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

40-HOUR WORKWEEK DOES NOT BEGIN UNTIL OCTOBER 23

Employers whose regular workweek starts before midnight on Wednesday, October 23, 1940, during that week need conform only to the 42--not the 40-hour workweek, it was announced today by Colonel Philip B. Fleming, Administrator of the Wage and Hour Division of the United States Department of Labor.

"It is our opinion that the 40-hour week will apply for the first time to the first full workweek beginning on or after midnight, October 23, 1940", Colonel Fleming said. "This is in accordance with the language of the Act which declares that employees shall not be worked 'for a workweek longer than 40 hours after the expiration of the second year from the effective date of the Act.' If the employee's work begins, for example, on Monday, October 21, 1940, the employer need pay time and a half only if more than 42 hours are worked in the period of seven consecutive days from Monday, October 21, through Sunday, October 27, inclusive."

If the employee's workweek begins on or after midnight, October 23, Colonel Fleming explained, the employer must pay time and a half after 40 hours are worked in the workweek beginning at such time. For employers whose regular workweek begins on Monday, Tuesday, or Wednesday, the 40-hour provision will not become effective until Monday, October 28, Tuesday, October 29, or Wednesday, October 30, respectively.

Colonel Fleming said, the present statutory minimum wage rate of 30 cents an hour remains unchanged. This does not apply in cases where industry committees

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have recommended minimum wages higher than the statutory requirement of 30¢ per hour which became effective on October 24, 1939. Minimums higher than 30¢ have become effective through wage orders issued by the Administrator in the Hosiery, Textile, Millinery, Shoe, Knitted Underwear, Woolen, Knitted Outerwear, Apparel, Leather, and Pulp and Primary Paper Industries. Minimum wage rates established by wage orders based on recommendations of industry committees in these industries range from 32 $\frac{1}{2}$ ¢ to 40¢ per hour.

The Fair Labor Standards Act, which became effective on October 24, 1938, provided that for the first year of its operation employees should receive a minimum wage of 25¢ per hour, with overtime at the rate of time and a half the regular wage rate, whatever that might be, for all hours in excess of 44 worked in any workweek. For the second year, which expires on midnight October 23, the Act provided that the minimum wage should be 30¢ per hour, with overtime at the rate of time and a half after 42 hours. Beginning on October 24, the maximum workweek without overtime is established at 40 hours, but the statutory minimum wage does not increase until October 24, 1945, when it must be a minimum of 40¢ per hour.

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