

U. S. DEPARTMENT OF LABOR
WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS
EMPLOYMENT STANDARDS ADMINISTRATION

WASHINGTON, D.C. 20210

MAY 11 1971

MEMORANDUM #96



TO: Agencies Administering Statutes Referred to in
29 CFR, Subtitle A, Part 5

SUBJECT: SUMMER EMPLOYMENT OF YOUTH ON FEDERALLY FINANCED AND
FEDERALLY ASSISTED CONSTRUCTION PROJECTS

Memorandum #71 (copy enclosed), provides an administrative position under which the Department of Labor will take no exception to the practice of paying summer employees below the predetermined journeyman's rate pursuant to a bona fide Youth Opportunity Program. One of the conditions stated in Memorandum #71 is that such employment must be agreed to by the collective bargaining agent. In order to provide similar opportunities for young people for summer employment in firms in which employees are not represented by a collective bargaining agent, it has been decided to amplify the position stated in Memorandum #71 to provide that, where there is no collective bargaining agreement but where all the other conditions as stated are met, the contracting agency and the contractor may by agreement reclassify such bona fide students at rates below the journeyman's rate. Except where such employment is pursuant to an existing agreement negotiated between labor and management or is otherwise approved by some authorized Federal agency, such as by the Secretary of Transportation pursuant to section 12(c) of the Federal Aid Highway Act of 1968, it is essential for enforcement purposes that the specific provisions of the agreement be reduced to writing and that a copy be furnished to this office. Also, such employment must be in accordance with statutory age and minimum wage requirements.

Horace E. Menasco
Horace E. Menasco
Administrator