

U.S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
Washington

APPAREL LEARNER HEARING JUNE 27

A hearing on suggested revisions of the provisions for employment of learners in the apparel industry at less than the applicable minimum rates in the apparel wage order will be held on <sup>Thursday</sup>~~Monday~~, June 27, 1940, in Room 3229, U.S. Department of Labor Building, Washington, D. C., Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, announced today. The hearing will be before Merle D. Vincent, Director of the Hearings Branch of the Division.

Mr. Vincent will make recommendations to the Administrator regarding the issuance of certificates for learners. The Administrator will then issue regulations.

Under an order of October 12, 1939, the Division has issued certificates authorizing employment of a limited number of learners at 22-1/2 cents an hour, where experienced help is not available. The suggested regulations replacing this order are based on the varying minimum wage rates in the apparel wage order. It is suggested that learners be authorized at 25 cents an hour where the apparel wage order calls for 32-1/2 cents an hour; at 27-1/2 cents an hour where the apparel wage order calls for 35 cents and 37-1/2 cents an hour; and at 30 cents an hour where the apparel wage order calls for 40 cents an hour. The apparel wage orders go into effect July 15.

The proposed apparel learner regulations also add to the occupations at which learners may be employed at less than the minimum wage under special certificates. Where the order of October 12, 1939, was limited to sewing machine operators, the proposed regulations would make it possible to employ learners "in the occupations of machine operator, presser and hand sewer." However, the regulations direct that there shall be no employment of learners at subminimum rates in the cutting, sewing and office departments.

The proposed regulations to amend the order of October 12, 1939, follow:

1. Special Certificates permitting the employment as learners at sub-minimum rates in the Apparel Industry of persons, (except those employed in the cutting, shipping and office departments) engaged in machine operations, pressing and hand sewing, shall be issued upon the following terms and conditions to any plant making application therefor on forms provided by the Wage and Hour Division:

- (a) Learners employed under the certificate for labor turnover shall not exceed at any one time 5 per cent of the total number of workers in the plant engaged in the occupations of machine operator, presser and hand sewer in the Apparel Industry (excepting that no learners may be employed in the cutting, shipping and office departments) provided, however, that employment of as many as five learners may be authorized in any certificate.
- (b) No learner shall be employed under the certificate after 320 hours experience in the occupations of machine operator, presser and hand sewer.
- (c) Learners employed under the certificate shall be paid not less than 25 cents an hour in those branches of the Apparel Industry for which the Administrator has fixed a minimum wage of 32-1/2 cents an hour; not less than 27-1/2 cents an hour in those branches of the Apparel Industry for which the Administrator has fixed a minimum wage of 35 cents or 37-1/2 cents an hour, and not less than 30 cents an hour in those branches of the Apparel Industry for which the Administrator has fixed a minimum wage of 40 cents an hour; and in plants where experienced operators are paid on a piece work rate learners shall be paid at least the same piece work rate and shall receive earnings paid on this rate if in excess of the subminimum rate for learners above stated.
- (d) Certificates for labor turnover shall authorize the employment of learners at subminimum rates where skilled workers are not available in the area from which the employer draws his supply of labor; provided that no certificate for labor turnover shall be issued where the employment of learners would tend to lower labor standards or discriminate against experienced workers; or where special investigation of the local labor market shows that an adequate supply of experienced workers in the learner occupations are available. Investigations of local labor market conditions when necessary shall be made with the cooperation of the Public Employment Offices, employers' associations, trade unions and by field investigations of the Wage and Hour Division.

2. Special Certificates permitting the employment of learners at sub-minimum rates in excess of the turnover percentage as stated herein shall be issued to new or expanding plants to the extent of actual needs, which shall be stated in the application, provided however, that such certificates shall not be issued when:

- (a) Experienced workers are available to the employer.
- (b) The issue of a certificate in excess of the percentage allowable for labor turnover would tend to create unfair competition in the Industry or depress labor standards.

3. Revocation of special learner certificates:

- (a) Any special certificate issued pursuant to this Determination and Order may be cancelled at any time for cause.
- (b) Any special certificate issued pursuant to this Order shall be cancelled as of the date of issue if it is found that the certificate was obtained by misrepresentation.
- (c) Any special certificate issued pursuant to this Order may be cancelled as of the date of violation if it is found that any of its terms have been violated.

4. Only learners may be employed at a subminimum wage under certificates issued.

In this Order, the term "learner" means:

- (a) A person employed as a machine operator who has not been so employed within the previous three years in the Apparel Industry for more than 320 hours.
- (b) A person employed as a hand sewer who has not been so employed within the previous three years in the Apparel Industry for more than 320 hours.
- (c) A person employed as a presser who has not been so employed within the previous three years in the Apparel Industry for more than 320 hours.

5. An experienced worker for the purpose of this Order is hereby defined as any person who has been employed in the same occupation during the previous three years for more than 320 hours as a machine operator, hand sewer or presser.

6. The definition of the term "Apparel Industry," for the purpose of this hearing, shall be the same as that used in the Administrator's Wage Orders for the industry as published in the Federal Register, except that for the purpose of this hearing, the glove and artificial flower branches, for which separate learner determinations are or will be made, are not included.

Any interested party wishing to appear at this hearing may do so by filing notice of intention and approximate time required with Merle D. Vincent, Director of the Hearings Branch, Wage and Hour Division, U. S. Department of Labor, Washington, D. C., prior to June 26, 1940, or, if unable to appear, may file briefs and arguments pertaining to this proposed Order by July 8, 1940.

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