

BEFORE THE ADMINISTRATOR, WAGE AND HOUR DIVISION,  
UNITED STATES DEPARTMENT OF LABOR  
WASHINGTON, D. C.

|                              |   |                  |
|------------------------------|---|------------------|
| In the Matter of             | : |                  |
|                              | : |                  |
| the Recommendation of        | : |                  |
|                              | : | Wage             |
| Industry Committee No. 3 for | : |                  |
|                              | : | Order            |
| Minimum Wage Rates           | : |                  |
|                              | : | August 18, 1939* |
| in the Hosiery               | : |                  |
|                              | : |                  |
| Industry                     | : |                  |
|                              | : |                  |

WHEREAS, on February 1, 1939, pursuant to Section 5 of the Fair Labor Standards Act of 1938 (hereinafter called the Act), the Administrator of the Wage and Hour Division of the United States Department of Labor by Administrative Order No. 15 appointed Industry Committee No. 3 for the Hosiery Industry and directed the Committee to recommend minimum wage rates for the hosiery industry in accordance with the provisions of Section 8 of the Act; and

WHEREAS, the Committee included five disinterested persons representing the public and a like number of persons representing employees in the hosiery industry and a like number representing employers in the hosiery industry, and each group was appointed with due regard to the geographical regions in which the hosiery industry is carried on; and

WHEREAS, on May 24, 1939, the Committee filed with the Administrator its unanimous recommendation for a  $32\frac{1}{2}$  cent an hour minimum wage rate in the seamless branch of the hosiery industry and a 40 cent an hour minimum wage rate in the full-fashioned branch of the hosiery industry; and

WHEREAS, after notice published in the Federal Register on May 27, 1939, the Administrator held at Washington, D. C., a public hearing upon the Committee's recommendation which commenced on June 12, 1939, and at which all interested persons were given an opportunity to be heard; and

WHEREAS, the Administrator upon consideration of the evidence taken at such hearing has found that the Committee's recommendations are made in accordance with law, and are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and

WHEREAS, the Administrator has set forth his findings in an opinion, entitled "Administrator's Findings in the matter of the Recommendation of Industry Committee No. 3 for Minimum Wage Rates in the Hosiery Industry," dated August 18, 1939, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.;

NOW, THEREFORE, IT IS ORDERED THAT

(1) the Committee's recommendation is hereby approved and, in accordance with such recommendation,

(a) Wages at a rate not less than  $32\frac{1}{2}$  cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the seamless branch of the hosiery industry who is engaged in commerce or in the production of goods for commerce; and

(b) Wages at a rate not less than 40 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the full-fashioned branch of the hosiery industry who is engaged in commerce or in the production of goods for commerce; and

(c) An employee covered by the terms of both paragraphs (a) and (b) above shall be paid wages at a rate not less than  $32\frac{1}{2}$  cents an hour in any plant in which 50 percent or more of the volume of

hosiery produced is seamless hosiery if a reasonable employer could not by managerial methods limit the employee's work to the full-fashioned branch of the hosiery industry; otherwise such employee shall be paid wages at a rate not less than 40 cents an hour; and

(d) Every plant employing any employees engaged in commerce or in the production of goods for commerce in the seamless or full-fashioned branches of the hosiery industry shall post and keep posted in a conspicuous place in every department of such plant where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

(e) This order shall not apply to employees engaged exclusively in the manufacture of boxes, provided that the plant completely manufactures its boxes and does not merely assemble prefabricated boxes; and

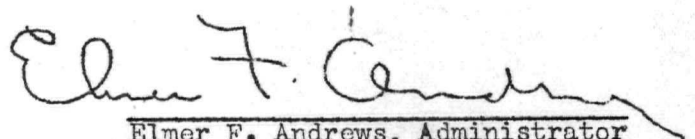
(f) This order shall become effective on September 18, 1939.

(2) The terms used in this Order are defined as follows:

(a) "The seamless branch of the hosiery industry" means the manufacturing or processing of seamless hosiery including among other processes the knitting, dyeing, clocking and all phases of finishing seamless hosiery, but not including the manufacturing or processing of yarn or thread; and

(b) "The full-fashioned branch of the hosiery industry" means the manufacturing or processing of full-fashioned hosiery including among other processes the knitting, dyeing, clocking and all phases of finishing full-fashioned hosiery, but not including the manufacturing or processing of yarn or thread.

Signed at Washington, D. C. this 18th day of August, 1939.



Elmer F. Andrews, Administrator  
Wage and Hour Division  
U. S. Department of Labor