

UNITED STATES DEPARTMENT OF LABOR

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DIVISION OF LABOR STANDARDS

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LABOR STANDARDS

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Wage-Hour Legislation

THE ENACTMENT by Congress on June 14, 1938, of the Fair Labor Standards Act of 1938 will put Nation-wide wage, hour, and child labor standards into effect on October 24 for workers employed in industries engaged in interstate commerce or in the manufacture of goods shipped in interstate commerce.

In brief, the act fixes a minimum wage of 25 cents an hour for the first year, 30 cents an hour for the next 6 years, and provides for the appointment by the Administrator of wage boards for each industry, to recommend at any time minimum rates higher than these rates but not to exceed 40 cents an hour. During the first year, the basic work week is set at 44 hours; during the second year, at 42 hours, and thereafter at 40 hours. Overtime in excess of the basic work week is permitted upon the payment of time and a half. Special overtime provisions are made in the case of certain collective bargaining agreements and in industries declared to be seasonal by the Administrator. Agriculture and certain specified occupations and industries are exempt from the act.

The act prohibits the shipment of goods in interstate commerce from establishments in which oppressive child labor has been employed within 30 days prior to the removal of such goods. The act defines oppressive child labor as the employment of a minor under 16 years of age, or between 16 and 18 in such occupations as shall be declared by the Chief of the Children's Bureau to be particularly hazardous.

The act creates a Division of Wages and Hours within the Department of Labor, and provides for the appointment of an Administrator of the Division by the President subject to approval of the Senate. The Children's

Bureau of the United States Department of Labor will administer the child-labor provisions.

Penalties in the form of fine and imprisonment are provided in case of violation and employees may institute court proceedings to collect wages due under the terms of the act. A brief analysis of the act can be obtained as a reprint from the July 1938 *Labor Information Bulletin*, Bureau of Labor Statistics, United States Department of Labor.

Elmer F. Andrews, newly appointed Administrator in the United States Department of Labor for the Federal Fair Labor Standards Act, comes with a wealth of valuable experience in the administration of laws such as he will be called upon to administer. A graduate engineer with wartime aviation service, with management experience in railroad and industrial-building construction, Mr. Andrews became consulting engineer for the Borough of Queens in New York City, was appointed Deputy Industrial Commissioner for New York State in 1929, and, when his chief was called to the position of Secretary of the United States Department of Labor, was made Industrial Commissioner for New York.

As Industrial Commissioner, Mr. Andrews has had direct experience in the field of minimum wage and hours legislation. New York has for many years enforced hours regulations and in 1933 it adopted a minimum wage law for women and minors. A minimum wage order was issued for the laundry industry and progress was being made toward the coverage of other industries when the act was declared unconstitutional in June 1936. Immediately

upon the favorable decision of the Supreme Court in the Washington case, New York moved to reinstate minimum-wage legislation, and the new law, under which two minimum-wage orders have already been issued, was passed in April 1937.

Mr. Andrews' new duties will permit the use of this most valuable experience in a national field.

The United States Department of Labor has received a number of requests from the States for suggestions for language for State legislation to supplement the Federal wages and hours bill. To facilitate careful discussion of the policies involved, the Secretary of Labor

has invited the following persons to meet previous to the Fifth National Conference on Labor Legislation to be held in November: Ralph M. Bashore, secretary, Department of Labor and Industry, Pennsylvania; Martin P. Durkin, director, Department of Labor, Illinois; A. L. Fletcher, commissioner, Department of Labor, North Carolina; William M. Knerr, chairman, Industrial Commission, Utah; W. A. Pat Murphy, commissioner, Oklahoma Department of Labor, Oklahoma; Lee Pressman, Committee for Industrial Organization; Hon. Bernard L. Shientag, justice, Supreme Court of New York; Joseph M. Tone, commissioner, Department of Labor and Factory Inspection, Connecticut; Robert J. Watt, American Federation of Labor.

New State Labor Laws

EXCEPT for some special sessions, the legislative year 1938 is practically over. Since the June issue, *Louisiana* has enacted an important series of labor measures, including a minimum-wage law for women and girls, an 8-hour day and 48-hour week for women and minors, further regulation of private employment agencies, a boiler-inspection law, and a measure to promote voluntary apprentice training. Although due to various limitations and exemptions not all employees will benefit from these laws, new kinds of protection have been extended in very substantial measure to the wage-earners of the State.

New Jersey has followed New York in passing a law prohibiting age limits in holding State or municipal civil-service examinations and in making appointments, except for a few positions such as policemen and firemen.

The fourth annual digest of State and Federal labor legislation to be issued by the Division of Labor Standards is now in press and will be available early in the fall, covering the enactments of 1938.

Labor Laws and the New York Constitution

The new constitution of New York State, to be voted on this November, expressly guarantees the workers' right to organize and bargain collectively through representatives of their own choosing; provides for fixing an 8-hour day, 5-day week, and requires payment of the prevailing rate of wages in public works; authorizes the legislature to establish old-age pensions, unemployment insurance, and health insurance; and authorizes bond issues for low-cost housing.