

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

TITLE 29 - LABOR

CHAPTER V - WAGE AND HOUR DIVISION

IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 18 FOR
A MINIMUM WAGE RATE IN THE ENAMELED UTENSIL INDUSTRY

WAGE ORDER

Effective April 21, 1941

PART 594 - Minimum Wage Rates in the Enameled Utensil Industry

WHEREAS, on November 26, 1940, pursuant to Section 5(b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 72, appointed Industry Committee No. 18 for the Enameled Utensil Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Enameled Utensil Industry in accordance with Section 8 of the Act; and

WHEREAS, the Committee included two disinterested persons representing the public and a like number of persons representing employers in the Enameled Utensil Industry, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the Enameled Utensil Industry is carried on; and

WHEREAS, on December 13, 1940, the Committee, after investigating economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendation for a 40 cent minimum hourly wage rate in the Enameled Utensil Industry; and

WHEREAS, after notice published in the Federal Register on December 20, 1940, Henry T. Hunt, Esquire, Principal Hearings Examiner, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on January 27, 1941, at which all interested persons were given an opportunity to be heard; and

WHEREAS, the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

WHEREAS, all persons who appeared at the hearing were given leave to file brief on or before February 27, 1941; and

WHEREAS, no requests for oral argument having been received, oral argument on the Committee's recommendation was dispensed with in this proceeding; and

WHEREAS, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to Section 5 and 8, concludes that the Industry Committee's recommendation for the Enameled Utensil Industry, as defined by Administrative Order No. 72, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and

(7816)

WHEREAS, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 10 for a Minimum Wage Rate in the Enamelled Utensil Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

NOW, THEREFORE, IT IS ORDERED THAT

Section 594.1 - Approval of Recommendation of Industry Committee

The Committee's recommendation is hereby approved, and in accordance with such recommendation,

Section 594.2 - Wage Rates

Wages at a rate of not less than 40 cents per hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Enamelled Utensil Industry who is engaged in commerce or in the production of goods for commerce; and

Section 594.3 - Posting of Notices.

Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Enamelled Utensil Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

Section 594.4 - Definition of the Enamelled Utensil Industry

The Enamelled Utensil Industry to which this Order shall apply is hereby defined as follows:

" . . . the manufacture of culinary, household, and hospital utensils of sheet iron or sheet steel coated with vitreous enamel."

Section 594.5 - Scope of the Definition

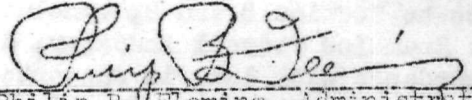
The definition of the Enamelled Utensil Industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations, provided, however, that this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale; and provided further, that where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek, unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

Section 594.6 - Effective Date

The Wage Order shall become effective April 21, 1941.

Signed at Washington, D. C., this 28th day of March, 1941.

Sections 594.1 to 594.6 inclusive issued under the authority contained in Section 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.


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