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WEEKLY REPORT OF MAJOR OPERATING STATISTICS

WAGE AND HOUR DIVISION

WEEK ENDING OCTOBER 31, 1939

Prepared by
Economic Section
Wage-Hour Standards Branch
November 2, 1939
(2383)

Oct 31 1939

WEEKLY REPORT OF
MAJOR OPERATING STATISTICS

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INTRODUCTORY NOTES

During the week ending October 21st ^{1/} there were 21 cases on which final action was taken, making the total cases closed or dropped by the Wage and Hour Division 693 (See Section F). Of the 693 cases, 438 or 63.2 per cent were closed by settlement, and 255 or 36.8 per cent were dropped either because no violation was found or because the firm was not covered by the Act. It appears that over 63 per cent of investigations based on complaints substantiate the violations alleged in the complaints. When we consider that where investigations involve violations a longer time is necessary to report the case than is necessary for dropped cases, it is probable that this percentage will increase after more inspections are finally reported.

Of the 21 cases which were closed or dropped the week ending October 21st, 16 were closed by settlement. Restitution amounting to \$5,088 was paid to 356 employees (See Section H). Through October 21st back wages amounting to \$198,534 was paid to 14,066 employees or an average of \$14.11 per employee. To date the average amount of restitution secured per case has been \$453.27.

The 693 cases on which final action has been taken represent 21.6 per cent of the 2,710 cases assigned for inspection (See Section G). The remaining 2,017 cases are still pending final action. The 2,710 cases assigned represent 21.6 per cent of the 12,555 inspections required, based on complaints presumed to be valid. Thus there are 9,845 cases or 78.4 per cent of the total awaiting assignment.

^{1/} The latest week for which Weekly Field Office Activity Reports are available.

As shown in Section A there were 662 complaints received during the week ending October 21st, bringing the total complaints filed with the Wage and Hour Division up to 25,079. The average daily receipt of complaints for the past few weeks has been 110 per day. This is the highest daily average since the four weeks ending December 17, 1938 when the daily average receipt was 120 per day.

There have been nine more cases referred to the Legal Branch making a total of 387 referred to that Branch. During the week, one case believed not suitable for legal action was returned to the Cooperation and Inspection Branch without action, thus making a total of 161 so returned.^{1/} The Department of Justice instituted criminal proceedings on one case during the week. This makes a total of 50 cases in which criminal proceedings have been instituted. In 25 of these 50 cases, the defendants have plead guilty and fines totaling \$448,600 have been imposed.

Of the 40 civil suits which have been instituted by the Legal Branch, 38 consent decrees have been obtained and two injunctions have been denied. An appeal is pending on one of these two cases.

The Handicapped Workers Unit of the Hearings and Exemptions Section has received 89 applications requesting exemptions from the minimum wage provisions of the Act for handicapped workers during the past week and has acted on 81 applications during the week, making a total of 5,556 applications received and 5,446 on which action has been taken. Of the 5,446 applications acted on; 2,287 have been granted; 2,484 denied; 662

^{1/} No record is available of cases returned to Cooperation and Inspection by Legal Branch during first few months of operations when practically all case reports were reviewed by Legal Branch.

suspended for further information; and 13 were cancelled. Thus 42 per cent or two out of every five applications acted on have resulted in the issuance of special certificates.

During the past week, the Learners Unit of the Hearings and Exemptions Section has received 41 applications for exemptions from the minimum provisions of the Act for learners making a total of 1,129 applications received. The Unit acted on 50 applications, making a total of 877 on which action has been taken. Of the 877 applications acted on, 655 have been granted; 153 denied; 55 held for the results of hearings or findings; and 14 cancelled.

The majority of applications granted have been received from the hosiery industry. A good number of the recent applications granted have been received from the apparel industry. A number of these had been previously denied.

In comparing the number of applications for handicapped workers' certificates with those for learners, it must be remembered that each application for a handicapped workers' certificate covers only one worker, whereas each application for a learners' certificate covers one plant and may involve a considerable number of workers.

WEEKLY REPORT OF MAJOR OPERATING STATISTICS
Cooperation and Inspection Branch
Week Ending October 31, 1939

Item	This Week	Cumulative Total
A. <u>Status of Complaints Received for Analysis 1/</u>		
1. Total received	<u>662</u>	<u>25,079</u>
a. Establishments complained against	<u>490</u>	<u>19,694</u>
b. Multiple complaints	<u>172</u>	<u>5,385</u>
2. Analyzed	<u>498</u>	<u>22,897</u>
3. Per cent of receipts analyzed		<u>91.3%</u>
4. In process of analysis or on hand at close of business	<u>2,182</u>	
B. <u>Complaints Analyzed Classified by Type 1/</u>		
1. Total analyzed (Same as A-2)	<u>498</u>	<u>22,897</u>
2. Violations indicated		
a. Number	<u>395</u>	<u>16,119</u>
b. Percent of total analyzed		<u>70.4%</u>
3. No violations indicated		
a. Number	<u>68</u>	<u>3,570</u>
b. Per cent of total analyzed		<u>15.6%</u>
4. More information required		
a. Number	<u>19</u>	<u>2,116</u>
b. Per cent of total analyzed		<u>9.2%</u>
5. Doubtful		
a. Number	<u>14</u>	<u>860</u>
b. Per cent of total analyzed		<u>3.8%</u>
6. Dropped		
a. Number	<u>2</u>	<u>232</u>
b. Per cent of total analyzed		<u>1.0%</u>

1/ Data presented is based on the CI-42 Reports received from Field Offices for the week ending October 21, 1939, the latest data available.

