

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 RECOMMENDATIONS OF  
INDUSTRY COMMITTEE NO. 2 FOR MINIMUM WAGE  
RATES IN THE APPAREL INDUSTRY

WAGE ORDER

Effective July 15, 1940

Part 558 - Minimum Wage Rates in the Apparel Industry.

WHEREAS, by Administrative Orders Nos. 7 and 12, issued pursuant to Sections 5 and 8 of the Fair Labor Standards Act of 1938 on December 19, 1938, and January 10, 1939, respectively, the Administrator of the Wage and Hour Division of the United States Department of Labor appointed Industry Committee No. 2 for the Apparel Industry and referred to said Committee the question of the minimum wage rate or rates to be fixed for such industry in accordance with the provisions of the Act and rules and regulations promulgated thereunder; and,

WHEREAS, the Committee included 16 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 such group were appointed with due regard to the geographical regions in which the industry is carried on; and,

WHEREAS, after a comprehensive investigation of economic and competitive conditions in the Apparel Industry including consideration of the testimony of numerous witnesses, voluminous economic reports and wage studies, data on competitive conditions as affected by transportation, living, and production costs, information concerning wage levels established by collective bargaining agreements and voluntary wage standards, and other evidence received in connection with the meetings of the Committee and its duly appointed subcommittees on January 31, February 1, March 15, 16 and 17, May 8 and 9, June 14, 15 and 16, and August 29, 1939, the Committee filed with the Administrator on September 27, 1939, a report containing its

recommendations for the definition of 29 divisions of the Apparel Industry and a specified minimum wage rate for each such division; and,

WHEREAS, pursuant to notices which the Administrator caused to be published in the Federal Register on September 28, and October 18, 1939, and in various newspapers and trade journals, setting a date for hearing and designating Thomas Holland, Esquire, as trial examiner thereat, a public hearing on the Committee's recommendations was held in Washington, D. C., from November 13, 1939 to January 10, 1940, inclusive, at which all interested persons were given an opportunity to be heard; and,

WHEREAS, said public hearing was conducted in accordance with rules set forth in the notices of hearing, testimony for and against the recommendations of the Committee was received, and upon the conclusion of the hearing the trial examiner delivered to the Administrator a complete record of the proceedings before him, including a transcript of all of the testimony and copies of each of the exhibits which were introduced in evidence; and,

WHEREAS, pursuant to notice given at the public hearing and by publication, the Administrator accepted all written briefs submitted upon this matter by persons who had entered an appearance at the hearing, which were received by him on or before February 19, 1940; and,

WHEREAS, pursuant to notice published in the Federal Register on February 13, 1940, and in various newspapers and trade journals, oral argument by persons who appeared at the public hearing was heard by the Administrator from March 13 to March 15, 1940, inclusive; and,

WHEREAS, the Administrator, after consideration of all the evidence adduced, has concluded that the Committee's recommendations of a 40 cents an hour minimum wage for the division of the Apparel Industry designated "Embroideries" and of a  $32\frac{1}{2}$  cents an hour minimum wage for the division designated "Hand Embroidery, Hand-Machine Embroidery, and Schiffli Embroidery and Laces" are not supported by the evidence; and,

WHEREAS, the Administrator, in accordance with the Committee's recommendation, has found that any minimum wage rate for the division of the Apparel Industry designated "All Products Made in Puerto Rico," in excess of the 30 cents an hour now prescribed by Section 6 of the Act, would result in substantial curtailment of employment in said division; and,

WHEREAS, the Administrator, after consideration of all the evidence adduced at the hearing, has concluded that the Committee's recommendations with respect to all divisions of the Apparel Industry, except the Embroideries Division and the Hand Embroidery, Hand-Machine Embroidery and Schiffli Embroidery and Laces Division, are made in accordance with law, are 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 the above decision and the grounds therefor in "Findings and Opinion of the Administrator, In the Matter of the Recommendations of Industry Committee No. 2 for Minimum Wage Rates in the Apparel Industry," dated May 15, 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 558.1 - Approval of Certain Recommendations of Industry Committee No. 2.

Excepting the Committee's recommendations for "Embroideries" and for "Hand Embroidery, Hand-Machine Embroidery and Schiffli Embroidery and Laces," all recommendations made by Industry Committee No. 2 for divisions of the Apparel Industry are hereby jointly and separately approved; and,

Section 558.2 - Issuance of Separate Minimum Wage Orders for Divisions of the Apparel Industry.

In accordance with Section 558.1 hereof, separate minimum wage orders are herewith issued for those divisions of the Apparel Industry for which the Committee's recommendations are approved, except the recommendation of the statutory minimum wage rate approved for "All Products Made in Puerto Rico;" and such orders (appearing as Parts 559 through 583 of these Regulations) are made separable parts of this wage order as if they were fully incorporated herein; and,

Section 558.3 - Definition of Industry.

The Apparel Industry to which this wage order shall apply, and within which are contained all the divisions of the Apparel Industry for which minimum wage orders are herewith issued in accordance with Sections 558.1 and 558.2 hereof, is defined as follows:

"The manufacture of all apparel, apparel furnishings and accessories, made by the cutting, sewing, or embroidery processes, except: knitted outerwear, knitted underwear, hosiery, men's fur-felt, wool-felt, straw and silk hats, and bodies, ladies' and children's millinery, furs, and boots and shoes;" and,

Section 558.4 - Minimum Wage Rate in Puerto Rico.


With respect to that division of the Apparel Industry designated as "All Products Made in Puerto Rico," which is hereby defined as the manufacture of "all products made in Puerto Rico included within the definition of the apparel industry," the provisions of Section 8 of the Fair Labor Standards Act of 1938 shall not be affected by any wage order

set forth as Parts 559 through 583 of these Regulations; and,

Section 558.5 - Effective date.

This order, and each minimum wage order herewith issued in accordance with Sections 558.1 and 558.2 hereof, shall become effective on the 15th day of July, 1940.

Signed at Washington, D. C. this 15th day of May, 1940. Sections 558.1 to 558.5, inclusive, issued under the authority contained in Sec. 8, 52 Stat. 1064; 29 U.S.C. Sup. IV, 208.



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Philip B. Fleming  
Administrator  
Wage and Hour Division  
U. S. Department of Labor

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