

WAGE AND HOUR DIVISION
U. S. Department of Labor

LEGAL FIELD LETTER NO. 10

SUBJECT: Report of Fines through March, 1940

The following pages contain a schedule of fines, except nominal ones, imposed from December, 1939 through March, 1940 for violations of the Fair Labor Standards Act.

This Legal Field Letter replaces the mimeographed memorandum to all field attorneys of December 15, 1939, which carried a schedule of fines through November, 1939.

Issued April 3, 1940

(3924)

<u>NAME</u>	<u>PAID</u>	<u>SUSPENDED</u>	<u>TOTAL</u>	<u>DATE</u>
	<u>1939</u>			
	<u>JANUARY</u>			
	-----	-----	-----	-----
	<u>FEBRUARY</u>			
Brown's Contract Stitching Co. (Mass.)	\$1,500	\$4,500	\$6,000	2-28
Total	\$1,500	\$4,500	\$6,000	
	<u>MARCH</u>			
Gerber Shoe Company (Mass.)	\$2,000	\$6,000	\$8,000	3-3
Bay Shoe Company (Me.)	1,500	1,000	2,500	3-27
Total	3,500	7,000	10,500	
Brt. For.	1,500	4,500	6,000	
Cum. Total	\$5,000	\$11,500	\$16,500	
	<u>APRIL</u>			
Picardy Mills, Inc. (N.Y.)	\$3,000	\$12,000	\$15,000	4-10
Total	\$3,000	\$12,000	\$15,000	
Brt. For.	5,000	11,500	16,500	
Cum. Total	\$8,000	\$23,500	\$31,500	
	<u>MAY</u>			
Rubin Bros. Footwear (Ga.)	\$3,000	\$12,000	\$15,000	5-10
Arlington Shoe Mfg. Co. (Mass.)	4,000	---	4,000	5-31
Total	7,000	12,000	19,000	
Brt. For.	8,000	23,500	31,500	
Cum. Total	\$15,000	\$35,500	\$50,500	
	<u>JUNE</u>			
Fisher Shoe Company (Mass.)	\$7,000	---	\$7,000	6-5
Crown Trouser Company (Pa.)	2,000	44,000	46,000	6-6
Ascutney Shoe Company (Mass.)	7,000	---	7,000	6-13
Kobrin Manufacturing Co. (N.Y.)	500	11,000	11,500	6-16
Sussex Hats, Inc. (Mass.)	1,500	---	1,500	6-26
Total	18,000	55,000	73,000	
Brt. For.	15,000	35,500	50,500	
Cum. Total	\$33,000	\$90,500	\$123,500	

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	1939			
	JULY			
McKetrick-Williams, Inc. (Me.)	\$1,850	\$1,850	\$3,700	7-5
Myrna Shoe Manufacturing Co. (N.H.)	4,000	4,000	8,000	7-11
Washington Shoe Company (N.H.)	2,000	-----	2,000	7-15
Kartiganer & Company (Mass.)	5,000	-----	5,000	7-25
Clare, Ltd. (Ill.)	1,500	-----	1,500	7-26
Home Foundry Company (Ill.)	1,000	-----	1,000	7-26
Total	15,350	5,850	21,200	
Brt. For.	33,000	90,500	123,500	
Cum. Total	\$48,350	\$96,350	\$144,700	
	AUGUST			
Novelty Cord and Tassel Co. (N.Y.)	\$1,500	\$6,000	\$7,500	8-2
Camilla Hosiery Mills (Ga.)	250	-----	250	8-15
Morehead City Garment Co. (Me.)	1,250	5,000	6,250	8-25
Beaver Shirt Manufacturing Co. (N.Y.)	1,250	-----	1,250	8-25
Total	4,250	11,000	15,250	
Brt. For.	48,350	96,350	144,700	
Cum. Total	\$52,600	\$107,350	\$159,950	
	SEPTEMBER			
Lawrence Hat Company (Mass.)	\$6,000	-----	\$6,000	9-2
Adams Shoe Company (Mass.)	5,000	-----	5,000	9-11
Fownes Brothers & Co. (N.Y.)	7,500	-----	7,500	9-11
Total	18,500	-----	18,500	
Brt. For.	52,600	107,350	159,950	
Cum. Total	\$71,100	\$107,350	\$178,450	
	OCTOBER			
Higgenbotham-Bailey-Logan Co. (Texas)	\$2,500	-----	\$2,500	10-7
Suffolk Shoe Company (Mass.)	5,000	-----	5,000	10-10
Reade Manufacturing Co. (Mo.)	3,500	-----	3,500	10-17
Wolf Manufacturing Co. (Mass.)	3,500	-----	3,500	10-24
Universal Manufacturing Co. (Mo.)	3,000	-----	3,000	10-27
Siegal Manufacturing Co. (Texas)	1,000	5,000	6,000	10-28
Total	\$18,500	\$5,000	\$23,500	
Brt. For.	71,100	107,350	178,450	
Cum. Total	\$89,600	\$112,350	\$201,950	