NOTE: Items C and D of this report have been eliminated.

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WEEKLY REPORT OF MAJOR OPERATING STATISTICS
Cooperation and Inspection Branch
Week Ending October 31, 1939

Item	This Week	Cumulative Total
E. <u>Examination of Regular Inspection Reports</u>		
1. Total Regular Inspection Reports received	<u>67</u>	<u>2,365</u>
2. Total reports examined	<u>49</u>	<u>2,242</u>
a. Original reports	<u>43</u>	<u>1,689</u>
b. Additional reports ^{1/}	<u>6</u>	<u>553</u>
3. Balance on hand at close of business	<u>123</u>	
4. Percent of reports examined to total received		<u>94.8%</u>
5. Percent of reports returned for further investigation		<u>69.1%</u>
F. <u>Cases Closed or Dropped by Type of Action Taken</u> ^{2/}		
1. Total closed or dropped	<u>21</u>	<u>693</u>
2. Closed	<u>16</u>	<u>438</u>
a. On authority of field staff	<u>11</u>	<u>71</u>
b. On authority of central office	<u>5</u>	<u>367</u>
3. Dropped	<u>5</u>	<u>255</u>
a. Because no violation was found	<u>3</u>	<u>168</u>
b. Because firms were not covered	<u>2</u>	<u>87</u>

^{1/} Additional reports are submitted on cases requiring further investigation after the original report on the inspection has been received.

^{2/} Reduced by twenty-five cases erroneously reported closed.

WEEKLY REPORT OF MAJOR OPERATING STATISTICS--Continued
 Cooperation and Inspection Branch
 Week Ending October 31, 1939

Item	This Week	Cumulative Total
G. <u>Status of Cases Under Investigation, Closed, Dropped, or on Hand</u>		
1. Cases requiring inspection by complaints found valid <u>1/</u>	<u>252</u>	<u>12,555</u>
2. Cases assigned	<u>102</u>	<u>2,710</u>
3. Cases pending assignment	<u>9,845</u>	
4. Per cent of assigned cases to total cases		<u>21.6%</u>
5. Cases closed or dropped <u>2/</u>	<u>21</u>	<u>693</u>
6. Assigned cases pending disposition	<u>2,017</u>	
7. Percent of assigned cases on which final action has been taken		<u>25.6%</u>
H. <u>Number of Employees Affected and Amount of Back Payment Made in Cases Under Investigation</u>		
1. Employees receiving back payment	<u>356</u>	<u>14,066</u>
2. Amount of back payment	<u>\$5,088</u>	<u>\$198,534</u>

1/ Since multiple complaints are filed against individual establishments, the number of inspections in G-1 will usually be less than the number of complaints found to indicate violations in B-2.

2/ See footnote to Section E

WEEKLY REPORT OF MAJOR OPERATING STATISTICS--Continued
 Legal Branch
 Week Ending October 31, 1939

Item	This Week	Cumulative Total
I. <u>Status of Cases Referred to Legal Branch for Enforcement Proceedings</u>		
1. Total	<u>9</u>	<u>387</u>
2. Total acted on:	<u>1</u>	<u>280</u>
a. Cases referred to Department of Justice (J1 minus J5)	<u>0</u>	<u>74</u>
b. Civil actions instituted <u>1</u> / ¹	<u>0</u>	<u>45</u>
c. Cases returned to Cooperation and Inspection Branch	<u>1</u>	<u>161</u>
3. Pending action at end of week	<u>107</u>	
J. <u>Status of Cases Referred to Department of Justice by Legal Branch</u>		
1. Total	<u>0</u>	<u>79</u>
2. Criminal actions instituted	<u>1</u>	<u>50</u>
a. By information	<u>1</u>	<u>11</u>
b. By indictment	<u>0</u>	<u>39</u>
3. Criminal actions closed	<u>0</u>	<u>25</u>
a. Defendant plead guilty	<u>0</u>	<u>25</u>
b. Defendant found guilty (after trial)	<u>0</u>	<u>0</u>
c. Defendant acquitted (after trial)	<u>0</u>	<u>0</u>
d. Fines imposed (approximate)	-	<u>\$448,600</u>
(a) Collected	-	<u>81,850</u>
(b) Suspended	-	<u>366,750</u>
4. Criminal actions pending	<u>25</u>	
5. Number of cases returned to Legal Branch by Department of Justice	<u>0</u>	<u>5</u>
6. Number of cases under consideration by Department of Justice	<u>24</u>	

1/ Includes cases returned to Legal Branch by Department of Justice because not suitable for criminal action.

