

Office of the Solicitor
U. S. Department of Labor
November 30, 1940

LEGAL FIELD LETTER

NO. 38 .

SUBJECT: SPORTSWEAR UNDER APPAREL WAGE ORDER

Inquiry has been made by several regional offices concerning the scope of the definition for the sportswear division of the apparel industry to which a 40 cent rate applies. The definition of this division indicates that it covers primarily such garments as outerwear jackets. It includes all such jackets except overall jackets and washable service coats. Overall jackets, subject to a 32-1/2 cent rate, are for the most part characterized by being made from blue denim materials, except for the lining which may be of any material, by triple or double stitching, patch pockets, and the absence of lapels, waistband, and other styling. Washable service coats, subject to a 35 cent rate, are light coats made for indoor use in hotels, restaurants, retail stores, hospitals, dental and medical offices, etc., and designed to withstand frequent washing. Men's slack suits consisting of a shirt (as distinguished from a jacket) and matching slacks are not sportswear. The shirts in such combinations are subject to the 32-1/2 cent rate for the dress shirt division which includes sport shirts, and the trousers are single pants subject to a 32-1/2 cent or a 37-1/2 cent rate, depending upon whether or not they contain any fabric not 100 percent cotton.

Issued 12/11/40