

A STATEMENT BY MR. ELMER F. ANDREWS AT
THE FIFTH NATIONAL CONFERENCE ON LABOR LEGISLATION
Washington, D. C. - November 16, 1938.

COOPERATION BETWEEN THE WAGE AND HOUR DIVISION OF THE
U. S. DEPARTMENT OF LABOR AND STATE DEPARTMENTS OF
LABOR IN THE ADMINISTRATION OF THE FAIR LABOR STANDARDS ACT.

Each of us in this room has looked forward for many years to the day when we would have a "floor for wages, a ceiling for hours, and a break for children." And now we face together the job of administering wisely and ably the provisions of an Act which provides these standards. It cannot be done without the help of every person in this room and without the utilization of all the facilities which you have built up in the States over a period of years to protect workers and to provide better conditions of employment.

The administration of the Fair Labor Standards Act is a task which requires the skill and cooperative effort of all persons and agencies interested in furthering the purposes of the Act. It has been gratifying to have offers of assistance from governors and from labor commissioners and to know that you are willing to exert every possible effort to make the law effective. Miss Lenroot and I have given a great deal of thought to the best means by which all of us can cooperate to accomplish this end. In a few minutes Miss Lenroot will discuss the possibilities of cooperation from the point of view of the Children's Bureau.

We in the Wage and Hour Division look forward to the time when each State will be equipped to take over all investigations and inspections in connection with the administration of the wage and hour provisions of

the Fair Labor Standards Act. We do not want to wait, we cannot afford to wait, until that time comes before we set up a plan of cooperation between the Federal and State governments for the administration of the Act. The task of **advising** employers and employees must be undertaken at once and requires the concerted effort of all of us. We would like to ask your immediate help in undertaking the following program. We ask that you assist us by:

(1) Reporting to the Wage and Hour Division on situations that appear to be in violation of the wage or hour provisions.

(2) Providing the Wage and Hour Division with lists of low paid industries and establishments in your State.

(3) Distributing to interested parties official rulings and interpretations which are sent out from the Washington office.

(4) Referring complaints to the Wage and Hour Division. Complaint forms will be furnished you for use should you wish them. In places where there are local representatives of the Wage and Hour Division complaints and requests for information would be referred to them, of course. The handling of complaints or requests concerning the child labor provisions of the Act will be discussed very shortly by Miss Lenroot.

(5) Referring requests for interpretations of the Act to the Wage and Hour Division. You will readily understand that during this difficult, formative period it would be most unwise to have interpretations made in the field either by our own staff or by State labor departments.

In States where labor departments are able and willing to make an arrangement for representatives of the Wage and Hour Division and the Children's Bureau to work out of their offices a plan of cooperation might well be

formulated and put into operation before official designation of an agency for all work in the State is feasible. We expect our field staff to work with State labor departments in such a way that they will support and further the work you are doing. We are depending on you to give our field staff aid and counsel. We realize that the means by which such a plan of cooperation can be most effectively set up will differ from State to State. We hope to discuss with you proposals concerning this.

The Wage and Hour Division expects eventually, with your consent, to utilize State departments of labor in making all investigations and inspections under the wage and hour provisions of the Fair Labor Standards Act. Provisions for such a plan were made in Section 11(b) of the Act.

There are two reasons why such competitive arrangements cannot be entered into immediately. The first is a financial reason. Until Congress meets and appropriates funds there is no money to reimburse States for their services. I know from my own experience as a labor commissioner and from my previous contacts with you that no State labor department in the United States has sufficient staff to enforce adequately the labor laws coming under its jurisdiction, and that no State would be willing to accept the responsibility of being designated as the agency within the State to make all investigations and inspections unless funds could be made available for meeting this responsibility.

We expect funds to be appropriated by the Seventy-sixth Congress which will make possible the proper administration of this important piece of social legislation. In the meantime, the Wage and Hour Division and the Children's Bureau have prepared minimum standards for States desiring to

be authorized to make investigations and inspections under the Fair Labor Standards Act. You realize, of course, that it is essential to set up such standards in order to insure uniform administration of the law. Copies of the standards will be distributed later and discussed with you by Major Fletcher.

The second reason why a cooperative arrangement cannot be entered into immediately is the necessity for working from a central office during the formative period when policies are being established and standard procedures are being developed. It is unnecessary to explain to you why this is essential. You have the problem within your States of maintaining uniform policy and procedure throughout the inspection districts. The Federal problem is the same except that it is magnified.

The Fair Labor Standards Act, while similar to State child labor, maximum hours and minimum wage laws, differs in a number of important points from existing State legislation. Although we will, of course, be able to utilize methods that have been evolved by State labor law administrators, we will have to work out procedures specifically adapted to the provisions of the Act. We are in the process of doing this now.

The immediate responsibility of the Wage and Hour Division is to set up industry committees, to make definitions and rulings as required by the Act, to formulate and establish sound policies, to advise and inform employers and employees of their obligations and rights under the law, and to work out standard ways of enforcement. While we are doing this the State departments of labor will have an opportunity to enact enabling legislation, where it is necessary, permitting them to accept Federal funds and to use State staff for inspections made in connection with the Federal law. Labor departments

will also have an opportunity to make any adjustments which may be necessary to meet the standards set up for State agencies wishing to be authorized to make investigations and inspections under the Act and to be reimbursed by the Federal Government for such services. States which wish assistance in doing this may call on the Division of Labor Standards of the United States Department of Labor, or upon the Wage and Hour Division. We have all worked through and with the Division of Labor Standards since the time it was established as a service agency for State labor departments. You know the personnel of that Division; they know you. Mr. Zimmer and Mrs. Beyer stand ready to help in any way you wish.

Miss Lenroot is now going to discuss with you the plans of the Children's Bureau in regard to cooperative arrangements with State labor departments. After that we both want to discuss with you the minimum standards we have drawn up for State agencies as a basis for an agreement of affiliation.