

## **FLSA-1100**

September 13, 1984

This is in response to your January 10, request for reconsideration of my opinion of December 19, stating that the barrettes and headbands your firm manufactures are subject to the restriction on homework in the jewelry manufacturing industry found in Regulation, 29 CFR Part 530.

Following a January 17 meeting with my staff, you contacted 12 jewelry and fashion associations to obtain their opinion on whether the barrettes and headbands manufactured by your firm are part of the jewelry manufacturing industry. In a letter dated January 30, you indicated that 7 of the 8 responding associations said the items were not jewelry.

We also conducted a further review of the types of merchandise produced by the jewelry manufacturing industry as listed in the 1982-83 "The Buyers' Guide" of the Manufacturing Jewelers and Silversmiths of America, Inc. Only 38 of 1057 manufacturing jewelers produced hair accessories or hair ornaments made of plastic. An additional survey was conducted in which 10 of the hair accessory/hair ornament manufacturing jewelers were asked whether "barrettes and handbands made of plastic and decorated with ribbon and/or plastic trimming are properly part of the jewelry manufacturing industry." The majority response, 6 of 10 for barrettes and 7 of 10 for headbands, was that these products were not part of the jewelry industry.

In light of this new information, I have reevaluated the previous position, and have determined that the barrettes and headbands which your firm manufactures are not normally produced by the jewelry manufacturing industry. Therefore, these items are not subject to the restrictions on homework in the jewelry manufacturing industry found in Regulation 29 CFR Part 530.

If you have any questions, do not hesitate to contact me.

Sincerely,

William M. Otter  
Administrator