

Fair Labor Standards Act (FLSA) Section 14(c) Advisor

This Fair Labor Standards Act (FLSA) Section 14(c) Advisor provides guidance on Section 14(c) of the Fair Labor Standards Act (FLSA), which authorizes employers, after receiving a certificate from the U.S. Department of Labor (DOL) Wage and Hour Division (WHD), to pay special minimum wages - wages less than the Federal minimum wage - to workers who have disabilities for the work being performed. The certificate also allows the payment of wages that are less than the prevailing wage to workers who have disabilities for the work being performed on contracts subject to the McNamara-O'Hara Service Contract Act (SCA) and the Walsh-Healey Public Contracts Act (PCA). The Regulations applicable to FLSA Section 14(c) are contained at 29 CFR Part 525.

Under FLSA Section 14(c), a worker who has a disability for the job being performed is one whose earning or productive capacity is impaired by a physical or mental disability, including those relating to age or injury. Disabilities that may affect productive capacity include blindness, mental illness, mental retardation, cerebral palsy, alcoholism, and drug addiction. The following, taken by themselves, are not considered to be disabilities for purposes of paying special minimum wages: educational disabilities, chronic unemployment, receipt of welfare benefits, nonattendance at school, juvenile delinquency, and correctional parole or probation.

The FLSA 14(c) Advisor helps employers of workers with disabilities, employees with disabilities, and their family members understand the circumstances under which an employer may pay wage rates that are less than the applicable Federal minimum wage. However, the Advisor does not include every possible situation. No conclusion should be drawn from the fact that a subject or an illustration may not be addressed.

For a general overview of the major provisions of FLSA Section 14(c), please read [Fact Sheet No. 39, *The Employment of Workers with Disabilities at Special Minimum Wages*](#). For detailed information about FLSA Section 14(c), please proceed with the Advisor by selecting continue.

The FLSA Section 14(c) Advisor is one of a series of **elaws** (Employment Laws Assistance for Workers and Small Businesses) Advisors developed by the U.S. Department of Labor (DOL) to help employers and employees understand their rights and responsibilities under Federal employment laws. To view the entire list of **elaws** Advisors please visit the [elaws website](#). To learn more about DOL's efforts to promote and achieve compliance with labor standards in place to protect and enhance the welfare of the nation's workforce, visit the [Wage and Hour Division \(WHD\) website](#).