

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

NOTICE OF DETERMINATION AND ORDER ON REVIEW OF THAT SIGNED JANUARY 2, 1940, DENYING THE APPLICATIONS FOR THE EMPLOYMENT OF LEARNERS IN THE CIGAR MANUFACTURING INDUSTRY AT WAGES LOWER THAN THE MINIMUM WAGE APPLICABLE UNDER SECTION 6 OF THE FAIR LABOR STANDARDS ACT.

WHEREAS, the Cigar Manufacturers Association of America, Inc. and sundry other parties applied pursuant to Title 29, Code of Federal Regulations, Chapter V, Part 522, for permission to employ learners in the cigar industry at wages lower than the minimum wage rate of 30 cents an hour specified in Section 6 of the Fair Labor Standards Act; and

WHEREAS, a public hearing on the applications was held at Washington, D. C. on November 1 and 2, 1939, before Merle D. Vincent as Presiding Officer, who was duly authorized to hear the evidence and decide what, if any, occupations in said industry require a learning period, the factors bearing upon curtailment of opportunities for employment therein and under what limitations Special Certificates may be issued to employees therein for whatever occupations are found to require a learning period; and

WHEREAS, the said Merle D. Vincent on January 2nd, 1940 determined and ordered that:

"(1) The occupations of packer and cigar machine operator in the machine branch and packer and hand cigar maker in the hand branch of the cigar industry require a learning period,

"(2) The learning period for packers and for cigar machine operators is eight weeks and for hand cigar makers is six months.

"(3) It is not necessary in order to prevent curtailment of opportunities for employment to issue Special Certificates authorizing the employment of learners in the cigar industry at subminimum rates.

"The applications are denied."; and

WHEREAS, the Administrator thereafter granted petitions for review of said Determination and Order, filed by certain cigar manufacturers and organizations of employees of cigar manufacturers, and designated and authorized Henry T. Hunt, Principal Hearings Examiner, to review the same and to take final action thereon; and

WHEREAS, the said Henry T. Hunt has reviewed and considered the entire record in the said matter and has made and filed in Room 5144, U. S. Department of Labor Building, a Determination and Order on Review signed at Washington, D. C., July 12, 1940;

NOW, THEREFORE, notice is hereby given that the said Henry T. Hunt made the following determination:

"Paragraphs (1) and (2) of the Determination and Order signed January 2, 1940, and reading as follows are disapproved:

"(1) The occupations of packer and cigar machine operator in the machine branch and packer and hand cigar maker in the hand branch of the cigar industry require a learning period.

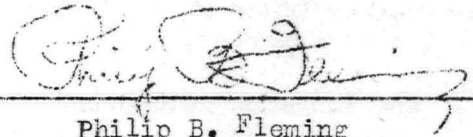
"(2) The learning period for packers and for cigar machine operators is eight weeks and for hand cigar makers is six months."

"The final paragraph of the said Determination and Order reading as follows is approved:

"It is not necessary in order to prevent curtailment of opportunities for employment to issue Special Certificates authorizing the employment of learners in the cigar industry at subminimum rates.

"The applications are denied."

Signed at Washington, D. C., this 18th day of July, 1940.



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

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