

UNITED STATES DEPARTMENT OF LABOR

WAGE AND HOUR DIVISION

NOTICE OF REVIEW OF FINDINGS AND DETERMINATION  
DENYING APPLICATION OF SALANT & SALANT, INC.,  
FOR A SPECIAL CERTIFICATE TO PERMIT THE EMPLOY-  
MENT OF ADDITIONAL LEARNERS AT WAGE RATES LESS  
THAN THE MINIMUM PROVIDED UNDER SECTION 6 OF  
THE FAIR LABOR STANDARDS ACT OF 1938, FOR PLANT  
EXPANSION AT LAWRENCEBURG, TENNESSEE

WHEREAS, application having been made by Salant & Salant, Inc., 56 Worth Street, New York, New York, for a Special Certificate to permit the employment at wage rates less than the minimum provided by Section 6 of the Fair Labor Standards Act of 1938, of 108 additional learners for plant expansion at Lawrenceburg, Tennessee, and

WHEREAS, on December 11, 1939, following a protest against the issuance of such Special Certificate duly filed by the Amalgamated Clothing Workers Union, Merle D. Vincent, duly authorized by the Administrator of the Wage and Hour Division to issue or deny Special Certificates for the employment of learners at sub-minimum rates, held an informal conference hearing to determine whether said requested Special Certificate should be issued, and

WHEREAS, on the basis of said conference the aforementioned Merle D. Vincent duly made findings and determination and on January 16, 1940, filed same with the Administrator in Room 5144, United States Department of Labor Building, where copies of said findings and determination are available for examination by interested parties and which contain the following determination:

"Therefore, I find from the evidence and testimony relating to this application for a Special Certificate to employ learners in the Lawrenceburg, Tennessee, plant of Salant & Salant, Incorporated: First, that the evidence fails to show that a reasonable employer in the circumstances of the applicant would refrain from hiring learners to carry out the contemplated plant expansion without authority to hire such workers at substandard wage rates; Second, that the community should be protected against wage standards which are socially and economically harmful and against possible future unemployment, which would be unfair in the light of the investment which the community has made in the factory in so far as the standards established by the Fair Labor Standards Act will not impose such hardship upon the employer as will curtail opportunities for employment; Third, that the testimony and other evidence offered by the applicant does not indicate that the applicant is unable to pay the minimum rate or that he is unable to train needed new employees, but does indicate that the reason for the application is to prevent disturbance of a

wage structure; Fourth, that a minimum rate of 30 cents per hour would not adversely affect the applicant's Lawrenceburg operations provided its competitors were not exempt from the same labor costs; and that a denial of the application will not result in curtailment of opportunities for employment." and

WHEREAS, an opportunity was furnished to interested parties to petition for a review of the aforementioned findings and determination, and

WHEREAS, Salant & Salant, Incorporated, 56 Worth Street, New York, New York, has petitioned for a review of said findings and determination,

NOW, THEREFORE, the petition is hereby granted and notice is hereby given that the Administrator for the purpose of reviewing the findings and determination of the said Merle D. Vincent and to make a final determination in the matter of the application filed by Salant & Salant, Incorporated, 56 Worth Street, New York, New York, for a Special Certificate to permit the employment at wage rates less than the minimum provided by Section 6 of the Fair Labor Standards Act of 1938, of 108 additional learners for plant expansion at Lawrenceburg, Tennessee, will receive briefs from interested parties, either in support of or in opposition to the aforementioned findings and determination, provided that original briefs are filed with the Administrator, Wage and Hour Division, prior to close of business March 8, 1940, and provided that rebuttal briefs are filed with the Administrator prior to the close of business March 20, 1940. All briefs should be filed in triplicate and will be available for inspection by interested parties in Room 5144, U. S. Department of Labor Building, Washington, D. C.

Signed at Washington, D. C., this 19th day of February, 1940.

*Harold D. Jacobs*

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