

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

COLONEL FLEMING REPORTS ON SECOND MONTH OF WAGE-HOUR LUMBER DRIVE

Following two months of activity in the nationwide drive for compliance with the Fair Labor Standards Act in the lumber industry, Colonel Philip B. Fleming, Administrator, Wage and Hour Division, U. S. Department of Labor, today declared that inspections have been made of 3,412 lumber camps, yards, mills and similar establishments, and that back wages payable to lumber employees to bring their earnings up to the legal rate have been computed to a total of \$307,036, the greater part of which has already been paid. Additional restitution of \$100,000 or more is indicated in cases not yet completed.

Of the 3,412 plants inspected, said Colonel Fleming, 827 were found to be exempt as strictly retail or intrastate firms. Of the 2,585 remaining, 905, or nearly one plant in three, were in full or substantial compliance with the law. Actual violations were found in 1686 establishments. These ranged, as in the first month of the drive, from failure to keep required records to violation of the minimum wage and maximum hours provisions and shipment in interstate commerce of goods made contrary to the Act.

"The lumber drive," said Colonel Fleming, "is far from ended. In some sections where the industry is concentrated and our men have been able to do a speedy yet thorough job, the inspection work is nearly done. But in Missouri, Georgia, and Florida the inspectors report that two more months will be required. In our Tennessee-Kentucky regional division, and in Montana and Minnesota, the estimate is three months. Four months is the figure for Arkansas and the Carolinas, while in the Pacific Coast states of Oregon, California, and Washington, it appears that a full year's work is yet ahead of us."

The Division is trying to cover the entire field, Colonel Fleming explained, in order to put the whole lumber industry on an equal basis, at least insofar as

minimum wage outlays are concerned. "Competition in an industry can hardly be fair," he said, "where five cents an hour is paid in some areas for the same kind of work that brings fifty cents in others."

Starting its campaign June 10, the Wage and Hour Division assigned over 100 inspectors to the task in various parts of the country. They have found that the majority of violations have been unwitting and usually due to ignorance of the law. In such cases, inspectors have instructed violators in the proper proceedings and have showed how to work out restitution due employees formerly receiving sub-minimum wages. In most such cases the employers have paid back wages on an entirely voluntary basis. Only two criminal complaints have been filed by the Division in the two months of the drive, while 81 consent decrees have been entered and 223 were pending as of the close of the second month.

The number of employees benefited in the \$307,036 restitution already figured is 12,569. The Wage and Hour law requires payment of a minimum hourly wage of thirty cents to employees in interstate commerce or producing goods for such commerce. It also requires that overtime compensation of not less than one and one half times the regular hourly rate be paid for all hours worked over 42 in any single workweek. Certain exemptions may be authorized. No limit is placed on the number of hours that may be worked but for all hours worked over 42 per workweek, overtime compensation must be paid.

"The 'strongest' region in point of violations and restitution paid," said Colonel Fleming, "is the Virginia-West Virginia-Maryland region. A total of 980 inspections were made here, with 230 plants not covered, 430 in compliance, and 320 in apparent violation. Restitution was figured in 140 cases, the total being \$51,000."

Some lumbermen have been rather antagonistic, Colonel Fleming said, and have asked why the lumber industry in particular should be picked out as a "shining example" of what is wrong with American industry today. As a matter of fact, the Fair Labor Standards Act applies to all businesses in interstate commerce, and a

new simultaneous five-industry drive is to begin shortly for compliance in the production of luggage and leather goods, woolens, boots and shoes, hosiery, and furniture. A large number of complaints had been received by the Division from employees in the lumber industry, and in accordance with the Division's desire to be fair to all units in a given industry the drive was launched on a national basis rather than on a hit-and-miss plan.