WEEKLY REPORT OF MAJOR OPERATING STATISTICS--Continued
 Legal Branch
 Week Ending October 31, 1939

Item	This Week	Cumulative Total
K. <u>Status of Civil Actions Instituted by</u> <u>Legal Branch</u>		
1. Total (Same as I 2b)	<u>0</u>	<u>45</u>
2. Cases closed (in district courts)	<u>0</u>	<u>40</u>
a. Injunction granted	<u>0</u>	<u>38</u>
(1) contested	<u>0</u>	<u>0</u>
(2) uncontested (consent decree)	<u>0</u>	<u>38</u>
b. Injunction denied	<u>0</u>	<u>2</u>
3. Cases pending (in district courts)	<u>5</u>	<u> </u>
4. Cases pending on appeal from adverse decisions	<u>0</u>	<u>1</u>
5. Appeals from adverse decisions under consideration	<u>0</u>	<u>1</u>

WEEKLY REPORT OF MAJOR OPERATING STATISTICS—Continued
 Hearings and Exemptions Section
 Handicapped Workers Unit
 Week Ending October 31, 1939

Item	This Week	Cumulative Total
<u>L. Status of Applications Received</u>		
1. Received	<u>89</u>	<u>5,556</u>
2. Total acted on	<u>81</u>	<u>5,446</u>
3. Pending action at end of week	<u>110</u>	
4. Percent of applications acted on		<u>98.0%</u>
<u>M. Status of Applications Acted on</u>		
1. Total number acted on (Same as L-2)	<u>81</u>	<u>5,446</u>
a. Certificates granted	<u>34</u>	<u>2,287</u>
b. Applications denied	<u>-2</u>	<u>2,484</u>
c. Applications suspended	<u>49</u>	<u>662</u>
d. Applications cancelled or withdrawn	<u>0</u>	<u>13</u>
<u>N. Requests for Reconsideration</u> (Figures used indicate number of employees involved)		
1. Received	<u>3</u>	<u>1,012</u>
2. Number reconsidered	<u>2</u>	<u>991</u>
3. Pending reconsideration at end of week	<u>21</u>	
4. Percent of requests for reconsideration acted on		<u>97.9%</u>

WEEKLY REPORT OF MAJOR OPERATING STATISTICS—Continued
 Hearings and Exemptions Section
 Handicapped Workers Unit
 Week Ending October 31, 1939

Item	This Week	Cumulative Total
<u>0. Decision After Reconsideration</u>		
1. Total reconsidered (Same as N-2)	<u>2</u>	<u>991</u>
a. Denials reversed	<u>2</u>	<u>505</u>
b. Denials sustained	<u>0</u>	<u>343</u>
c. Certificates cancelled	<u>0</u>	<u>8</u>
d. Certificates sustained	<u>0</u>	<u>34</u>
e. Certificate rate increased	<u>0</u>	<u>2</u>
f. Certificate rate decreased	<u>0</u>	<u>35</u>
g. Held for further information	<u>0</u>	<u>64</u>

WEEKLY REPORT ON OPERATING STATISTICS—Continued
 Hearings and Exemptions Section
 Learners' Application Unit
 Week Ending October 31, 1939

Item	This Week	Cumulative Total
<u>P. Status of Applications Received</u>		
1. Received	<u>41</u>	<u>1,129</u>
2. Total acted on	<u>50</u>	<u>877</u>
3. Pending action at end of week	<u>252</u>	.
4. Percent of applications acted on		<u>77.7%</u>
<u>Q. Action Taken on Original Applications</u>		
1. Total acted on (Same as P-2)	<u>50</u>	<u>877</u>
2. Certificates issued	<u>54</u>	<u>655</u>
3. Applications denied	<u>-10</u>	<u>153</u>
4. Applications suspended awaiting industry hearings or findings	<u>2</u>	<u>55</u>
5. Applications canceled (invalid or withdrawn)	<u>4</u>	<u>14</u>
<u>R. Status of Cases Held for Reconsideration After Approval or Denial</u>		
1. Held for reconsideration this week	<u>0</u>	<u>90</u>
2. Reconsideration cases acted on	<u>28</u>	<u>76</u>
3. On hand for reconsideration at end of week	<u>14</u>	
4. Percent of cases held for reconsi- deration acted on		<u>84.4%</u>

WEEKLY REPORT ON OPERATING STATISTICS—Continued
 Hearings and Exemptions Section
 Learners' Application Unit
 Week Ending October 31, 1939

Item	This Week	Cumulative Total
<u>S. Decision after Reconsideration</u>		
1. Total cases acted on (Same as R-2)	<u>28</u>	<u>76</u>
2. Certificates affirmed	<u>18</u>	<u>26</u>
3. Certificates reversed	<u>0</u>	<u>1</u>
4. Denials affirmed	<u>0</u>	<u>16</u>
5. Denials reversed	<u>10</u>	<u>33</u>
<u>T. Conferences or Hearings Held</u>	<u>0</u>	<u>18</u>