

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

NOTICE OF REVIEW OF DETERMINATION  
AND ORDER RE EMPLOYMENT OF LEARNERS  
IN THE KNITTED FABRIC DIVISION OF THE  
GLOVE BRANCH OF THE APPAREL INDUSTRY  
AT WAGE RATES LESS THAN THE APPLICABLE  
MINIMUM SPECIFIED IN SECTION 6 OF THE  
FAIR LABOR STANDARDS ACT OF 1938.

WHEREAS, the Work Glove Institute, National Association of Leather Glove Mfgs., Inc., Underwear Institute, and sundry other parties, made application under Section 14 of the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Regulations, Part 522, as amended (Regulations applicable to the Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act - Title 29, Labor, Chapter V, Wage and Hour Division) issued by the Administrator thereunder, for permission to employ learners in the glove branch of the apparel industry at wages less than the applicable minimum wage specified in Section 6 of the Act; and

WHEREAS, a public hearing on said applications was held before Merle D. Vincent, the representative of the Administrator of the Wage and Hour Division duly authorized to conduct the hearing and to determine both under the minimum wage rates applicable October 24, 1939, and under such higher minimum wage rates as have been recommended by Industry Committee No. 2 for the apparel industry:

- (a) What, if any, occupation or occupations in the glove branch of the apparel industry require a learning period, and
- (b) the factors which may have a bearing upon curtailment of opportunities for employment within the glove branch of the apparel industry, and
- (c) under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the glove branch of the apparel industry for whatever occupation or occupations, if any, are found to require a learning period.

As used in the notice of hearing the term "glove branch of the apparel industry" was defined as: "The manufacture of all gloves and mittens, (except athletic) other than work gloves and mittens, from leather, woven or knitted fabrics, or from any combinations of these materials, and the manufacture of work gloves and mittens from fabric, leather, or fabric and leather combined, or knitted materials," and

WHEREAS, following said hearing the said Merle D. Vincent duly made his findings and determination and filed same with the Administrator on February 8, 1940. Said findings and determination which are now on file in Room 5144, U. S. Department of Labor Building, Washington, D. C., and are there available for examination by all interested parties, contain the following determination and order:

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

"1. Effective on or after February 20, 1940, Special Certificates permitting the employment of learners, at subminimum rates may be issued under the conditions set forth below to all plants in the Glove Branch of the Apparel 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 hand and machine stitching operations on leather dress gloves; and in machine stitching operations on knit fabric and work gloves; and in finger knitting and finger closing operations on knit wool gloves, provided that as many as 5 learners may be authorized in any certificate.

(b) No person shall be employed as a learner under the certificate longer than 480 hours.

(c) Learners employed under the certificate shall be paid not less than 25 cents per hour. In plants where experienced operators are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings paid on this rate if they earn in excess of 25 cents per hour.

(d) Only learners shall be employed at a subminimum 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.

2. Any special certificate issued pursuant to this order may be cancelled as of the date of issue if it is found that such certificate was issued when experienced workers were available or if the applicant knowingly made false or misleading statements in his application, and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that skilled workers have become available. No certificate issued pursuant to this order shall be valid after October 24, 1940, unless extended by order or otherwise.

3. In this order, the term 'learner' means:

(a) In the leather dress branch, a person who has not been employed during the preceding three years for more than 420 hours in the aggregate in hand or machine stitching operations on leather dress gloves.

(b) In the knit fabric branch, a person who has not been employed during the preceding three years for more than 480 hours in the aggregate in machine stitching operations on leather dress or knit fabric gloves.

(c) In the work glove branch, a person who has not been employed during the preceding three years for more than 480 hours in the aggregate in machine stitching operations in any type of glove manufacture.

(d) In the knit wool branch, a person who has not been employed during the preceding three years for more than 480 hours in the aggregate on finger knitting and finger closing operations;

and the term 'Glove Branch of the Apparel Industry' includes leather dress gloves, knit fabric gloves, work gloves, and knit wool gloves.

I further order that the record be kept open to receive additional testimony on the possible need for and terms of the employment of learners at subminimum rates in the cutting occupation in the leather dress branch of the Glove Branch of the Apparel Industry." and



WHEREAS, the Administrator caused to be published in the Federal Register of February 20, 1940 (5 FR 714), a notice which set forth the aforesaid findings and determination and stated that pursuant to Section 522.13 of the Regulations of the Wage and Hour Division as amended, petitions for review of the action of the said representative might be filed by interested parties within fifteen days after February 20, 1940, and

WHEREAS, a petition for review of those parts of the aforementioned findings and determination which relate to the knitted fabric division of the glove branch of the apparel industry was duly filed by the Underwear Institute and no petition for review of those parts of the said findings and determination which relate to any other division of the glove branch of the apparel industry was filed within the aforementioned fifteen-day period.

NOW, THEREFORE, the petition for review of those parts of the aforesaid findings and determination which relate to the knitted fabric division of the glove branch of the apparel industry is hereby granted and notice is hereby given that the Administrator, for the purpose of reviewing those parts of the aforesaid findings and determination which relate to the knitted fabric division of the glove branch of the apparel industry, will receive briefs from interested parties either in support of or in opposition to those parts of the aforementioned findings and determination which relate to the knitted fabric division of the glove branch of the apparel industry, provided that such briefs are filed with the Administrator, Wage and Hour Division, prior to the close of business April 13, 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 March, 1940.

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Philip B. Fleming  
Colonel, Corps of Engineers  
Administrator  
Wage and Hour Division  
U. S. Department of Labor

Published in Federal Register March 22, 1940.