The "box score" for the two months of the drive follows:

National: 3,412 inspections made; 827 firms not covered; 906 in compliance; 1,630 in apparent violation; 547 restitution cases; \$307,036 restitution computed; 12,569 employees benefited; 81 consent decrees entered; 223 consent decrees pending; 2 criminal complaints filed.

Regional: Region 1 (Maine, Vermont, New Hampshire, Massachusetts, Rhode Island 64 inspections; 2 not covered; 6 firms complying; 56 apparent violations; 17 restitution cases, \$17,074 - amount of restitution; 814 employees benefited; 8 consent decrees, 11 consent decrees pending.

Region 2 (New York and Connecticut): 9 inspections; 9 apparent violations; 2 restitution cases; \$4,042 - amount of restitution; 32 employees benefited; 1 consent decree pending.

Region 3 (Pennsylvania): 357 inspections; 257 not covered; 63 complying; 61 apparent violations; 61 restitution cases; \$15,000 - amount of restitution; 900 employees benefited.

Region 4 (New Jersey and Delaware): 32 inspections; 5 not covered; 8 complying 19 apparent violations; 10 restitution cases; \$7,482 - amount of restitution; 108 employees benefited; 1 criminal complaint.

Region 5 (Virginia, West Virginia, Maryland): 980 inspections; 230 not covered; 430 complying; 320 apparent violations; 140 restitution cases; \$51,000 - amount of restitution; 2,340 employees benefited; 10 consent decrees; 8 consent decrees pending.

Region 6 (North and South Carolina): 447 inspections; 104 not covered; 71

complying; 273 apparent violations; 58 restitution cases; \$30,088 - amount of restitution; 1,948 employees benefited; 20 consent decrees; 71 consent decrees pending.

Region 7 (Georgia and Florida): 312 inspections; 20 not covered; 30 complying; 262 apparent violations; 30 restitution cases; \$25,000 - amount of restitution; 975 employees benefited; 14 consent decrees; 10 consent decrees pending.

Region 8 (Louisiana, Mississippi, Alabama): 116 inspections; 33 not covered; 83 apparent violations; 2 restitution cases; \$1,153 - amount of restitution; 20 employees benefited; 1 consent decrees.

Region 9 (Tennessee and Kentucky): 213 inspections; 26 not covered; 76 complying; 111 apparent violations; 63 restitution cases; \$30,000 - amount of restitution; 1,275 employees benefited; 8 consent decrees; 6 consent decrees pending.

Region 10 (Ohio and Michigan): 78 inspections; 10 not covered; 13 complying; 55 apparent violations; 27 restitution cases; \$12,599 - amount of restitution; 642 employees benefited.

Region 11 (Wisconsin, Illinois, Indiana): 33 inspections; 8 complying; 25 apparent violations; 18 restitution cases; \$16,833 - amount of restitution; 300 employees benefited; 1 consent decree; 6 consent decrees pending.

Region 12 (Montana, South Dakota, North Dakota, Minnesota): 221 inspections; 55 not covered; 42 complying; 124 apparent violations; 4 restitution cases; \$38,400 - amount of restitution; 819 employees benefited; 6 consent decrees; 12 consent decrees pending; 1 criminal complaint.

Region 13 (Colorado, Iowa, Kansas, Missouri, Nebraska, Wyoming): 175 inspections; 56 not covered; 51 complying; 61 apparent violations; 44 restitution cases; \$15,019 - amount of restitution; 536 employees benefited; 9 consent decrees; 3 consent decrees pending.

Region 14 (Arkansas, New Mexico, Oklahoma, Texas): 264 inspections; 23 not covered; 100 complying; 141 apparent violations; 32 restitution cases; \$26,118 - amount of restitution; 1,050 employees benefited; 4 consent decrees; 90 consent decrees pending.

Region 15 (Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, Alaska, Hawaii): 111 inspections; 6 not covered; 13 complying; 86 apparent violations; 39 restitution cases; \$17,228 - amount of restitution; 810 employees benefited; 5 consent decrees pending.

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