

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

In the matter of
APPLICATIONS OF
THE NEW ENGLAND CURTAIN MANUFACTURERS
ASSOCIATION, ET AL.
To employ learners at wages lower than
the minimum wage applicable under Sec-
tion 6 of the Fair Labor Standards Act
of 1938 pursuant to Section 14 of the
Act and Part 522, as amended, of regu-
lations issued thereunder
Novelty Curtain Branch of the Textile
Industry

FINDINGS AND DETERMINATION
OF THE
PRESIDING OFFICER
January 22, 1940

At the hearing on applications for the employment of learners in the textile industry held on October 12, 1939, counsel for the New England Curtain Manufacturers Association appeared and testified to a need to employ learners and for a learning period at a subminimum wage rate for the (novelty) curtain branch ^{1/} of the textile industry. No other witnesses appeared and on the basis of this testimony the findings of fact determined eight weeks to be a necessary training period, and fixed a subminimum learners' rate of 25 cents per hour. A need was found in this branch of the industry to employ learners to the number of 5 per cent of the total number of sewing machine operators to replace labor turnover.

Subsequently the Curtain Manufacturers Guild Inc. notified the Administrator that neither its officers nor its members had seen the notice of this hearing and application was made to have the hearing reopened. The application was granted and December 13, 1939, was fixed as the day for taking further evidence respecting the need for learners in the (novelty) curtain branch of the textile industry. The hearing was convened as noticed and Mr. Marvin Rosenberg, President, and Mr. B. H. Siegeltuch, Secretary of the Curtain Manufacturers Guild, Incorporated, appeared and testified. No other witnesses appeared.

The Presiding Officer received a telegram dated December 11 from Mr. Frank Schroyer of the Amalgamated Lace Operatives of America protesting

1/ Novelty curtains are made by a sewing process from woven fabrics. They are to be distinguished from lace curtains which are made by a weaving process. The New England Curtain Manufacturers Association presented testimony only on novelty curtains. The references in the findings to "curtain branch" are therefore to be understood as referring to "novelty curtain branch." See Findings, October 31, 1939.

against the granting of Special Certificates authorizing the employment of learners. This telegram was placed in the record as Exhibit 1 (d). The Textile Workers Union of America by letter dated December 5, 1939, signed by Mr. Emil Rieve, President, which was placed in the record as Exhibit 1 (e), stated that all curtain manufacturers in San Francisco, five in number, employing three hundred sewing machine operators, are operating under union contracts which establish a minimum wage of 40 cents per hour for female workers and 45 cents per hour for male workers, with a provision for employing inexperienced workers as learners for a period of five weeks at $33\frac{1}{2}$ cents per hour. This union thus opposed the granting of learners' certificates at subminimum rates.

Mr. Rosenberg and Mr. Siegeltuch testified that the members of the Curtain Manufacturers Guild, Inc. represent approximately 60 per cent of the production of novelty curtains. These witnesses further testified that the sewing machine operation in making novelty curtains is a simple semi-skilled operation which is quickly learned by beginners. They stated that the work is straight line sewing and it appears from their description of the experience of employers in the industry that learners quickly master the machine operation and within a few days or a week are productive workers, although some additional period is required to attain dexterity and speed in handling the materials.

Mr. Rosenberg also read into the record a brief filed by counsel for the New England Curtain Manufacturers Association with the Textile Industry Committee appointed by the Administrator to consider and recommend

a minimum wage for the textile industry including the curtain branch thereof. Subsequently the minimum wage for the textile industry was fixed at 32½ cents an hour by a Wage Order that became effective on October 24, 1939, and is still in effect. The counsel for the New England Curtain Manufacturers Association, who prepared and filed with the Industry Committee the brief mentioned above, is the same counsel who appeared at the textile learner hearing on October 12, 1939, and testified to a need to employ learners in the novelty curtain branch of the industry. A part of the brief filed with the Industry Committee reads as follows: "2. The labor required is predominantly unskilled or at the most semi-skilled, the product being a very simple one to manufacture, consisting mostly of cutting, hemming, and ruffling the material. More than half of the employees are engaged primarily in the trimming folding, and packing. The only skill required is straight sewing so that experience merely makes for speed and does not require any particular craftsmanship. 3. Employment is fairly steady during the entire year."

Mr. Rosenberg testified that while the textile industry as a whole may need a subminimum wage rate for learners and Special Certificates authorizing the employment of learners, the novelty curtain branch of the industry is not in such need. He and Mr. Sieglituch urged that no exemptions authorizing the employment of learners at a subminimum rate be granted. These witnesses stated that such exemptions were unnecessary to prevent curtailment of opportunities for employment in the making of novelty curtains.

I therefore find on the basis of the whole record that the findings of fact previously made should be and they are hereby modified by this finding to the effect that the machine operation in the novelty curtain industry is a simple sewing operation of straight line hems and rufflings chiefly automatic in nature and requiring but a few days for a beginner to acquire efficiency, and that other labor in the making of novelty curtains consists chiefly of packing, trimming and folding of curtains which are simple, unskilled operations.

DETERMINATION AND ORDER

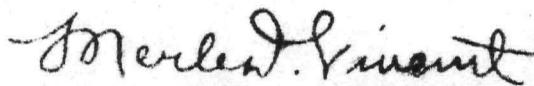
Upon the whole record of evidence, I determine and order:

1. The sewing machine operation in the (novelty) curtain branch of the textile industry is a simple semi-skilled occupation that does not require any learning period at subminimum wages.

2. No certificates authorizing the employment of learners at subminimum wages shall be issued to employers in the (novelty) curtain branch of the textile industry.

3. All matters set forth in the Undersigned's Determination and Order on the employment of learners in the Textile Industry, dated October 31, 1939, inconsistent with the foregoing are hereby rescinded.

Signed at New York, N. Y. this 22nd day of January, 1940.



Merle D. Vincent
Presiding Officer