



August 21, 2015

Dear Certificate Holder:

This letter is to notify you that the U.S. Department of Labor (the Department)'s Wage and Hour Division (the Division) has proposed to revise the section 14(c) certificate application forms, WH-226 (Application for Authority to Employ Workers with Disabilities at Special Minimum Wages) and WH-226A (Supplemental Data Sheet for Application for Authority to Employ Workers with Disabilities at Special Minimum Wages). As you know, the Division is responsible for the administration and enforcement of section 14(c) of the Fair Labor Standards Act, which permits employers to pay subminimum wage rates, after receipt of a certificate by the Department, to individuals whose earning or productive capacity is impaired by a disability for the work to be performed. Section 14(c) requires that an individual's rate of pay be commensurate with the rates paid workers without a disability performing the same type of work in the same vicinity.

The Department acknowledges that there has been a significant evolution in the realm of employment for individuals with disabilities in recent decades. Changes include the passage of the Americans with Disabilities Act and its subsequent amendments; the United States Supreme Court's decision in *Olmstead v. L.C.*; Executive Order 13658 (Establishing a Minimum Wage for Contractors) and its corresponding regulations; the Workforce Innovation and Opportunity Act (WIOA), which introduces new conditions on certificate holders that go into effect on July 22, 2016; and state initiatives to either eliminate or reduce the use of subminimum wages or phase out work centers. In light of these changes, the Department has carefully reviewed the current information collections set forth on forms WH-226 and WH-226A and determined that significant substantive revisions are necessary for the Division to more effectively and efficiently fulfill its statutory directive to oversee and enforce the section 14(c) certificate program.

In accordance with the Paperwork Reduction Act of 1995 and as part of the Department's continuing effort to reduce paperwork and respondent burden, a pre-clearance consultation program is conducted to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. A copy of the proposed

section 14(c) certificate application forms and supporting documentation can be obtained at <http://www.dol.gov/whd/specialemloyment/14cpa.htm> or by contacting Monty Navarro, Acting Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW, Washington, DC 20210.

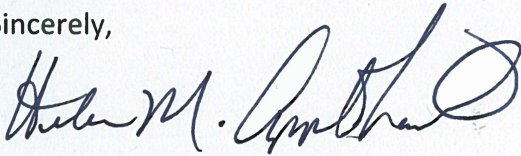
Currently, the Division is soliciting comments concerning its proposed revisions to the section 14(c) certificate application forms. The Notice of Proposed Revision was published in the Federal Register on August 6, 2015 (80 FR 47004). Interested parties are invited to submit written comments on the proposal, identified by Control Number **1235-0001**, by either:

- E-mail: WHDPRAComments@dol.gov; or
- Mail, Hand Delivery, Courier: *Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW, Washington, DC 20210.*

Regardless of submission method, only submit one copy of your comments. **Comments must be received on or before October 5, 2015.**

After the comment period closes, the Division will review all comments received, make any necessary changes, and submit the revised proposed collection to the Office of Management and Budget for final approval. We encourage you to register for the Department's E-mail updates at <http://www.dol.gov/dol/email.htm> in order to receive notification by e-mail alerting you to newly available information from the Division.

Sincerely,

A handwritten signature in dark ink, appearing to read "Helen M. Applewhaite", with a stylized flourish at the end.

Helen M. Applewhaite, Branch Chief
Family and Medical Leave Act and Other Labor Standards
Wage and Hour Division
United States Department of Labor