

BEFORE THE UNITED STATES DEPARTMENT OF LABOR

WAGE AND HOUR DIVISION

WASHINGTON, D. C.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION
UPON APPLICATIONS FOR PERMISSION TO EMPLOY LEARNERS IN THE
HOSIERY INDUSTRY AT WAGES LOWER THAN APPLICABLE MINIMUM
SPECIFIED IN SECTION 6 OF THE FAIR LABOR STANDARDS ACT.

WHEREAS, The National Association of Hosiery Manufacturers, The Southern Hosiery Manufacturers' Association, and sundry other parties pursuant to Part 522 (Regulations Applicable to the Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act) made application for permission to employ learners in the hosiery industry at wages lower than the applicable minimum wage specified in Section 6 of the Act; and

WHEREAS, a hearing on said application was held before Merle D. Vincent the representative of the Administrator of the Wage and Hour Division, duly authorized to conduct the said hearing and to determine -

- (a) what, if any, occupation or occupations in the hosiery industry, or branch thereof, require a learning period, and
- (b) the factors which may have a bearing upon curtailment of opportunities for employment within the hosiery industry, or branch thereof, and
- (c) under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the hosiery industry, or branch thereof, for whatever occupation or occupations, if any, are found to require a learning period; and

WHEREAS, following such hearing the said Merle D. Vincent duly made his findings of fact and determined as follows:

"Upon the whole record of evidence, a summary and review of which appears above, I make the following determination:

That it is necessary, in order to prevent curtailment of opportunities for employment, to issue to employers in the hosiery industry, upon individual application, Special Certificates for the employment of learners at sub-minimum rates, in certain specific occupations and subject to the terms herein set forth, except where experienced workers are available for such employment. In no case shall the employment of learners under Special Certificates be authorized where experienced workers are available for employment by

the plant making application. A periodic review of the availability of experienced workers will be made and Special Certificates suspended or revoked where an adequate supply of experienced workers is indicated.

All Special Certificates granted shall be subject to the following terms:

1. Definition of Learner

(a) A learner is a worker who has had (1) less than 480 hours of experience in the aggregate in the following occupations:

<u>Seamless Branch</u>	<u>Full-fashioned Branch</u>
Knitting (except transfer top Knitting)	Boarding
Seaming	Pairing
Topping	Folding
Boarding	Examining and
Pairing	Inspecting
Folding	Mending
Examining and Inspecting	
Mending	
Welting	
Trimming and End Pulling	
Embroidering	
Hemming and Mock-seaming	
Cuff Sewing	
Monogramming	

or (2) less than 960 hours of experience in any one of the following occupations:

<u>Seamless Branch</u>	<u>Full-fashioned Branch</u>
Knitting (Transfer top knitting only)	Knitting
Looping	Looping
	Seaming
	Topping

(b) Provided that, he has had no previous experience in a particular occupation for which a learning period of 960 hours is allowed, a learner may serve one retraining period of 480 hours in such occupations; provided, however, that a learner may be retrained only once at sub-minimum rates.

2. Learners' Rates

(a) In the occupations providing a learning period of 480 hours, learners employed on a piece-rate basis shall be paid not less than $22\frac{1}{2}\phi$ an

hour in the seamless branch and not less than 25¢ an hour in the full-fashioned branch.

- (b) In the occupations providing a learning period of 960 hours, learners employed on a piece-rate basis in the seamless branch shall be paid not less than $22\frac{1}{2}$ ¢ for the first 480 hours and not less than $27\frac{1}{2}$ ¢ for the second 480 hours, and in the full-fashioned branch not less than 25¢ for the first 480 hours and not less than 30¢ for the second 480 hours.
- (c) A worker employed on a piece-rate basis who is being retrained in accordance with 1 (b) above shall be paid not less than 25¢ an hour in the seamless branch and not less than 30¢ an hour in the full-fashioned.
- (d) If experienced operators are paid on a piece work rate, learners shall be paid at least the same piece work rate as that paid workers already employed on similar work in the establishment; learners shall receive full piece work earnings whenever these exceed the applicable minimum hourly wage.
- (e) Where piece rates are not in effect, the minimum hourly learner wage for occupations limited to a 480 hour learning period and for the first 480 hours for the occupations permitting a 960 hour learning period shall be not less than $22\frac{1}{2}$ ¢ for the seamless branch and not less than 25¢ for the full-fashioned; and for the second 480 hours for the occupations permitting a 960 hour learning period the minimum hourly learner wage where piece rates are not in effect shall be not less than 29¢ for the seamless branch and not less than 35¢ for the full-fashioned.
- (f) Where piece rates are not in effect, a worker being retrained in accordance with 1 (b) above shall be paid not less than 29¢ an hour in the seamless branch and not less than 35¢ an hour in the full-fashioned branch.

3. Number of Learners

- (a) Except as otherwise provided in this Section, no learners' certificate shall authorize the employment of learners in excess of 5% of the total number of factory workers (not including office and sales personnel) employed in the plant; provided, however, that employment of as many as five learners may be authorized in any certificate.
- (b) The number of learners to be employed under any Special Certificate authorizing the employment of learners in new plants or for extensive expansion shall be limited to the number of learners whose employment at sub-minimum rates is shown necessary by the employer to prevent curtailment of opportunities for employment under Section 14 of the Act.

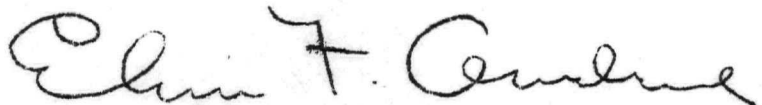
4. Duration of Certificates Special Learner Certificates authorizing the employment of learners not in excess of 5% of total factory employees and certificates authorizing not more than five learners shall be valid for a period of one year unless sooner revoked because an adequate supply of experienced workers are available or for other cause, or unless the wages set by the Administrator's Wage Order are changed. Special Certificates authorizing the employment of learners in excess of 5% shall be valid for a period not exceeding eight months unless sooner revoked for cause of unless the wages set by the Administrator's Wage Order are changed.

5. Learners' Certificates All Special Certificates shall include, among other matters, the learner occupations, periods of service and rates set forth hereinabove; the definition of a learner; the requirement that the employer shall exercise due diligence to secure experienced workers before employing inexperienced workers at learner rates in their stead; the requirement that the certificate shall be posted continuously during its validity in a conspicuous place in the plant where the learners are to be employed; and a prohibition against the violation of any of the terms and conditions set forth in the certificate."

WHEREAS, said Findings and Determination were duly filed with the Administrator on August 21, 1939, and are now on file in his office, Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties:

NOW, THEREFORE, pursuant to the provisions of Section 522.13 of the aforesaid regulations, as amended, notice is hereby given that any person aggrieved by the said determination may within fifteen days after the date this notice appears in the Federal Register, file petitions with the Administrator requesting that he review the determination of the said representative.

Signed at Washington, D. C., this 22nd day of August, 1939.



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