

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

CONNECTICUT LABOR DEPARTMENT TO ENFORCE FEDERAL WAGE-HOUR LAW

Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, today announced the signing of an agreement with Governor Raymond E. Baldwin of Connecticut, under which the Department of Labor and Factory Inspection in the State of Connecticut will make inspections under provisions of the Fair Labor Standards Act for the Wage and Hour Division and the Children's Bureau of the United States Department of Labor.

Personnel to carry out the additional duties will be selected from Connecticut State Civil Service lists and will be added to the State department's staff for which Connecticut will be reimbursed by the Wage and Hour Division and the Children's Bureau.

Connecticut thus becomes the second state to ratify a plan of cooperation and assistance in the enforcement of the Federal Wage-Hour Law, such an agreement having become effective with North Carolina last November 1.

Both agreements are in line with regulations issued September 21, 1939, by the Wage and Hour Division and the Children's Bureau of the U. S. Department of Labor. These regulations have been approved by Secretary of Labor Frances Perkins for the utilization of State agencies for investigations and inspections under the Wage-Hour Law.

Negotiations with six other states are now in progress, looking toward agreements similar to those signed with North Carolina and Connecticut, Colonel Fleming said.

While the actual agreements signed with both states conform to the regulations issued by the Wage and Hour Division and the Children's Bureau, each is accompanied by a plan of operation differing according to the methods of operation in each of the State Labor Departments. In North Carolina, for instance, a supervising inspector of the Wage and Hour Division acts as liaison officer between the

Division and the State Department of Labor. In Connecticut, however, immediate responsibility for the investigations and inspections will be vested in officials of the State Labor Department, under general supervision of the New York Regional Office of the Wage and Hour Division.

Under the Connecticut agreement the State Department of Labor and Factory Inspections sets up a Fair Labor Standards Division under the specific supervision of Morgan Mooney, Deputy Commissioner of Labor in Connecticut, Mr. Mooney will act under the general supervision of the Connecticut State Commissioner of Labor.

Under the Deputy Commissioner of Labor will be an executive assistant who will handle the detailed administration of the field and office staff engaged in enforcement of the Federal Wage-Hour Law. He will coordinate this work with that of other bureaus of the State Department so as to prevent duplication of investigations and inspections.

Employees to be added to the State Department of Labor for enforcement of the Federal Wage-Hour Law will include an analyst, accounting clerk, secretary to the executive assistant to the deputy commissioner of labor, stenographer, senior inspector, and four payroll inspectors. In addition to these employees, all inspectors of the Connecticut State Department of Labor will provide the Fair Labor Standards Division of the State Department with information concerning violations of the Wage-Hour Law.

Under the existing Connecticut law, factory inspectors do not now secure the complete data on hours worked and wages and overtime paid required by the Fair Labor Standards Act. In the future, they will obtain all this data under the authority of the Wage and Hour Division.

In all investigations the state inspectors will follow the procedure set forth in the Inspectors' Manual of the Wage and Hour Division. In this manner their reports will be as full and complete as are those of the inspectors employed by the Wage and Hour Division. In similar manner, they will follow the procedure set forth under regulations of the Children's Bureau of the U.S. Department of Labor in all cases involving violation of the child labor provisions of the Fair Labor Standards Act.

Inspectors of the State Department of Labor, charged with the enforcement of the State minimum wage laws will report all violations of both the Wage-Hour Law and the child labor provisions of the Act to the Fair Labor Standards Division of the Department. This will include violations in industrial homework.

Under the existing Connecticut law, the State Department of Labor is authorized to bring suit against employers for wages due. Under the Federal Wage-Hour Law, the Wage and Hour Division is not charged with this duty, but the Act specifically provides (Section 16(b)) the manner in which employees may bring suit for wages and overtime due. Under terms of the agreement signed by Governor Baldwin, the State Department may bring suit in behalf of employees under Section 16(b) of the Act. All cases requiring litigation against employers will be referred to George B. Kelly, Regional Director of the Wage and Hour Division for New York and Connecticut. As heretofore, all cases involving criminal violations of the Act will in turn be referred by Mr. Kelly to the U.S. Department of Justice. Wage and Hour Division attorneys will continue to prosecute civil actions.

In announcing that he had signed the agreement with Governor Baldwin, Colonel Fleming said:

"This agreement marks a definite forward step in the enforcement of the Federal Wage-Hour Law. It is a distinct advantage to the Division to have available services of the factory inspectors of the Connecticut State Department of Labor. For the employer it also has distinct advantages. It saves him from the annoyance of having the State inspector and a Federal inspector making a series of calls, and in some cases requiring him to keep different sets of records. At the same time, it will greatly facilitate the work of both the State and Federal inspection forces. Congress had this in mind when it provided for the delegation to State agencies, which met the requirements of the Wage and Hour Division, of power to carry out the functions of the Division.

"Our experience in North Carolina, though the agreement has been in force only a few months, amply justifies the belief that by extension of this State agency program, enforcement of the Fair Labor Standards Act will be greatly facilitated."