

U.S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
Washington

PROVISIONS FOR HOSIERY LEARNERS ISSUED

Determination of the factors governing the issuance of special certificates under which learners may be employed in the hosiery industry at less than the national minimum wages established by the first wage order under the Fair Labor Standards Act was issued today by the Wage and Hour Division, U.S. Department of Labor.

Special certificates authorizing such employment under the terms described in the determination may be applied for immediately. The certificates will not allow sub-minimum employment until September 18, when the Administrator's Wage Order setting minimum wage rates of 32-1/2 cents an hour for seamless hosiery manufacture and 40 cents an hour for full-fashioned hosiery manufacture goes into effect. The determination was prepared by Merle D. Vincent, Chief of the Division's Hearing and Exemptions Section, who presided at public hearings on the subject on December 14 and 15, January 31, and June 7.

Mr. Vincent's findings note that "The union (The American Federation of Hosiery Workers) was in substantial agreement with the industry as to the desirability and scope of the proposed learner exemptions." Both the industry and union agreed upon what were the skilled occupations in the industry which would require substantial learning periods before most operatives' earnings would approximate the minimum rate.

The determination reads in part:

"That it is necessary, in order to prevent curtailment of opportunities for employment, to issue to employers in the hosiery industry, upon individual applications, 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.

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."

The terms include provision that the number of learners shall be limited to 5 per cent of the total number of factory workers (not including office and sales personnel), except in the case of new plants or where there is extensive expansion. In the latter cases, a larger percentage of learners may be allowed by the Wage and Hour Division. Learners are limited to five in number instead of 5 per cent in plants employing less than 100 workers. The special certificates are valid for a period of a year except those authorizing employment of learners in excess of 5 per cent in new or expanding plants. These latter will be valid for eight months. The learning periods are of twelve weeks or 480 hours for some operations and twenty-four weeks for 960 hours for others, as listed in the table below.

The twenty-four week training period is divided into "primary learning period of 480 hours" and "secondary learning period of 480 hours", at increasing rates. The "retraining period of 480 hours" is for operatives experienced in the occupations of lesser skill who wish to qualify for those of higher skill and higher pay. They may be retrained but once at sub-minimum rates.

The determination was accompanied by a "Notice of Opportunity to Petition for Review" signed by Administrator Elmer F. Andrews of the Wage and Hour Division, which provides "that any person aggrieved by the said determination may within fifteen days ... file petition with the Administrator requesting that he review the determination."

TERMS OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS  
IN THE HOSIERY INDUSTRY

1. Definition of learner

(a) A learner is a person who has had less than 480 hours experience in the aggregate in the occupations specified in the first column below, or less than 960 hours in any one of the occupations with a secondary learning period specified below. If he has had no previous experience in a particular occupation for which a learning period of 960 hours is provided, a learner may serve one retraining period of 480 hours in such occupation.

2. Occupations and Rates

(a) Certificates may be issued for the employment of learners in the hosiery industry subject to the following limitations on occupations, periods and rates:

Occupation	Primary Learning Period of 480 Hrs.		Secondary Learning Period of 480 Hrs.		Retraining Period of 480 Hours	
	Piece Rate Basis	Hourly Rates	Piece Rate Basis	Hourly Rates	Piece Rate Basis	Hourly Rates
Seamless Branch						
Looping	22½¢	22½¢	27½¢	29¢	25¢	29¢
Knitting (transfer top)	"	"	"	"	"	"
Knitting (except transfer top)	"	"	NONE		NONE	
Seaming	"	"	NONE		NONE	
Topping	"	"	NONE		NONE	
Boarding	"	"	NONE		NONE	
Pairing	"	"	NONE		NONE	
Folding	"	"	NONE		NONE	
Examining & Inspecting	"	"	NONE		NONE	
Mending	"	"	NONE		NONE	
Wetling	"	"	NONE		NONE	
Trimming & End Pulling	"	"	NONE		NONE	
Embroidery	"	"	NONE		NONE	
Hemming & Mock Seaming	"	"	NONE		NONE	
Cuff Sewing	"	"	NONE		NONE	
Monogramming	"	"	NONE		NONE	
Full-Fashioned						
Knitting	25¢	25¢	30¢	35¢	30¢	35¢
Looping	"	"	"	"	"	"
Seaming	"	"	"	"	"	"
Topping	"	"	"	"	"	"
Boarding	"	"	NONE		NONE	
Pairing	"	"	NONE		NONE	
Folding	"	"	NONE		NONE	
Examining & Inspecting	"	"	NONE		NONE	
Mending	"	"	NONE		NONE	

3. If the above occupations are paid on piece rates, learners must be paid the same piece rates as experienced workers in the same occupation but in no case less than the applicable learner rate listed above.

4. Number of Learners

Limited to 5% of total factory workers in plant, except that as many as 5 learners may be authorized in any certificate, and except in case of new plants or extensive plant expansion where certificates may allow learners in excess of 5% for not more than 8 months. Learners may only be authorized where experienced workers (those who do not fall under the definition above) are not available.