. Except in extraordinary circumstances, an employee cannot be considered a “learner” once he/she has acquired a total of 240 hours of job-related and/or vocational training with the same or other employer(s) or training facility(ies) during the past three years. An individual qualifying as a “learner” may only be trained in two qualifying occupations.

(c) A student-learner is a student who is at least sixteen years of age, or at least eighteen years of age if employed in an occupation which the Secretary has declared to be particularly hazardous, who is receiving instruction in an accredited school, college or university and who is employed on a part-