

UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION

WASHINGTON, D. C.

TITLE 29 - LABOR
CHAPTER V - WAGE AND HOUR DIVISION

IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COM-
MITTEE NO. 8 FOR A MINIMUM WAGE RATE IN THE KNITTED
UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY

WAGE ORDER

Effective May 6, 1940

PART 555 - Minimum Wage Rates in the Knitted Underwear and Commercial
Knitting Industry.

WHEREAS, pursuant to Sections 5 and 8 of the Fair Labor Standards Act of 1938, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 30 dated September 18, 1939 and Administrative Order No. 33 dated October 16, 1939, appointed Industry Committee No. 8 for the Knitted Underwear and Commercial Knitting Industry, and directed said Committee to recommend minimum wage rates for said Industry in accordance with the provisions of the Act and rules and regulations promulgated thereunder; and

WHEREAS, the Committee included eight disinterested persons representing the public, and a like number of persons representing employees in the Industry, and a like number representing employers in the Industry, and the members of each group were appointed with due regard to the geographical regions in which the Industry is carried on; and

WHEREAS, on November 2, 1939, after an extensive investigation of economic and competitive conditions in the Industry including consideration of the testimony of numerous witnesses and other evidence received at its meetings from October 30 through November 1, 1939, the Committee filed a report containing its recommendation for a minimum wage rate of $33\frac{1}{2}$ cents an hour in the Industry; and

WHEREAS, pursuant to notices which the Administrator caused to be published in the Federal Register on December 27, 1939, and January 12, 1940, respectively setting a date for hearing and designating Thomas Holland, Esquire, as presiding officer thereat, a public hearing on the Committee's recommendation was held in Washington, D. C., on January 16, 1940, at which all interested persons were given an opportunity to be heard; and

WHEREAS, by publication in the Federal Register on January 20, 1940, notice was given that inasmuch as no person had appeared at the public hearing in opposition to the Committee's recommendation, oral argument would be dispensed with unless the same should be requested on or before February 15, 1940, and no such request was received; and

WHEREAS, all persons who appeared at said hearing were given leave to file briefs on or before February 15, 1940, and the complete record of the hearing before Mr. Holland was transmitted to the Administrator on February 13, 1940; and

WHEREAS, the Administrator, after consideration of all of the evidence and arguments presented in this proceeding and of the provisions of the Act, particularly Sections 5 and 8 thereof, has concluded that the Committee's recommendation of a minimum wage rate of $33\frac{1}{2}$ cents an hour for the Industry, as defined in Administrative Order No. 30, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of Section 8 of the Act; and

WHEREAS, the Administrator has set forth his decision in "Findings and Opinion of the Administrator, In the Matter of the Recommendation of Industry Committee No. 8 for a Minimum Wage Rate in the Knitted Underwear and Commercial Knitting Industry," dated April 11, 1940, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.;

NOW, THEREFORE, IT IS ORDERED THAT

Section 555.1 - Approval of Recommendation of Industry Committee.

The Committee's recommendation is hereby approved; and, in accordance with such recommendation,

Section 555.2 - Wage Rates.

Wages at a rate not less than $33\frac{1}{2}$ cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Industry who is engaged in commerce or in the production of goods for commerce; and

Section 555.3 - Posting of Notices.

Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Industry shall post and keep posted, in a conspicuous place in each department of his establishment where such employees are working, such notices of this order as shall from time to time be prescribed by the Wage and Hour Division of the United States Department of Labor; and

Section 555.4 - Definition of Industry.

The Industry to which this order shall apply is hereby defined as follows:

a. The manufacturing, dyeing or other finishing of any knitted fabric made from any yarn or mixture of yarns, except:

1. The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; provided that this exception shall not be construed to apply to the garments or garment accessories designated in clause (b) of this definition.

2. Fulled suitings, coatings, topcoatings, or overcoatings containing more than 25 percent, by weight, of wool or animal fiber other than silk.

3. Hosiery.

b. The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products:

1. Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

2. Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

3. Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer in the same establishment as that where the knitting process is performed.

4. Knitted towels or cloths; and

Section 555.5 - Effective Date.

This order shall become effective on the 6th day of May, 1940.

Signed at Washington, D. C., this 11th day of April, 1940.

Sections 555.1 to 555.5, inclusive, issued under the authority contained in Sec. 8, 52 Stat. 1064; 29 U.S.C. Sup. IV, 208.



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