

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

NOTICE OF ORDER FOR THE EMPLOYMENT  
OF LEARNERS IN THE APPAREL INDUSTRY

Whereas, pursuant to Section 522.13 of Regulations - Part 522, as amended - (Regulations Applicable to the Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act), the National Association of Shirt and Pajama Manufacturers and sundry other interested parties duly filed petitions for review of the findings and determination of the presiding officer made following a hearing held for the purpose of determining the necessity for employing learners in sub-minimum wage rates in the apparel industry; and

Whereas, a hearing on said petitions was held before the Administrator on September 12, 1939, after due notice; and

Whereas, following said hearing the Administrator duly made findings of fact, copies of which are available for inspection in Room 5144, Department of Labor, Washington, D. C.

Now, therefore, notice is hereby given that following said hearing, and on October 9, 1939, the Administrator issued the following order:

"1. The findings and determinations of the presiding officer in the matter of the application of the National Association of Shirt and Pajama Manufacturers, Inc., et al., to employ learners at wages lower than the statutory minimum are approved under the 25-cent minimum and shall remain in effect until October 24, 1939.

"2. Effective on or after October 24, 1939, Special Certificates permitting employment of learners at sub-minimum rates in stitching operations in the apparel industry shall be issued by the Chief of the Hearings and Exemption Section of the Wage and Hour Division upon the following terms to all plants in the industry making application therefor representing that experienced workers are not available to the plant, unless experienced workers are found to be available:

"(a) Learners employed under the certificate shall not exceed 5 percent of the total number of workers in the plant engaged in stitching operations in the divisions of the apparel industry considered here provided, however, that employment of as many as five learners may be authorized in any certificate.

"(b) No learner shall be employed under the certificate longer than 8 weeks.

"(c) Learners employed under the certificate shall be paid at a rate not less than  $22\frac{1}{2}$  cents an hour and, in plants where experienced operators are paid on a piecework rate, shall be paid at least the same piecework rate and shall receive earnings paid on this rate if in excess of the  $22\frac{1}{2}$ -cent minimum.

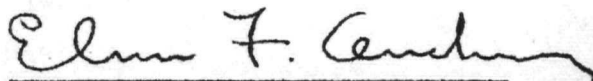
"(d) Only learners shall be employed at a sub-minimum wage under the certificate and no learner shall be employed under the certificate unless hired when an experienced worker was not available.

"(e) No learners shall be employed at a sub-minimum wage under the certificate until and unless the certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

"3. The Chief of the Hearings and Exemption Section shall cancel as of the date of issue any special certificate issued pursuant to this order if found that such certificate was issued when experienced workers were available and shall cancel prospectively or as of the date of violation a certificate if found that any of its terms have been violated or that skilled workers have become available.

"4. In this order the term 'learner' means a person who has not been previously employed for more than 8 weeks in the aggregate during the preceding three years upon a stitching operation in the apparel industry; and the term 'apparel industry' includes men's, women's, infant's and children's apparel and accessories, excepting gloves, boots and shoes, millinery, knitted wear and hosiery."

Signed at New York, New York this 10th day of October, 1939.



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