

UNITED STATES DEPARTMENT OF LABOR

WAGE AND HOUR DIVISION

WASHINGTON, D. C.

NOTICE OF REVIEW OF DETERMINATION RE
EMPLOYMENT OF LEARNERS IN THE CIGAR
MANUFACTURING INDUSTRY AT WAGES LOWER
THAN APPLICABLE MINIMUM SPECIFIED IN
SECTION 6 OF THE FAIR LABOR STANDARDS
ACT

WHEREAS, The Cigar Manufacturers Association of America, Inc., 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 cigar manufacturing 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 cigar manufacturing 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 cigar manufacturing 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 cigar manufacturing 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:

- "(1) The occupations of packer and cigar machine operator in the machine branch, and packer and hand cigar maker in the hand branch of the cigar industry require a learning period.
- "(2) The learning period for packers and for cigar machine operators is eight weeks and for hand cigar makers is six months.
- "(3) It is not necessary in order to prevent curtailment of opportunities for employment to issue Special Certificates authorizing the employment of learners in the cigar industry at subminimum rates.

"The applications are denied"; and

WHEREAS, the said Merle D. Vincent's Determination and Order were duly filed with the Administrator on January 2, 1940, 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; and

WHEREAS, on January 18, 1940, the Administrator caused to be published in the Federal Register (5FR - 221) a notice which set forth in full the aforementioned Determination and Order and stated that pursuant to the provisions of Section 522.13 of the aforesaid regulations, as amended, any person aggrieved by the said determination might within fifteen days after January 18, 1940, file petitions with the Administrator requesting that he review the determination of the said representative, and

WHEREAS, petitions for review, copies of which are on file in Room 5144, Department of Labor Building, Washington, D. C., and there available for examination by all interested parties, have been duly filed by Alles and Fisher, Inc., and sundry other parties.

NOW, THEREFORE, the petitions for review are hereby granted and notice is hereby given that the Administrator, for the purpose of reviewing the aforementioned Presiding Officer's Determination and Order, and to make a final determination of the questions set forth in the second paragraph of this notice, will receive briefs from interested parties either in support of or in opposition to the aforementioned Determination and Order, provided that original briefs are filed with the Administrator, Wage and Hour Division, prior to the close of business March 9, 1940, and provided that rebuttal briefs are filed with the Administrator prior to the close of business March 23, 1940. All briefs should be filed in triplicate and will be available

for inspection by interested parties in Room 5144, United States Department of Labor Building, Washington, D. C.

Signed at Washington, D. C. this 9th day of February, 1940.

Harold D. Jacobs

Harold D. Jacobs, Administrator
Wage and Hour Division
U. S. Department of Labor