

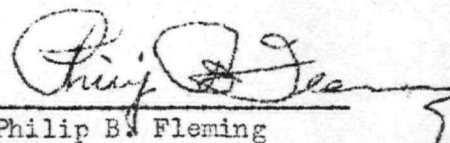
UNITED STATES DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
WASHINGTON, D. C.

TITLE 29 - LABOR
CHAPTER V - WAGE AND HOUR DIVISION

PART 522 - SECTIONS 522.020 to 522.031 -
REGULATIONS APPLICABLE TO THE EMPLOYMENT OF
LEARNERS IN THE HOSIERY INDUSTRY

The following Regulations - Part 522, Sections 522.020 to 522.031 (Regulations Applicable to the Employment of Learners in the Hosiery Industry) are hereby issued. These regulations repeal and supersede all regulations previously issued applicable to the employment of learners in the Hosiery Industry and shall become effective upon my signing the original and upon the publication thereof in the Federal Register, and shall continue in force and effect until hereafter modified.

Signed at Washington, D. C., this 29th day of August, 1940.



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

SECTION 522.020 - ISSUE OF SPECIAL LEARNER CERTIFICATES IN THE HOSIERY INDUSTRY

Special Certificates authorizing the employment of learners in the occupations and subject to the terms herein set forth shall be issued to any plant in the Hosiery Industry making application therefor on forms furnished by the Wage and Hour Division, providing that:

- (a) Experienced workers in the occupations named herein are not available for such employment (except as provided in Section 522.029 below),
- (b) The issue of a Special Certificate will create no unfair competitive labor cost advantage, and
- (c) Will not impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.

SECTION 522.021 - NUMBER AND PROPORTION OF LEARNERS

- (a) Except as otherwise provided in this Section, no learners' certificate shall authorize the employment of learners in excess of 5 percent of the total number of factory workers (not including office and sales personnel) employed in the plant; provided, however, that employment of as many as five learners may be authorized in any certificate.
- (b) Special Certificates may also be issued for a number of learners in excess of that provided in paragraph (a) above, for "new mills" and "expanding mills." A "new mill" is one which is newly established and being operated for the first time, or which has not been operated more than 8 months, and in which a substantial number of workers must be trained for operations on products of the mill. "Expanding mills" are those in which expansion occurs through the installation of additional mechanical equipment or the utilization of mechanical equipment in that mill which has been idle for at least one year and which expansion will result in the need for additional learners in numbers in excess of 5 percent or 5 learners.
- (c) In addition, Special Certificates may be issued authorizing the employment of learners in excess of the proportion provided by paragraph (a) of this section on the same terms and conditions in the same occupations to plants operating on Government contract production required by the National Defense Program, to the extent of expanding production needs which shall be stated in the application.

SECTION 522.022 - LEARNER OCCUPATIONS

(a) A learner may be employed in any one of the following Class I occupations at not less than the applicable hourly rate provided in Section 522.025 below:

Class I Occupations

Seamless Branch

Knitting
(except transfer
top knitting)
Seaming
Topping
Boarding
Pairing
Folding
Examining and Inspecting
Mending
Welting

Full-Fashioned Branch

Boarding
Pairing
Folding
Examining and
Inspecting
Mending

(b) A learner may be employed in any one of the following Class II occupations at not less than the applicable hourly rate provided for such occupations in Section 522.026 below:

Class II Occupations

Seamless Branch

Knitting
(transfer top;
knitting only)
Looping

Full-Fashioned Branch

Knitting
Looping
Seaming
Topping

SECTION 522.023 - LEARNING PERIOD IN CLASS I OCCUPATIONS

1. A person who has had no previous Hosiery Industry experience in any one of the Class I occupations may be employed as a learner in any one of the above Class I occupations for not to exceed 480 hours.
2. A person who has had partial training in the Hosiery Industry in any one Class I occupation for less than 480 hours may be employed as a learner in the same Class I occupation until that employee has completed a total of 480 hours in that occupation.
3. A worker previously employed in one of the Class I occupations may be transferred to another Class I occupation and there employed

as a learner for not to exceed 480 hours except that:

(a) A worker may not be transferred from the seamless branch of the Hosiery Industry to the full-fashioned, or the full-fashioned branch to the seamless and employed as a learner if the person is employed in the same occupation as that in which he or she has been previously employed.

(b) A worker may not be transferred from pairing to folding, or folding to pairing, or from inspecting to pairing, or pairing to inspecting and employed as a learner.

(c) A worker may not be employed as a learner in more than two Class I occupations and if further Class I occupational transfers are made, the employee shall then be paid the full Hosiery Industry minimum wage applicable to the branch in which he or she is employed.

4. A worker in any of the Class II occupations named above may be transferred to and employed as a learner for not to exceed 480 hours in any one of the Class I occupations except that such a worker may not be transferred to the same type of work in a Class I occupation for which training has already been received in a Class II occupation.

SECTION 522.024 - LEARNING PERIOD IN CLASS II OCCUPATIONS

1. A person who has had no previous experience in the Hosiery Industry in any one of the Class I or Class II occupations may be employed as a learner for not to exceed 960 hours in any one of the Class II occupations.

2. A person who has had partial training in the Hosiery Industry in any one Class II occupation for less than 960 hours may be employed as a learner in the same Class II occupation until that employee has completed a total of 960 hours in that occupation.

