

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

LEARNER CERTIFICATES FOR TEXTILE INDUSTRY

Textile mills operating under the $32\frac{1}{2}$ cent minimum wage order may obtain special certificates authorizing employment of learners at a rate of 25 cents an hour to the limit of three per cent of their skilled and semi-skilled workers for a period of six weeks for normal turnover replacements if experienced workers are not available, according to a "Determination and Order" issued today by the Wage and Hour Division, U. S. Department of Labor. Employers desiring to obtain these certificates should write the Wage and Hour Division at Washington for application forms.

At the same time the Division issued a "Notice of Opportunity to Petition for Review" which provides that any person aggrieved by this "Determination and Order" may petition for Administrator's review by filing such a petition within fifteen days (Federal Register, November 8). The Determination was signed by Merle D. Vincent, chief of the Hearings and Exemptions Section of the Division, who presided at the hearing on renewed applications from the Cotton Textile Institute and others held on October 12.

Learner occupations are defined as "Machine operating, tending, fixing and jobs immediately incidental thereto." Certificates will not be issued for unskilled occupations, including but not limited to sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, time keepers, machine cleaners, janitors and truckers. Employees in these non-learner occupations are not to be counted in determining the three per cent limitation of the number of learners that can be employed.

In this connection it was found that the textile industry is peculiarly characterized by a policy of promotion from within, so that beginners are rarely hired as learners in a highly-skilled occupation. Mr. Vincent also found that the

industry is an old established one which has been contracting rather than expanding, with a resultingly low turnover and many unemployed experienced workers available. The findings stated: "There is currently an abnormal need for learners, particularly in the newer areas." It was therefore felt that the three per cent allowance would amply care for the needs of the industry, even in its present active state. In case of mill expansion or new mills, certificates may be issued under Part 522 of the Regulations for a larger number of learners where the need is established.

Certificates are cancellable as of the date of issuance if it is found that experienced workers were available at the time, and may be canceled prospectively or as of the date of violation if it is found that any of the terms of the order have been violated, or that skilled workers have become available. Learners may not be employed at subminimum wages until a certificate authorizing employment of learners has been obtained from the Wage and Hour Division and has been posted in a conspicuous place in the mill. Learners are defined as persons who have worked less than six weeks in the aggregate in any of the learner occupations.

Different terms are specified for two small branches of the textile industry, the manufacture of tufted bedspreads and the manufacture of curtains. Learners may be employed for a period of eight weeks as chenille operators and for a period of sixteen weeks as punch work operators, and for a retraining period of eight weeks for chenille operators learning punch work in the tufted bedspread industry. Learners may be employed for a period of eight weeks in the curtain branch of the industry. As many as five per cent of the total number of operators may be employed as learners in these two branches for turnover, if experienced operators are not available.

The findings were that since no application or testimony on behalf of the wool industry was presented, operations included in that industry are excluded from this determination and order.

All learner certificates expire October 24, 1940. The findings provide that the whole question may be carefully reconsidered in the light of actual operating conditions before that time.

Exemptions for learners as "necessary to prevent curtailment of opportunities for employment" were first applied for by the Cotton Textile Institute and others at the time the Fair Labor Standards Act went into effect in the fall of 1938. Hearing on the original application was held in November, 1938, and the application withdrawn at the conclusion of the hearing without prejudice to renew. Renewal of the application was made after the Administrator approved the $32\frac{1}{2}$ cent minimum wage recommended by the Textile Industry Committee and, announced that it would become effective October 24, 1939.

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