

Circular 83-12

March 17, 1983

<p>U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION Bureau of Apprenticeship and Training Washington, D.C. 20213</p> <p>Symbols: TDTD/MMW</p>	<p><u>Distribution:</u> A-539 A-544 A-547</p>	<p><u>SUBJECT:</u> <u>CODE:</u> 404 Exemption of Apprentices from Minimum Wage Requirements.</p>
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PURPOSE: To provide technical staff with copies of the Solicitor's opinion concerning the exemption of Apprentices from Minimum Wage Requirements under the regulations at 29 CFR § 29.5(b)(5). Additional copies are for distribution to the SACs and Labor Commissioners in their respective States.

Attachment



FEB 22 1933

MEMORANDUM FOR: WARREN VANHORNE
ACTING DIRECTOR, BAT

FROM: WILLIAM H. DUROSS, III *JHM for*
Associate Solicitor for
Employment and Training

SUBJECT: Exemption of Apprentices from
Minimum Wage Requirements.

We have reviewed Mr. Augustine's memorandum on the above subject (copy attached). We looked at both sets of regulations, those for the Federal Service Contract Act and those of the National Apprenticeship Act. Regional Solicitor Grant's advice was correct as to his interpretation of the regulations at 29 C.F.R. §29.5(b)(5).



BUREAU OF APPRENTICESHIP AND TRAINING

Employment and Training Administration
230 South Dearborn Street
Chicago, Illinois 60604

January 4, 1983

MEMORANDUM FOR: MERIT PAY MANAGERS

FROM: THOMAS AUGUSTINE
Director, Regional BAT

SUBJECT: Exemption of Apprentices from Minimum
Wage Requirements

We have commonly interpreted Section 29.5(b)5 of CFR Title 29, Part 29 to mean that apprentices in registered programs must be paid the minimum wage specified in the Fair Labor Standards Act.

Recently we reviewed Title 29, Part 4, the regulations for labor standards of the federal Service Contract Act. That review has caused us to revise our interpretation of Section 29.5(b)5 of Title 29, Part 29.

In an advice on this matter Regional Solicitor Grant observes that:

"Section 29.5(b)(5), 29 CFR §29.5(b)(5) provides that 'The entry wage shall be not less than the minimum wage prescribed by the Fair Labor Standards Act, where applicable' (emphasis added). Therefore, the minimum wage rate prescribed by the Fair Labor Standards Act is not applicable to a government service contractor who, pursuant to Section 4.6(n)(1) of the Service Contract Act regulations, pays his apprentices in accordance with Section 14 of the Fair Labor Standards Act. Accordingly, such a contractor's apprenticeship program would not be barred from eligibility under Section 29.5 of the regulations for the National Apprenticeship Act because the wages paid to his apprentices were below the minimum wage."

Page 6, Section II of the ATR manual describes the conditions for the exemption of an apprentice from the minimum wage requirement of the Fair Labor Standards Act.

TA/mn