

For Immediate Release  
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U. S. DEPARTMENT OF LABOR  
WAGE AND HOUR DIVISION  
Washington

R-1173  
INACTIVE

LUMBER COMPANY ORDERED TO PRODUCE PAYROLL RECORDS

The Howard A. Davidson Lumber Company, of Detroit, Michigan, was ordered by U. S. District Court Judge Ernest A. O'Brien to produce its payroll records in response to a subpoena served upon it by the Wage and Hour Division, according to word received here by Colonel Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor.

"This court order is an important step forward in the enforcement of the Fair Labor Standards Act among the wholesale lumber dealers of Michigan," said Colonel Fleming, "and I believe its effect will be felt in other industries also as there is no longer any excuse for employers refusing access to payroll records to Wage and Hour Division inspectors."

The court order in this Michigan case followed the opinion of the Seventh Circuit Court of Appeals (Chicago) in the Montgomery Ward case where the right of the Wage-Hour Division to inspect payroll records of all employees of a covered concern, whether or not complaints were filed, was upheld.

The United States Supreme Court recently refused to review the decision in the Montgomery Ward case, at which time Colonel Fleming, declared, "This clearly upholds the right of the Division to make routine inspections as we have been doing. The Administrator's subpoena power, which is incorporated from the Federal Trades Commission Act, implements this right of inspection in cases where inspection is not voluntarily permitted."

A Boston Federal judge last week ordered The Lowell, Mass. Sun to obey a Wage-Hour subpoena for its records.

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