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	<u>1939</u>			
	<u>NOVEMBER</u>			
Mylan Manufacturing Co. (Tenn.)	\$6,000	\$-----	\$6,000	11-3
Consumer Shirt Company (Va.)	2,400	-----	2,400	11-15
Superior Coat Makers (Mo.)	3,000	5,000	8,000	11-21
Allied Golf Corporation (Ill.)	5,000	15,000	20,000	11-22
Miller-Gebhardt Co. (Ill.)	6,000	-----	6,000	11-24
Total	\$22,400	\$20,000	\$42,400	
Brt. For.	89,600	112,350	201,950	
Cum. Total	\$112,000	\$132,350	\$244,350	
	<u>DECEMBER</u>			
Bristol Mfg. Co.	\$2,000	0	\$2,000	12-6
Sanford Furniture Co.	1,500	0	1,500	12-7
Total	\$3,500	0	\$3,500	
Brt. Forward	112,000	132,350	244,350	
Cum. Total	\$115,500	\$132,350	\$247,850	
	<u>1940</u>			
	<u>JANUARY</u>			
Kesslen Shoe Co.	\$3,500	0	\$3,500	1-22
Mitchell Shoe Co.	3,500	0	3,500	1-22
Total	\$7,000	0	\$7,000	
Brt. Forward	115,500	\$132,350	247,850	
Cum. Total	\$122,500	\$132,350	\$254,850	
	<u>FEBRUARY</u>			
Chicago Macaroni Co.	\$5,000	0	\$5,000	2-26
Glabman Bros., Inc.	5,000	0	5,000	2-29
Total	\$10,000	0	\$5,500	
Brt. Forward	122,500	\$132,350	254,850	
Cum. Total	\$132,500	\$132,350	\$260,350	
	<u>MARCH</u>			
Dolomar Dress Co.	\$1,000	0	\$1,000	3-5
Waynesboro Veneer Co.	1,000	0	1,000	3-7
Samuel Berman	1,000	0	1,000	3-8
Gilman, Inc.	1,500	0	1,500	3-16
Southern Tobacco Co., Inc.	4,500	0	4,500	3-19
Jas. I. Miller Tobacco Co.	2,500	0	2,500	3-19
Total	\$11,500	0	\$11,500	
Brt. Forward	132,500	\$132,350	260,350	
Cum. Total	\$143,500	\$132,350	\$271,850	

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be reduced. For this reason, we cannot place too much emphasis upon the fact that a union has agreed to a particular method of overtime computation and embodied it in an agreement "for a long term of employment and very complete in its coverage of details."

The fact that the National Carloading Corporation contract provides for the working of less than 48 hours is further indication that the employee is not employed at all times at a regular rate of pay arrived at by dividing the weekly compensation by 48.

It is recognized that the problem presented is rather a difficult one. However, the actual number of hours worked, and not the agreed workweek, should be taken as the basis for computing the regular rate of pay. This opinion should be followed until we gather more experience with it and further study is made of its possible ramifications.