



February 9, 2017

Dear Certificate Holder:

On January 17, 2017, the Department of Labor released revised forms WH-226 and WH-226A, the application for authority to employ workers with disabilities at subminimum wages. The revised forms are effective immediately and should be used by employers wishing to apply for or renew a section 14(c) certificate. The prior version of the forms WH-226 and WH-226A bearing the expiration date May 31, 2017, are no longer available from the Department. Until May 31, 2017, WHD will accept either version of the forms. After May 31, 2017, prior versions cannot be accepted; only the revised forms will be processed by the Department.

The Department began the process to make changes to the application forms over a year ago. The Department published a notice in the Federal Register in August 2015 with a proposal to revise the WH-226 and WH-226A and sought public comment. I highlighted this proposal in my [August 2015 letter](#) to current certificate holders and invited interested parties to submit written comments. During the comment period, the Department received over 40 comments from the public and, as a result, made significant changes to the proposed revisions. The Department submitted the updated proposal to the Office of Management and Budget (OMB) for review and approval. OMB held a second public comment period in September 2016 to hear from interested parties before completing its review. OMB approved the forms with no additional changes.

The information collected with these revised forms will help the Department engage in better oversight and screening of the certificate application process. These revised forms are also needed for enforcement of the new conditions on subminimum wage employment created by the Workforce Innovation and Opportunity Act (WIOA), which added section 511 to the Rehabilitation Act. Generally, the form revisions reflect a shift toward collecting more individual employee data rather than broader employer data. For example, the revised forms request fewer sample prevailing wage surveys and time studies in favor of data about each employee receiving a subminimum wage, including the prevailing wage and commensurate wage for the job at which the employee worked the most hours at a subminimum wage. In addition, the revised WH-226 now includes a section on the requirements for section 14(c) certificate holders under WIOA that became effective on July 22, 2016. For additional information about the WIOA requirements, see [Fact Sheet #39H](#) and [Field Assistance Bulletin No. 2016-2](#) on the Department's website <https://www.dol.gov/whd/workerswithdisabilities>. In addition to changes to the form questions, the Department greatly expanded the accompanying instructions to provide clearer guidance to employers in completing the form correctly.

For additional information about the revised forms, including the most significant changes to the forms, links to supporting information, and form downloads, visit www.dol.gov/whd/specialemployment/14cpra.htm. If you have questions concerning how to complete the forms, please first consult the expanded instructions at the end of each form. If you have additional questions, you may contact the Certification Team Specialist who covers your state. See the enclosed chart for your appropriate contact number.

Sincerely,

/s/ Helen M. Applewhaite

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Enclosures:

Certification Team Contacts

WH-226

WH-226A