3. A person who has completed the learning period of 960 hours in any one of the Class II occupations may be employed as a learner in another Class II occupation for not to exceed 480 hours except that:

(a) A worker in the seamless branch may not be transferred to the full-fashioned branch, or a worker in the full-fashioned branch may not be transferred to the seamless branch and employed as a learner in the same occupation in the other branch as that in which he or she has been previously employed, and

(b) A worker may not be employed as a learner in more than two Class II occupations and if further Class II occupational

transfers are made, the employee shall then be paid the full Hosiery Industry minimum wage applicable to the branch in which he or she is employed.

4. A worker in a Class I occupation who has not been employed as a learner in more than two Class I occupations may be transferred to and employed as a learner for not to exceed 480 hours in any one of the Class II occupations, with the exception of full-fashioned knitting for which provision is made in paragraph 5 of this Section.

5. A worker in any Class I or Class II occupation, except full-fashioned topping, may be employed as a learner on full-fashioned knitting for a total of not to exceed 960 hours, which total hours shall include all past employment, if any, in full-fashioned knitting.

SECTION 522.025 - CLASS I LEARNER RATES

1. Learners employed in Class I occupations shall be paid not less than $22\frac{1}{2}$ cents an hour in the seamless branch and not less than 25 cents an hour in the full-fashioned branch of the industry.

SECTION 522.026 - CLASS II LEARNER RATES

1. Learners employed on a piece-rate basis in Class II occupations in the seamless branch of the Hosiery Industry shall be paid not less than $22\frac{1}{2}$ cents for the first 480 hours and not less than $27\frac{1}{2}$ cents for the second 480 hours, and in the full-fashioned branch not less than 25 cents for the first 480 hours and not less than 30 cents for the second 480 hours.

2. Learners employed on other than a piece-rate basis in Class II occupations shall be paid not less than $22\frac{1}{2}$ cents an hour for the first 480 hours and 29 cents an hour for the second 480 hours in the seamless branch of the Hosiery Industry or not less than 25 cents an hour for the first 480 hours and not less than 35 cents for the second 480 hours in the full-fashioned branch.

3. A worker employed on a piece-rate basis who is being transferred and employed as a learner in accordance with Section 522.024(3) or (4) above (retraining) shall be paid not less than 25 cents an hour in the seamless branch and not less than 30 cents an hour in the full-fashioned branch of the Hosiery Industry, or

4. A worker employed on other than a piece-rate basis who is being transferred and employed as a learner in accordance with Section 522.024(3) or (4) above (retraining) shall be paid not less than 29 cents an hour in the seamless branch and not less

than 35 cents an hour in the full-fashioned branch of the Hosiery Industry.

SECTION 522.027 - PIECE RATE PAYMENT TO ALL LEARNERS

If experienced operators are paid on a piece work rate, learners shall be paid at least the same piece work rate as that paid workers already employed on similar work in the establishment and learners shall receive their full piece work earnings whenever these exceed the applicable minimum hourly wage.

SECTION 522.028 - DURATION OF CERTIFICATES

Special Learner Certificates authorizing the employment of learners not in excess of 5 percent of total factory employees or certificates authorizing not more than 5 learners shall be valid for a period of one year unless sooner revoked because an adequate supply of experienced workers are available or for other cause, or unless the wages set by the Administrator's Wage Order are changed. Special Certificates authorizing the employment of learners in excess of 5 percent shall be valid for a period not exceeding eight months unless sooner revoked for cause or unless the wages set by the Administrator's Wage Orders are changed.

SECTION 522.029 - PROVISIONS OF LEARNER CERTIFICATES

All Special Certificates shall include, among other matters, the learner occupations, length of learning period, and rates set forth hereinabove; the definition of a learner; the requirement that the employer shall exercise due diligence to secure experienced workers before employing inexperienced workers at learner rates in their stead, except in the instance of retraining experienced workers already employed in the mill, when the necessity of employing experienced workers in lieu of learners shall not apply; the requirement that the certificate shall be posted continuously during its validity in a conspicuous place in the plant where the learners are to be employed; and a prohibition against the violation of any of the terms and conditions set forth in the Certificate.

SECTION 522.030 - REVOCATION OF SPECIAL LEARNER CERTIFICATES

(a) Any Special Certificate may be cancelled if it is found that it is not necessary to prevent a curtailment of opportunities for employment, provided, however, that when experienced workers become available after a Certificate has been issued, the Certificate may be cancelled in so far as future employment is concerned, or may be allowed to continue in effect, upon condition that the employer does not hire additional learners under it until experienced workers are not again available. In the absence of

fraud or misrepresentation learners already hired under a Special Certificate may be retained under the terms of the Certificate if the learning period extends beyond the date on which the Certificate has been cancelled.

(b) Any Special Certificate shall be cancelled as of the date of issue if it is found that the Certificate has been obtained by fraud or misrepresentation, or that learners have been employed thereunder in violation of the terms of the Certificate. When a Certificate has been obtained by fraud or misrepresentation the employer shall be liable to the employee for wages established by the Act as if no Certificate had issued.

(c) Any Special Certificate shall be cancelled as of the first date of violation if it is found that any of its terms have been violated, and the employer shall be liable to those employed under such Certificate, from the date of violation, for wages established by the Act, as if no Certificate had issued.

SECTION 522.031 - DEFINITION OF THE HOSIERY INDUSTRY

The definition of the term "Hosiery Industry," for the purpose of this Order, shall be the same as that used in the Administrator's Wage Order for the Industry as published in the Federal Register, to-wit:

"The manufacture or processing of hosiery including, among other processes, the knitting, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread."